

Glendale officer's deadly crash costs city \$3.8 million



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(Photo: Glendale Police Department)

Glendale paid nearly \$3.8 million earlier this year to settle four lawsuits stemming from a fatal multi-vehicle collision started by a police officer, according to records obtained by *The Arizona Republic*.

Glendale fired the officer, but not for speeding and entering an intersection on yellow light, which led to a chain reaction that left one woman dead and two men injured on Nov. 30, 2013. Police Chief Debbie Black suspended him for 10 weeks without pay and placed him on probation for eight months for that.

She fired Officer Cody Howard on June 5, 2015, for speeding and running a red light on another call 18 months after the fatal accident.

Police car hits minivan

Police investigation records obtained through public records requests paint a picture of the multi-vehicle collision Howard started on Nov. 30, 2013.

Howard, a five-year veteran on the police force, was responding to a non-emergency trespassing call that Saturday afternoon.

He drove his 2008 Ford Crown Victoria squad car south on North 67th Avenue into the intersection of West Glendale Avenue. Neither his overhead lights nor his siren were activated. The speed limit was 40 mph. He was doing 71.

What happened next threw four other people into a violent chain reaction that turned fatal:

- The police vehicle collided with a 1996 Dodge Caravan driven by Robert Escobedo Jr., who was attempting to make a left-hand turn from northbound 67th onto westbound Glendale. The impact threw Escobedo from his van, and spun the van through the intersection.
- The van struck Elmer Albert Hicks and Dorothy Cochran, neighbors who were walking along a sidewalk on the southwest corner of the intersection. The van pinned Hicks against a concrete irrigation structure and knocked Cochran into the parking lot of the Grand Beer & Wine Stop store.
- Howard's patrol car then struck a 2005 Nissan Maxima driven by Maria Wright, who was stopped for a red light on eastbound Glendale.
- Another driver, Teresa Doten, who stopped at the intersection in a Honda Accord, saw the police car speed by, then saw someone "fly out of the other car," according to police reports. In an effort to offer assistance, she turned into the liquor store parking lot and ran over Cochran, whom she didn't see, according to police reports. Witnesses shouted at her, and she backed up and ran over Cochran a second time.

Cochran was airlifted to a hospital and pronounced dead less than an hour after the collision.

Fallout from the crash

A police report described Doten as "visibly shaking, distraught and crying" as she told police what happened. Doten did not face charges in relation to the events. She declined comment when reached by *The Republic*.

Glendale paid \$162,500 to Escobedo, who spent six days in a hospital. The sides settled on Feb. 24.

Glendale paid \$2.7 million to Hicks, who was 79 at the time of the accident. He spent 28 days in intensive care and underwent several surgeries on his hips and legs, his attorney said. Hicks has used a wheelchair and lived in a rehabilitation facility since the collision. The city settled with him Feb. 19.

Glendale paid \$700,000 and \$235,000 respectively to Lena Rudolph and Enos Bannerman, the children of Cochran, who was 60. The city settled with Rudolph on Feb. 12 and with Bannerman on March 8.

The total: \$3,797,500.

The city did not make a payout to Wright, a city spokeswoman said.

Glendale lawsuit settlements costly



Glendale quietly paid nearly \$3.8 million earlier this year to settle four lawsuits stemming from a fatal multi-vehicle crash started by a police officer on Nov. 30, 2013. Here's a look at each of the payouts.

<h2 style="color: green;">\$2.7 million</h2> <p>ELMER ALBERT HICKS</p> <p>Hicks, 79 at the time, was a pedestrian who was pinned between a van and concrete irrigation structure. He spent 28 days in intensive care and had several surgeries on his hips and legs. He now lives in a rehab facility and uses a wheelchair.</p>	<h2 style="color: green;">\$700,000</h2> <p>LENA RUDULPH</p> <p>Rudolph is the daughter of Dorothy Cochran, 60, a pedestrian walking with Hicks. She died after being hit by the van and then run over by a witness who tried to help.</p>
<h2 style="color: green;">\$235,000</h2> <p>ENOS BANNERMAN</p> <p>Bannerman is the son of Dorothy Cochran, 60, a pedestrian walking with Hicks. She died after being hit by the van and then run over by a witness who tried to help.</p>	<h2 style="color: green;">\$162,500</h2> <p>ROBERT ESCOBEDO JR.</p> <p>Escobedo was the driver of the van who was ejected. He spent six days in a hospital.</p>



Glendale paid the settlements with money from its risk management trust fund, which is earmarked to cover city liabilities, and from the city's insurance carrier, said City Attorney Michael Bailey.

Glendale administrators do not expect the losses to significantly affect the city's future insurance costs, Bailey said in an email.

Attorney Robert Murphy said Hicks, a retired construction worker and personal driver, was lucky to have survived the collision. He was in acute care for a month, sustained orthopedic injuries to repair fractures in his hips and legs and skin grafts as a result of the surgeries.

