

## Chasing kids down with police cars comes with a price

Your teenage son is out.

It's shortly after midnight July 1, 2007.

The phone rings.

You pick it up, half asleep.

"This is the Chaplain at Cheyenne Regional Medical Center."

Thoughts race through your sleep interrupted brain. None of them good. But the Chaplain tells you that your son is all right and you need to come down to the hospital.

Thus began a journey for a typical parent whose child had done wrong but had had wrong done to him, also.

The 16 year-old was drunk. He blew a .17 BAC. Combine 16 and .17 and you get a kid that isn't in control of his faculties. He fled police when the only thing he'd done wrong was drink underage. He hadn't committed a hit and run. He hadn't committed a burglary or car break-in in the neighborhood. He'd been in the neighborhood for less than an hour. A sober kid was driving him home from a party where he was not welcome drunk. He put up no objection. But he ran from police when they wanted to talk with him. He knew he was drunk.

Two police officers, who weren't far from him when he fled, pursued him on foot. A third, a rogue cop it seems, jumped in one of the other officer's patrol cars and pursued. A short distance down a city street with a cul-de-sac ending did not require a vehicle.

One would say the cop ran the kid down with a police vehicle. One would say the kid ran into the left front fender of the same police vehicle and flew over the hood, onto the windshield, which broke, and off the passenger side of the car.

The news release issued by the police department would not quite get it right, from anyone's story. Local media dutifully read from police news releases and that becomes the "facts" the public is fed.

The news release read, in part: "Officers ... had just left the scene of a loud party disturbance, and was (sic) in the area of Rodeo and Evers looking for an intoxicated juvenile male who had left the party."

Actually, the noise wasn't from the party inside the house, it was from people leaving the party, going to their vehicles or milling around briefly outside the party. The boy had left the party but he was supposed to be in the process of being taken home by a sober driver.

"When the Officers attempted to contact the male, he took off running into the Earl Court cul-de-sac"

Actually he took off running but not into the cul-de-sac. That would make the striking of the boy with a police car even

worse. A police car speeding into a cul-de-sac would be particularly reckless.

"A foot chase through numerous yards followed."

That is true and contradicts the boy running directly into the cul-de-sac.

"Officer (HE) returned to his squad car to assist in the chase."

That is not true. Officer HE jumped into one of the other two officers squad car to join the chase with a deadly weapon.

Why do I say a police car is a deadly weapon? Because Cheyenne Police Chief Bob Fecht took that position after the fatal police shooting (by the same officer) of Joshua Rogers approximately five months later.

Fecht told **Wingspan Online**, "a vehicle could be considered a deadly weapon. He (Joshua Rogers) clearly had a weapon, and he clearly had intention to cause severe bodily harm."

From the news release regarding the 16 year-old boy struck by the police vehicle (a deadly weapon according to Bob Fecht), "As Officer (HE) turned into the cul-de-sac, ... he angled the patrol car to cut off his path."

It was estimated that the police car was going approximately 30 mph, give or take a couple mph. Had the Officer had to "turn into" the cul-de-sac, that would have meant he was coming down another street, not the one with the cul-de-sac at the end of it (which HE admitted in his statement), and that his speed would have been deliberately excessive.

"The male attempted to jump over the squad car, but struck the left front quarter panel on his way up. This contact caused him to impact the windshield of the car, and then bounce off the hood onto the pavement."

An accident reconstruction expert would likely have testified at trial, based on the 30.7 feet of skid and a deceleration of .75, that the officer was traveling between 26 mph and 31 mph at impact, which would have been well in excess of most neighborhood speed limits. She would likely have testified that there would have been no windshield contact had the officer been traveling less than 25 mph and that tests have shown, for a roof vault, an average speed of 37 mph would have been required.

Back to the news release which is quoted from extensively earlier. Officer HE himself wrote in his report, "I returned to Officer A's vehicle, ..., and drove to the area I had last seen Officers."

One of the responding officers, Officer D, wrote "I could see Officer (HE) in a patrol car approaching the scene."

