

WHO KILLED OFFICER GARY DAVIS?

Summary

Joshua Campbell killed Officer Gary Davis at 2:45 A.M. on May 13, 2004, by broadsiding him while driving at an excessive speed, because he was legally drunk, and not in control of his car. Joshua Campbell was tried for second degree murder and manslaughter. In October, 2005, the jury acquitted Mr. Campbell of all felony charges because the evidence presented at the trial showed that negligent driving by Officer Gary Davis contributed to the accident. Officer Gary Davis was bipolar (manic-depressive), and this paper will strongly suggest that the bipolar illness was responsible for the actions of Officer Davis that led to his death. Who was responsible for placing Officer Gary Davis alone in the police car? The prosecutor wanted to put Joshua Campbell in prison for the rest of his life. I recommended that the Bloomfield Township Chief of Police Jeffrey Werner be replaced because as the chief of a small police department he should be held accountable for the job assignment of Officer Davis. I present my analysis of the case, and make recommendations in order to try to prevent a repeat of this tragic event.

Joshua Campbell, the 21 year old drunk driver who killed Officer Gary Davis, was convicted of drunk driving at the age of seventeen, and had four moving violations prior to the above accident. Society should be blamed for allowing Joshua Campbell to drive without the proper safeguards for the public. I recommend that all drunk drivers be sentenced to mandatory long term use of Antabuse, a drug that deters alcohol consumption by causing the drinker to become ill in order to prevent them from drinking and driving.

Legislation in the name of Officer Gary Davis mandating the use of Antabuse as I have proposed would be a fitting and meaningful memorial for him.

Who Killed Officer Gary Davis?

We did. We as a society did not control the drinking and driving of Joshua Campbell. We as a society did not control the Bloomfield Township Police Department, which resulted in the inappropriate job placement of a police officer and his death.

Expensive for Bloomfield Township Taxpayers

This article will explain that very poor leadership of the Bloomfield Township police department in 2004 resulted in two lawsuits which were settled in 2007. Bloomfield Township paid \$1,600,000 to Ray Hakop, who was a prisoner in Officer Gary Davis' car at the time of the accident, and \$1,000,000 was paid to Michele Horton by the 48th District Court which enlisted the Bloomfield Township police department to write false reports about her in order to justify firing her.

Main Article

What you are about to read is dedicated to the memory of Officer Gary Davis, and is written with the goal of preventing a repeat of the tragic death that befell Officer Gary Davis. I am writing this paper based on facts that I have obtained from the news media, the autopsy report on Officer Gary Davis that was available through the Freedom of Information Act, and talking to officials of Bloomfield Township, Michigan, where Officer Gary Davis was employed. I will be the first to admit that I do not know all of the facts concerning this case. The officials of Bloomfield Township have chosen to cover up the information. My conclusions will be based on the facts

that I have. One purpose of this paper is to stir up more public information, discussions, and opinions concerning this case. Hopefully, public awareness and opinion will put pressure on our officials who are responsible for public safety to do a better job of protecting the public. It is my desire that anyone who differs with my interpretation of the facts, events, conclusions, and recommendations publicly step forth to debate this paper. A good public dialog will benefit the community concerning public safety.

A speeding vehicle driven by a drunk driver killed Officer Gary Davis, the first Bloomfield Township police officer to fall in the line of duty, when it broadsided his police car. A horrendous accident displaying the deadly effects of the sudden transfer of momentum and inertia by the impact of one vehicle traveling at a high rate of speed into another. The autopsy report concludes, "Gary Davis, a 36 year old white male, died of multiple injuries sustained as a driver of a vehicle that was broadsided by another vehicle."

Joshua Campbell, the driver of the Ford Focus that struck the police car, was legally drunk with a blood alcohol level of about 0.17%, about double the legal limit in Michigan.

Based on the above description of the accident and Michigan law the county prosecutor charged Mr. Campbell with second degree murder and manslaughter. The case was tried in the Oakland County Circuit Court. The jury acquitted Joshua Campbell of all felony charges, and convicted him of drunk driving, a misdemeanor punishable by serving up to 93 days in jail. The prosecutor felt that a murder was committed and his prime suspect was acquitted. Then the question should be asked, "Who killed Officer Gary Davis?"

