

Editorial: Jury got it right, but the CHP didn't

By The Bee Editorial Board

A jury did the right thing in finding both pedestrian Kristle Clowers and Fresno County Sheriff's deputy Kurt Rossi negligent in Clowers' late-night death on Highway 145, about five miles from Interstate 5, three years ago.

The phrase "did the right thing," however, doesn't apply to the California Highway Patrol's investigation of the accident.

According to trial coverage by The Bee's Pablo Lopez, court testimony revealed that Rossi was driving more than 90 mph when his vehicle ran over Clowers, 25, who was wearing dark clothing and walking in the middle of the northbound lane.

Testimony also established that Rossi wasn't responding to an emergency call when he hit Clowers. Instead he was heading to Five Points to look for traffic offenders.

As Clowers was difficult to see and endangering herself and others by walking in the highway at night, it is understandable that Rossi wasn't charged with vehicular manslaughter. But the fact the CHP didn't cite him for speeding supports a public perception that all too often law enforcement officers are reluctant to hold fellow members of their profession accountable for wrongdoing.

In this particular case, it's highly likely that if John Q. Public had run over Clowers while driving 90 mph the driver would have been cited for speeding — and possibly something more serious. That Rossi wasn't ticketed makes it appear that the CHP has one set of rules for the public and a different set of rules for law enforcement.

We agree with what the plaintiffs' attorney, David Lira, said of the verdict: "This sends a message that no one is above the law. Even if you wear a badge, you have to follow the rules of the road."

The jury awarded \$650,000 in damages. Clowers' two daughters will receive 49% of the award (\$318,000) because of Clowers' negligence in her own death. We hope that the daughters are able to overcome the loss of their mother and enjoy happy, productive lives.

We wish the best for veteran deputy Rossi, too.

According to defense attorney James Weakley, Rossi was simply doing his job the night that Clowers, for unknown reasons, decided to attempt to walk more than 30 miles to Kerman.

"He knows he is not above the law," Weakley said. "But deputies have to drive fast because of the large area they cover."

Maybe citing that rationale for Rossi's speed was just Weakley trying to sway the jury. But if, in fact, driving 90 mph while on routine patrol is expected of deputies, then Sheriff Margaret Mims needs to say so to the public.