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Law would bar police chase lawsuits

By GREGORY HERBERT Of Capital News Service

Earlier this year, the U.S. Supreme Court handed down a ruling that's regarded as a victory for police officers throughout the country.

The court found that a Georgia officer was not liable for injuries in a high-speed chase that left the fleeing suspect a quadriplegic.

Now, a Michigan lawmaker seeks to provide similar protection to police in this state.

Rep. Fulton Sheen, R-Plainwell, has introduced legislation that would bar drivers who were eluding police from suing for personal injury or property damage.

The proposal is intended to protect police officers and allow them to do their job, said co-sponsor Rep. John Stahl, R-North Branch.

"There are consequences for breaking the law, not rewards," Stahl said. "We are jeopardizing our police protection by allowing these lawsuits to go on. We need to accept the responsibility for our actions."

But, Jesse Green, director of communications for the Michigan Association for Justice, disagreed, calling the bill "silly" and "frivolous."

"This isn't a huge problem that is waiting for a solution," Green said. "Is this what a group of our lawmakers ought to be doing right now?"

The association represents plaintiffs' lawyers.

He also said it is the justice system's responsibility to decide which cases have merit and which don't.

"In general, we oppose limitations on the justice system,"

Green said. "We are in favor of

letting the system work." Green said he doesn't believe the public will support this proposal.

"Do people want to give up their right to a civil jury trial?" he asked.

The Oakland County Sheriff's Office has been involved in a number of chases this year, some of which ended with either a suspect or a deputy being involved in an accident.

Sheriff Michael Bouchard said he supports the legislation, citing these crashes as examples where a person's criminal activity is what led to the accidents.

"Therein lays one of the biggest problems we have, people who are responsible want to turn around and blame someone else," he said. "(There's) very little personal responsibility with some people in the world."

One of the most recent pursuits ending in a crash happened last week in Oakland County and involved a Flint man who led law enforcement agencies from Genesee and Oakland counties on a highspeed chase along southbound Interstate 75.

The man, a suspect in an armed robbery, was finally stopped after exiting I-75 onto M-15 by a Michigan State Police trooper who purposely crashed his vehicle into the man's vehicle, causing it to roll over.

Another recent chase in Oakland County involved a deputy being badly injured after losing control of his patrol car and slamming into a tree while pursuing a man suspected of driving a stolen vehicle.

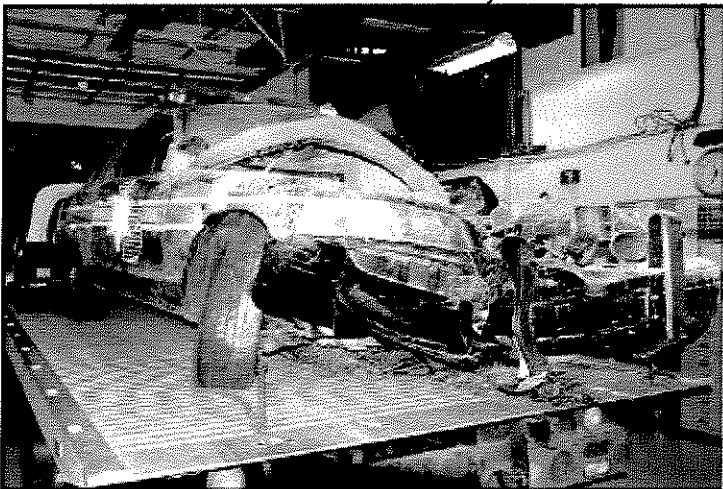
Bouchard said there have also been cases that don't involve motor vehicles where suspects have been injured while attempting to elude police.

"It makes common sense," he said of the legislation. "Why should they be compensated for what they sent into motion?"

Sgt. Matt Bolger of the state police said his department is constantly worried about being sued. He said such lawsuits are rarely successful, but the ones that are end up costing the citizens of Michigan.

House Bill 5398 is pending in the House Judiciary Committee.

— Oakland Press staff writer Shaun Byron contributed to this report.



The Oakland County Sheriff's Office has seen several patrol car chases and crashes this year, including one that involved this vehicle, which crashed in Wixom on Nov. 15.