

VOD Email to Maria Miller of Prosecutor Kym Worthy's office, July 1, 2015

1) Is Prosecutor Worthy conducting a criminal investigation of the conduct of the three police officers involved in the high speed chase that killed Makiah and Michaelangelo Jackson last week? An editorial in today's Free Press says they likely violated department policies, and cites reports that police bumped the car causing it to go out of control. There are skid marks all down the street and sidewalk where the little children were playing, indicating the driver applied his brakes. See Freep editorial at: <http://www.freep.com/story/opinion/editorials/2015/07/01/editorial-police-chases/29534363/>.

2) Voice of Detroit was present at the families' vigil last week, and interviewed a key eyewitness who stood next to Makiah and saw police bump the car before it came hurtling down the street and sidewalk at them. It appears to have been what's known as a PIT (precision immobilization technique) as clearly described in the following story on WXYZ TV: <http://www.wxyz.com/news/video-police-spin-suspect-vehicle-in-dramatic-freeway-chase>. VOD also interviewed neighbors and relatives who all said police KEPT THE CHASE going into the next block even after the children were HIT AND KILLED, subsequently injuring 3 other children and a young woman. See VOD article at <http://voiceofdetroit.net/2015/06/26/detroit-cops-kept-chase-going-after-2-children-hit-killed-then-3-others-seriously-injured/>

3) A 1998 Michigan Supreme Court ruling in *Robinson et al v. City of Detroit* held that police officers are not liable in chases, with exceptions as noted in the attached article from the Law Enforcement Action Forum Newsletter, Sept. 2000:

"As set forth in MCL 691.1405, an agency may be liable for damages resulting from the negligent operation of a vehicle, that an agency owns and that an officer or employee is driving. Officers should remember that MCL 691.1407 (2) grants individual officers immunity if their actions meet three conditions: 1. Officers must act, or must reasonably believe that they are acting within the scope of authority. 2. The agency must be engaged in a governmental function, and 3. The conduct must not amount to gross negligence that is the proximate cause of injury or damage."

Later, the LEAF article says regarding the *Robinson* case: "The police vehicle did not hit the fleeing car or physically cause another vehicle or object to hit the vehicle that police were pursuing or physically force the vehicle off the road or into another vehicle or object. Therefore, there was no exception to governmental immunity."

It appears from this that the officers involved in the chase on Nottingham may be subject to liability, and certainly criminal liability, in the deaths and injuries that resulted from hitting 'the fleeing car.'

THEREFORE, VOD REQUESTS A STATEMENT FROM PROSECUTOR WORTHY REGARDING WHETHER SHE WILL BRING CHARGES AGAINST THE OFFICERS INVOLVED AS WELL AS THE DRIVER OF THE CAR BEING PURSUED.