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Cheyenne PD to Cheyenne governing body: *"You can't tell us what to do."*

With what amounted to a thumb in the eye, the City of Cheyenne interim police chief joined with a former police chief who is now a member of the Cheyenne City Council in telling the mayor and taxpaying public of Cheyenne that they will decide which ordinances are enforced and which are not.

That's kind of like profiling the laws as opposed to profiling the races.

Instead of immediately scheduling a press conference to reassure the populace that the police department and/or the police chief (especially a former chief) do not decide what ordinances will be enforced, Rick Kaysen remained safely and quietly esconced in his third floor office.

While some in town, who knows the percentage, do not support a ban on cell phone use by drivers of vehicles in the city, it is not the call of the police department to cancel such a ban by publicly stating that they just won't enforce the new law. Similar insubordination by air traffic controllers back in 1981 led to them all being terminated.

Had the interim, and I understand the "no-chance-to-be-chosen-permanent police chief simply said, "we'll have to develop a strategy for enforcement of this new ordinance but, as is the case with all laws passed by the governing body, whether we individually or collectively support or oppose the ordinance passed, we will do our level best to carry out the orders of our superiors."

One would hope that the sponsor and co-sponsors of this cell phone ban had some idea how the ordinance could be enforced - and whether it would *be* enforced - before foisting it on the public. What point would there be in passing another law that was going to be ignored by both the residents and law enforcement?

It is a bit disturbing, too, to have a former police chief oppose enactment of a cell phone ban when studies all around the country have shown that talking on a cell phone while driving is the danger equivalent to drunk driving. One might think that Don Pierson's years in law enforcement would have led him to support all measures that would make the public roadways safer.

Several states have passed bans on texting while driving. How do they enforce the ban? That's what the e-mail

and telephones are for - call some of the jurisdictions and find out how they deal with the same reluctance of police officers with enforcing a duly enacted new law.

Cheyenne city government and local city employees need not, and are incapable to, reinvent the wheel. Had Cheyenne been the first in the nation, as we thought we would be with trash-to-ethanol and trash-to-diesel programs, we would have had been first to devise a way to deal with enforcement of texting while driving or using a cell phone for any purpose while driving. But we weren't first.

Whether one agrees with the wisdom or need for such a ban, having a rogue police department that tells their superiors (the elected officials) that they won't enforce the law if passed should not generate any disagreement. That is totally unacceptable. The mayor needs to speak.

Because such a ban does not require the misuse of a cell phone to trigger a violation, it will take only a visual sighting of a driver with a cell phone to their ear (and their lips moving) to justify probable cause for stopping the motorist.

Based on those national studies, cell phone use for either texting or talking while underway rises to a danger level far superior to having a license plate light out or not signaling a turn. Local police now enforce those laws all the time. To say they will make the cell phone ban a low priority in enforcement is to ignore what other states and communities have also concluded - that cell phone use by a driver in a moving vehicle is dangerous and should be banned.

This PD defiance is not about having the manpower to enforce yet another traffic violation, it is about whether those in charge at the police department (past or present) support the ban. Just like they must have thought the ordinance prohibiting dogs to ride unfettered in a pick-up box or on a flat bed truck was dumb and unworthy of enforcement, they have made the same decision about the cell phone ban. But, alas and alack, that call is not theirs to make. They should have been told, and a department oath of office should have confirmed, that it is not theirs to reason why, it is theirs to do. With the emphasis, of course, on do.

Those who would argue that the vast majority of drivers using a cell phone (excepting those using it for texting) can do

so safely and pose no greater risk than another not using a cell phone may be right. But it may also be right that the vast majority of drivers having BAC limits over .08 are no greater risk behind the wheel than those who had ice tea with dinner. But that is a risk we don't want to face as another driver on the road.

It seems like one criteria law enforcement can use to determine whether someone on a cell phone poses a risk, even though just being on it is the violation, is the same they apply to those driving while alcohol or drug impaired. Weaving between lanes, making farmer turns at intersections, hitting the curb, following too close, etc. A simpler enforcement tool might be a jamming device. When following a vehicle suspected of having a driver using a cell phone (hands-on or hands-free) "jam" it. If the bad guys could jam Radio Free Europe, we should be able to jam cell phones on known frequencies.

Perhaps the cops could carry scanners that intercept cell phone conversations. A little more "Big Brother" never hurt during the Obama era. So, when the offending driver is curbed and denies being on her cell phone (and it'll always be a woman, usually under 25 years of age), the officer can play back her conversation before cuffing her, taking the children in the car to DFS and her to the lockup.

All we need to make this ban work is a little frontier ingenuity.

The real problem with cell phone use behind the wheel is in the more congested areas. Not that Cheyenne has real congested areas but we have to use our imagination and fantasize we're Fort Collins or Boulder. So many in city government want that to be the case - we'll just use that for illustration purposes here.

We have some parking limit scooters endlessly and purposelessly circling the downtown. We could add a handful more and put them all over Cheyenne - in the highest traffic areas, like Dell Range, etc.

Their only function would be to watch for drivers on cell phones. They could run their little scooters between lanes of traffic on Dell Range and get right up to the driver's window. Once discovered, the scooter would back off, record the license plate no. and send a traffic ticket to the owner of that vehicle. If the owner isn't the driver, tough luck. Maybe he won't let a kid with a cell phone drive his car.



That way, the cops would be the secondary line of defense toward enforcing a law they don't support. Some of the guys/gals will enforce whatever laws the city governing body is silly enough to enact. They'll do their job and do their best to enforce the cell phone ban. The renegades won't. The rogue cops. They think it's stupid to have such a ban, and they know their bosses agree with them, so they will never write the first citation.

In addition to having scooters all over town, the police chief can issue another rule that will free up many cars and officers to enforce the cell phone ban. That change is simple: No more than a single vehicle may respond to a basic, safe traffic stop. In other words, when someone rolls around a corner at a stop sign, no longer can three patrol cars respond.

And, officers cannot take breaks with fellow officers during their shifts. Nor sit in parking lots, driver window to driver window, for any purpose. If they need to communicate with another officer during their shift, they will have to do it via cell phone, in-car radio, or computer. No cell phone use while driving though or they'll have to issue themselves a ticket.

Can you imagine the fire department announcing that henceforth they will not respond to small fires, that they will not go out if it's just a trash barrel in an alley that is smoking or flames are present? That they will decide what calls are worthy of response? Of course not.

It is not for first responders to make the decision about what calls they will respond to or of which violations they will cite. That is beyond their pay grade. And, regardless how incompetent we may believe the city governing body is, when they pass an ordinance that requires police officers enforcement, the officers must do so whether they like the law or not or whether they support the law or not.

Noncompliance must lead to termination. Insubordination within a police or fire department cannot be tolerated.