

It Could Happen To You!



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Annual Virginia EMS Symposium - 2012
Norfolk, VA





CHILLICOTHE, Ohio - The Highway Patrol says an ambulance driver and patient have died in a crash in southern Ohio.

CLINTON, Md. - A Prince George's County ambulance was involved in a multiple vehicle collision Sunday, sending four people to the hospital.

Driver sentenced in DUI crash that killed Utah paramedic

A drunken driver who caused a crash that killed a Utah paramedic was sentenced to up to 16 years in prison on Friday.



June 18, 1996



- Average day at the fire station
- Assigned to Engine 42
- 0700 check off for the engineers
- Repaired a right, front strobe & 2 compartment lights
- Several calls

Picture taken during morning check off at Station 4 – 6/18/96



**Firefighter/PM Specialist
Suzanne Powell**



The Dispatch



At 1258 hours, Engine 42 was dispatched to “Zone Box 204, 616 Durham Avenue off of Booker Street, elderly female possibly having a stroke”

Chesapeake Dispatch Policies

Engines were dispatched to assist Medic units, or as a first response unit to provide Basic Life Support if a Medic unit was going to be delayed.



Route of Response

Engine 42 was proceeding westbound on Great Bridge Boulevard at approximately 45-50 mph. Emergency lights, sirens, and air horns were activated and working properly.



The Decedent

The decedent was operating his vehicle on the wrong side of the road, passing in a place where he was not supposed to pass, as well as ignoring the approach of an emergency vehicle with lights, sirens & air horn operating. He was operating his vehicle at an unreasonable & unsafe speed.

The Decedent (continued)

The decedent's medical condition and size in relation to the type and size of the vehicle he was operating may have been such that he was not able promptly and properly to operate and/or control his vehicle.

The Roadway

Great Bridge Boulevard was a readily traveled 2 lane road with double solid yellow lines in the center. Posted speed limit was 45 mph with the exception of the designated school zone.

Roadway (continued)

Construction barrels were on the south side of the road, however, no workers were on scene. The shoulders were apparently being worked on, there was a drop-off or low-shoulder on that side. The north side of the road was grassy and had a reasonably steep grade away from the road.

Great Bridge Boulevard



Low Shoulder / South Edge of Road



North Edge of Roadway



Traffic

Numerous vehicles, including two dump trucks were approaching Engine 42, they were slowing and appeared to be yielding the right-of-way to the emergency vehicle. We had safely passed a slight curve in the roadway, readily traveled at 45 mph, however, the plaintiff's attorney attempted to prove our vehicle was out of control due to the "blind curve" as he termed it.

The Collision

Suddenly, a small Mazda truck came out into our lane, attempting to pass a dump truck and several other vehicles that were yielding to us. Engine 42's brakes applied immediately. The vehicle kept coming and appeared to be speeding up. There was no where for him to go to the left of us, and he headed for the grass area to our right.

The Collision (continued)

After approximately 140' of straight skid marks, we swerved to our left to avoid a head-on collision with the Mazda.

Engine 42's left front tire was approximately 12" over the double yellow line and the rear tires were on our side of the roadway when the Mazda's operator swerved back to our left.

Total length of skid marks approximately 249' according to police report.

Skid Marks



Skid Marks (continued)



The Collision (continued)

Engine 42 was steered back into our lane and impacted the Mazda in the front just above the driver's side headlight.

The fire truck basically went up and over the truck at the drivers side.

Engine 42's speed was estimated at 5 mph at the point of impact - The estimated speed of the Mazda was 45 - 60 mph.

I looked in my side view mirror...



The Collision (continued)

The driver's front corner of Engine 42 was on the double yellow line at impact, the Mazda was on an angle with the driver's headlight at the double yellow line and the rest of the decedent's vehicle in the westbound lane in front of the fire truck.

Damage to decedent's vehicle



Another view



And yet another...



Damage to Fire Truck



Another view



Crew Actions

The acting Lt. was in shock - I was unable to exit the vehicle on my side as the door was jammed, I crawled over Acting Lt. Williams & exited the vehicle.

My best friend, Buster Penley, a FF/Specialist in the right jump seat restrained me from going to help the victim.

Crew Actions (continued)

I watched from a distance, being restrained by one of my teammates, as my crew began the process of gaining access to the victim. I then attempted to operate the pump in support of the extrication effort and laid a hose line to the crew.

Scene

Other emergency vehicles began arriving at the scene within 2 minutes and I collapsed, in sorrow for the man that I knew was dead in the other vehicle. I saw him, over & over again, like a bad video that you just could not stop. I saw him looking up at me, in fear, just before the engine struck his vehicle. Then he was gone.

