

the officer pursuing is not to duplicate that kind of conduct and the idea is easily understood. If you have one fool doing it, then you should not multiply that by however many officers would duplicate the same thing. And in some instances it is necessary to give a message to police officers so that they know that where trifling incidents are involved nobody's life is to be jeopardized through a high-speed chase. The most recent one that has been in the public's attention involved a state trooper who was run down when he stood in the median out on the interstate while a fourteen year old or sixteen year old was being pursued by the Patrol. Although the traffic was heavy, this car was chased down the wrong lane of the highway against the traffic, shot at twice with shotguns and then came back across the median and struck the officer who was standing there. The child was allowed to plead guilty to manslaughter and the judge states that there was no jury which would convict him of first or second degree murder and went on to add that the officers who pursued and shot at this child were partially responsible for the death of the trooper. That is what the judge said in his opinion and that was carried on the front page of one of the Lincoln papers the other day. So we can see that the judiciary will go ahead and acknowledge from the bench that these practices that are engaged in by officers in high-speed chases are not conducive to the public welfare or the good of the officers themselves. So in order that there can be some specificity in drafting legislation that will regulate these chases without prohibiting them, which is what I would really like to do, you will find the definition of high speed, a definition of overtake, and these words are defined so that we will know what it is we are dealing with. A person who is not aware that an attempt is being made to stop him or her is considered to be in the process of being overtaken rather than pursued. The concept of pursuit or chase does not come into the picture until the individual motorist knows or should know that an attempt is being made to stop him or her. An evader as opposed to a reckless evader is a person who is not attempting to escape by driving at an excess speed or recklessly. The reckless evader is the individual who does disregard safety and common sense in an attempt to actively escape apprehension. Now there are some limitations placed in terms of miles per hour on how fast an officer can drive when he is simply trying to overtake. The purpose for this is that in congested areas or when other traffic is present, the officer should not be made to feel that he or she has to throw caution to the winds and drive at breakneck speed and apprehend the person at all cost especially when most of these people chased are guilty of nothing more than a traffic infraction and a very minor one at that. So if a person is being overtaken, then