

SENATOR HALL: Thank you, Mr. President, and members, I rise in opposition to the motion to bring the bill to the floor. The debate or the hearing, rather, on LB 863 was very interesting because there were proponents who represented the cities basically. There were opponents who had individually been affected by these types of chases. One of the things that was brought to the attention of the committee was a training tape that was given to the City of Omaha police officers. And it has to do with the City of Omaha police officers with regard to pursuit. And in that training tape they say this, and this is quoted from it. It says, "At no point in time should you ever try to get in front of someone whom you are pursuing because he can take you out and possibly kill you and put you out of commission. Follow him until the sun goes down or until he runs out of gas, one of the two things, something is going to happen. You want to stay at least two or three car lengths behind him. That will give you a gap without following into his trail of doom because most of our pursuits, that's what we experience, the violator is the one who wrecks the car. If the policy officer is far enough back that he can react to slow down and observe him and watch him wreck his car, then the police officer is all right. If you do what we have taught you out here, with all the basic skills, he is going to make the mistake because you are already a better driver because you don't have to worry about all that he has to worry about. He has all that extra pressure on him, just sit back and watch him. He will make the mistakes and when he does you will be there to arrest him." The way the training material is presented, as represented in this quote from the tape, it is pro-pursuit, pro-accident, that what they are being taught or encouraged to do is to, hopefully, pursue that individual into an accident. That's exactly what it states, for purposes of the discussion that was represented to the committee and that's what the intent is for these individuals. What they want to do is have these folks wreck their cars. Now that's fine, well and good if they can pursue them into a dead end alley and all they do, I guess, is run into a wall, they don't hurt anybody but themselves, but that's not always the case. There are innocent third parties involved and there should be liability on the part of those individuals who are the cause, the proximate cause, who have, in essence, had a part to play in that innocent third party's loss. We have made a decision that the individual subdivisions of government are going to be responsible. To a certain extent, we have capped that liability, as Senator Lindsay pointed out, and what we have said is that that is the policy of the state. I believe that