A patrol car, not his patrol car. A later responding officer wrote, without direct

knowledge, "Officer (HE) gave chase in a patrol car and tried to cut off the suspect's route of escape."

The third responding officer (A), wrote: "Officer (HE) was not behind me and I assumed he went to go get my patrol vehicle, which was east of our location."

The supervisor's Incident Report, presumably after he'd gathered the statements of responding officers, "Officer (HE) returned to his squad car to assist."

An officer (JP) who was called to the scene wrote in his report: "There were two short skid marks on the pavement, which were made by the patrol vehicle." Then, "I then measured the skids from the patrol vehicle. The right skid was 30.7 feet long and the left skid was 26.7 feet long." Those are "short" skid marks?

How could the supervisor write that HE returned to his squad car when none of

first three responding officers, including HE, wrote that? Two of them, including the one (HE) who drove at the teenager in what Fecht has called a deadly weapon, wrote that HE had used A's squad car for pursuit. Not his own.

A few questions: First, do police officers leave keys in the ignition when they respond to calls like this one? And, why would an officer use another officer's squad car when his is right there, too? Then, why would some officers write "a" squad car, instead of "his" squad car unless they knew it wasn't "his" squad car. And why would the supervisor misstate reports he had access to when he prepared his Incident Report?

It had to be because the supervisor knew it would read better if he wrote it that way, while knowing differently. More on this story and how it relates to the death of Joshua Rogers and CRMC billing for unprovided services in the next issue.

### How about this one? Official abuse?

The night the Herald came out with the story about a local police officer striking a teenager with another officer's patrol car, a call came.

The caller referred to another story from the same issue. Also having to do with police reaction to a "crime" that turned out to be without a victim. That story was about an alleged assault that the victim said did not happen. The victim said no assault had taken place but charges were filed against the "accused" anyway.

This caller told me a story that had a thread with the "no victim" story. Children. Children whose guardian was taken from them based on a criminal charge that would not stick. Will not stick.

I won't name the city involved but it was not Cheyenne this time.

The woman, a female, had come into this familiar city to do some shopping and conduct some other business.

She had done what she had to do and was on her way out of town to return home. She had her two daughters with her. One was ten years old, the other was five, in a booster seat.

As she approached a stop sign, she noticed both a marked patrol car behind and a white vehicle she had seen earlier near where she was doing business and thought at the time that it looked like an unmarked police car.

Careful to stop because she had seen the patrol car, she proceeded forward and the patrolman put his overhead lights on her. He walked to the window of her car and asked if she knew why he had stopped her. Standard procedure, evidently. She said she didn't. He told her she had not come to a complete stop at the stop sign. She knew she had but it is not good practice to argue with a cop that's about to give you a ticket for rolling through a red light. So, she didn't.

The sequence of events gets a little fuzzy here but the officer was trying to smell her to see if she'd been drinking. He asked her that question and she said no. He asked when she last had alcohol to drink and she said the previous evening - she'd had a couple beers like she did most nights. *It was determined later that someone had made a REDDI call on her and evidently all due process rights are ignored on those reports.*

The officer asked her to do a field sobriety test. Remember, she had two young children in her car. She was sick, as so many have been this winter, and didn't perform all the tests perfectly.

He asked, or demanded, that she do a breathalyzer test. No problem, she felt, she hadn't had anything to drink. She complied and blew a .00. Can't get more sober than that. Not good enough for the officer. He said he suspected she was under the influence of some kind of illegal substance and arrested her.

She was cuffed. Being led to a patrol car, she asked about her children. She asked if she could speak with them. Allowed to do that, she went to the window and told the girls, "Mommy has to go to jail. Everything will be okay." The younger daughter started to sob. Then the older. She was taken away from her two crying children, one five years old.

A subsequent UA showed a reading of 15 nanograms of cannabis - pot. No other drugs. 50 nanograms usually defines "positive." 15 does not. 15 would yield too many false positives. Yet, she was held in jail and her children were placed in foster care, then to her mother's custody and she has been required to submit to daily UA samples.

She has refused to plead guilty to any charge, including a plea bargain that would require her to submit to the intrusive UA's. Innocent until found guilty? Yeah, right. More to follow.