Post Accident Testing

I was taken to a laboratory and tested for alcohol, drugs, and whatever else they could find.

Those test results were all negative.

Critical Incident Stress Debriefing was next - but I really didn't want to talk about the days events at that time.

Getting Back In The Saddle

Very slow process, hard to get in and drive and as destiny would have it, the first call I did drive on, some 6 or 8 shifts after the accident, a vehicle pulled out in front of us during an emergency response and we narrowly avoided another head on collision in our reserve fire truck.

The Healing Process

Counseling, offered through the Employee Assistance Program was helpful, however, the bad video's were still consuming every moment of my time. The acting Lt. also told me he saw the same things, over & over, awake & asleep, all the time.



The Healing Process (continued)

Ben's little girl approached me to tell me "thank you" for not killing her daddy in the accident. Ben's wife said she knew that if I had taken the ditch, her husband would have been seriously injured or killed in the accident.



Thank You

The Healing Process (continued)

I was commended by the Fire Chief for the outstanding and competent manner in which I handled the fire truck, and the fact that none of the crew were injured or killed. He stated that he felt I had no other options.



Weeks Later - Healing Process Halted

A newspaper article appeared in the Virginian Pilot reporting a lawsuit and its alleged reckless actions on the part of the fire truck driver.....yours truly!

The article reported that I was the only named defendant, which was incorrect - the City of Chesapeake was also named.

Belief in Media

The article also stated that the defendant was unavailable for comment, however, I was home all day that Friday and never received a single phone call.

Therefore, I was never even given an opportunity to comment. News media never attempted to talk to me - only to the plaintiff's family.

Defendant's Reply

Strangely enough, the defendant's reply to the lawsuit was never reported or published by the media.



The Investigation

The investigations, depositions, motions, interrogatories, supplemental interrogatories, reenactment, and hearings began in July of 1996 and continued through September of 1997.

Depositions

On February 14, 1997 I was deposed at 1335 hours and ending at approximately 1830 hours. Basically 116 pages of typed questions and answers about the date of the accident and the collision itself. Many of the same questions were asked, but worded differently, then the deposition compared to res gestae statements made at time of collision.

Hearings

Several hearings were held to debate issues of evidence, testimonies, accident scene re-creation, previous rulings of Supreme Courts' decisions.

Expert witnesses were qualified, deposed, and their credentials verified.

Plea of Sovereign Immunity

The defense entered a “Special Plea of Sovereign Immunity” on or about August 8th of 1996, which was denied.

Amended Motion for Judgment

The Plaintiff then filed an “Amended Motion for Judgment” alleging gross negligence and asking for an award of \$5,000,000.00 and punitive damages in the amount of \$500,000.00. The “Amended Motion for Judgment” also contained a second count alleging negligence and asking for a compensatory award of an additional \$5,000,000.00 and award of interest and fees.

Contents of the Motions

The Plaintiff's motions alleged the defendant
“...did recklessly, wantonly, carelessly, and
with gross negligence, operate her vehicle so
that her vehicle did collide with the decedent's
vehicle...”

Motion Contents (continued)

In addition, the motion cited "...while in the wrong lane (eastbound lane) and sliding towards oncoming traffic, struck the decedent's ... vehicle on the left front quarter panel, which said vehicle ...was traveling in a proper and lawful manner in the eastbound lane and pulled over to right as far as construction repairs allowed."

Allegations

The plaintiff even referred numerous times to the call I was originally dispatched to as an “alleged call” .

I was accused of operating the fire truck without due regard for safety, an utter disregard of caution, operating to endanger the lives of others, and accused of the accident “throwing the victim in & about the vehicle, causing death.”

The Victim

The decedent was a 34 year old white male subject that weighed in excess of 450 pounds. He had a cast on his left foot, recovering from a fracture he suffered in a single vehicle MVA he had been involved in several weeks before this accident.

The Vehicles

The decedent was driving a small Mazda pick-up truck. The truck was noted to have a standard transmission with a clutch. It was determined that the seat belt would not fit the driver, therefore, it was assumed he was not wearing it.



Vehicles (continued)

I was operating a 1990 Pierce Arrow pumper.

Approximately 31' in length.

Approximately 34,000 pounds loaded.



Damages

The damages to the Mazda pick-up truck were estimated at \$5,000.00 (the truck's value).

The damages to the Pierce fire truck were estimated at \$42,000.00

What is life estimated at???



Request for Settlement

Plaintiff's attorney requested a settlement out of court for an amount of money to be determined.

City of Chesapeake considered the offer because usually its cheaper to settle than to fight.