"This man was completely independent before this, living on his own, taking care of himself. Now he is completely dependent on others to do that for him," Murphy said.

Joel Robbins, an attorney who represented Cochran's daughter, said Cochran was retired from a number of jobs, and was full of life.

"The thing that I remember most about her is the picture of her dancing, just dancing with her daughter, enjoying life and being a delightful person and a person that was loved by her daughter," Robbins said.

Rudolph, the daughter, lives in Las Vegas, he said. Rudolph did not return a message left with Robbins seeking comment.

The collision was preventable, according to the police investigation.

The accident report concluded that if Howard had been traveling at the posted speed limit, he would have been able to stop more than 57 feet away from the impact area. Furthermore, if Howard had remained in his lane and not steered into the van, he would have missed it.

Black suspended Howard on Dec. 2, 2014, more than a year after the collision. In a six-page memo notifying Howard of his suspension, Black wrote that

his actions constituted "major performance deficiencies" and "gross negligence."

Even if Howard had his emergency lights and siren activated, his driving behavior and excessive speed were not within policy for emergency driving, she wrote.

"As a Police Officer, your primary duty is to protect human life. When Officers violate traffic regulations they create a risk to themselves and others. Even when responding to an emergency, Officers are prohibited from endangering life or property," Black wrote.

The Maricopa County Attorney's Office declined to prosecute Howard for two counts of aggravated assault and two counts of aggravated assault with serious physical injury because there was no reasonable likelihood of conviction, according to police reports.

On May 24, 2015 — less than six months after Howard was placed on probation — he joined a police pursuit of a man suspected of armed robbery and assault. Howard exceeded 60 mph in a 40 mph zone and ran a red light in the area of 91st Avenue and Camelback Road, records show.

Black fired him on June 5. "Your operation of a City of Glendale police vehicle was not within Department Policy and created substantial risk to the citizens of Glendale and Phoenix," she wrote in another memo.

"Based on this most recent performance deficiency which occurred during your disciplinary probationary period, I have decided to terminate your employment," she wrote.

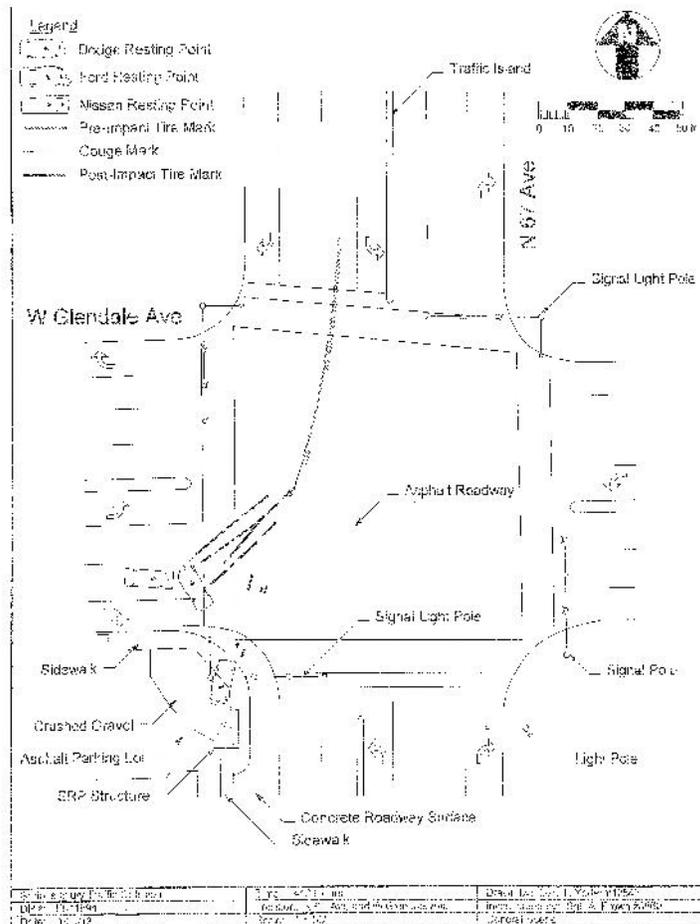
On Jan. 20 of this year, the Arizona Peace Officer Standards and Training Board, which certifies police officers statewide, suspended Howard's peace officer certification for a year, which bars him from working for another police department. The suspension was based on the May 2015 speeding incident.

Howard had previous marks on his record.

In June 2011, Howard was suspended without pay for two weeks after being arrested by Peoria police for domestic violence and disorderly conduct at his home, records show. A court later dismissed a charge of disorderly conduct.

Howard had been paid nearly \$57,900 a year when he was fired. He had no previous law-enforcement experience. He could not be reached for comment.

Police diagram of the incident



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