“Please Don’t Settle”

I begged the City not
to settle ->

Appears as an
admission of guilt.

I did what I was
trained to do!

I did nothing wrong!



The Trial

The trial was held in the Circuit Court of the City of Virginia Beach. Trial began on the morning of September 2, 1997 and lasted for three days. On the evening of September 4th, the jury took only 20 minutes to decide in favor of the defendant.



**JURY TAKES 20 MINUTES TO CLEAR FIRE TRUCK DRIVER
EYEWITNESSES DIFFER ON WHO WAS TO BLAME FOR FATAL 1996
COLLISION IN CHESAPEAKE.(LOCAL)**

The Virginian-Pilot (Norfolk, VA)

**JURY TAKES 20 MINUTES TO CLEAR FIRE TRUCK DRIVER
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Byline: MARC DAVIS, STAFF WRITER

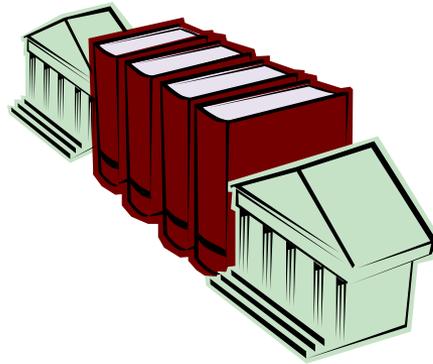
VIRGINIA BEACH -- A Chesapeake fire truck driver was not responsible for a fatal accident last year on Great Bridge Boulevard, a jury has ruled.

The Circuit Court jury deliberated only 20 minutes Thursday in finding the fire truck driver, Suzanne Heather Powell, not liable for the accident on June 18, 1996.

The driver was responding to an emergency medical call when the fire truck collided with a pickup truck on the two-lane road. The pickup truck driver, Charles Eugene Rogers, 34, of East Ocean View in Norfolk, died instantly.

Finally Over

I was advised by counsel that this was the first case in the history of the Commonwealth of Virginia in which an emergency vehicle operator was found 0% at fault.



Summary

Any normal day can turn into a haunting nightmare, even when you do your job the best way you know how.

6 witnesses saw the accident, three testified for the plaintiff but all testified differently as to what they saw.

Three witnesses testified for the defense and all were consistent.

Cost?

City of Chesapeake spent
\$39,900.00 on my defense.



DOCUMENTATION – IMPORTANT?

Exercise

Count the number of "e"s!

*EMT's & Paramedics, through
volunteerism, are the
heartbeat of emergency
medicine in the United States
of America.*

How Many E's Did You Count?



Do We All See Things The Same?

*EMT's & Paramedics, through
volunteerism, are the
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medicine in the United States
of America.*

How Many Had the Answer the First Time Around?

17

Summary (continued)

One year's worth of morning check-off sheets were subpoenaed and the documentation proved many aspects of the case.

Training records were subpoenaed and proved even more.

Instructors were summoned.

Training manuals were also admitted into evidence.

Summary (continued)

One “expert” witness for the plaintiff testified that he had written a great portion of the EVOC manual, then had to testify in court that he did not know what the manual advised for emergency braking situations. So, we did not even have to call an expert as the plaintiff’s expert did so well for us.

Summary (continued)

In closing, a life was lost.

We are in the business of saving lives.

We are truthful and compassionate by nature.

We do not take well to being falsely accused of wrongdoing.

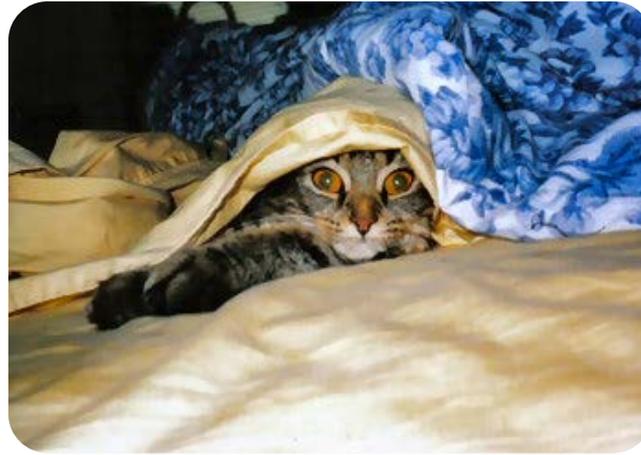
We are sensitive and proud.



What Are You Going To Take Away?

- 1. Check Equipment**
- 2. Document**
- 3. Maintain Safe Attitude**
- 4. But.....**

Cover Yourself...



**It could happen
To you ...**

Questions