The prosecutor could not obtain any type of felony conviction because the jury had doubts about the guilt of Joshua Campbell. The jury decided that Officer Gary Davis's negligence contributed to his death. Shortly before the accident the officer had arrested another drunk driver on south bound I-75 in Troy, Michigan. After handcuffing and placing the drunk on the right side of the back seat without a seat belt the officer drove off without using a seat belt. He was talking and had just made an ethnic joke about the drunk prisoner when he was broadsided. The drunk who was severely injured in the accident testified in court that the officer was looking at him when struck by the other car. During the same time that the officer was talking and joking he was trying to go from the right shoulder across the three lanes of south bound I-75 in order to get to the emergency turn around. Apparently he felt that he could save some time in getting to the police station by going on north bound I-75. The prosecutor's expert witness who reconstructed the accident stated that there was no visual obstruction between officer Davis and the car that eventually struck him. Officer Davis was seven seconds into the maneuver and traveling at about nine miles per hour when hit by the Ford Focus. There was no court testimony to indicate that the officer took any evasive actions to avoid being struck by the Ford Focus. I conclude that Officer Davis did not look before he started the cross over maneuver, and did not look during the seven seconds while he was making the fatal turn. The jury acquitted Joshua Campbell because it felt that Officer Davis was negligent, and his negligence contributed to the accident. The jury held Officer Davis to the highest of standards, because he was a police officer. The jury did not have to know why Officer Gary Davis was negligent.

The key question is why Officer Gary Davis did not look before or during the turn? Unfortunately, that question can never be correctly answered because the officer is dead. The answer will always be open for debate. I would like to present my theory, and hope that it will prevent this terrible tragedy from happening again. It was not publicly revealed until shortly

before the trial that Officer Gary Davis was taking two drugs, Prozac and Depakote. This combination of drugs is used to treat bipolar illness. The fact that Officer Davis was bipolar was not discussed in depth at the trial. The defense made its point without bringing forth a lot of personal information about Officer Davis, although Richard Lustig, the defense attorney who did a superb job in representing Joshua Campbell, knew all of the facts. The defense only had to show that Officer Gary Davis was negligent in making the fatal turn, and not why he was negligent. **The prosecutor's expert witness did testify that the blood levels of Prozac and Depakote were in the therapeutic range at the time of death. This was not correct concerning Depakote, and will be discussed in more detail.** The same expert witness did agree with the defense that confusion could be a side effect of Prozac and Depakote.

The jury decided that Officer Davis was negligent and Joshua Campbell should not be punished because of it. Was Officer Davis negligent because he was bipolar? The answer most likely is yes. Bipolar (manic-depression) disease is an emotional illness of fluctuating moods. The bipolar individual experiences moods of emotional highs (the manic state) to the depths of depression, and can have long periods of normalcy. The bipolar's mood controls his thoughts and actions. At the depth of depression a bipolar can commit suicide. The euphoria and excitement of the manic state causes the bipolar's mind to race with unconnected, incoherent, and irrational thoughts, which can cause bizarre, risky, and erratic behavior. A goal of treatment is to keep the bipolar individual stable between the emotional highs and lows. Prozac is prescribed to prevent depression. A side effect of Prozac in treating the bipolar is precipitating a manic episode by elevating the mood. Depakote is prescribed to stabilize mood, prevent mania, and counter balance the above undesirable side effect of Prozac.

Prozac was at the therapeutic blood level in Officer Davis at the time of autopsy. **However, the autopsy revealed Depakote to be at one half of the minimum therapeutic level.** It was not revealed why the blood level was well below the therapeutic range.

I can only speculate why Depakote was beneath the established therapeutic level in Officer Davis. At the time of death he measured 75 inches tall, and weighted 233 lbs. Officer Davis could have been prescribed a dose that was too low for his weight. Was he compliant in taking Depakote? The accident occurred at about 2:45 A.M. Was there a long lapse between the last dose and the time of the accident that accounted for the low blood level due to the elimination of the drug from the body? The half life of Depakote is 9 to 16 hours.

I do not know the emotional state of the officer in the days, hours, or minutes prior to the accident. Was he in a state of hypomania (a low level of mania) at the time of the accident? Was he hypomaniac because of the low blood level of Depakote? An audio recording taken of Officer Davis leading up to the accident was played at the above trial. Newspaper articles indicated the Court heard Officer Davis joking to the arrested individual who was sitting on the back seat of the police car. The joke was about the ethnic background of his prisoner. **Officer Davis joked to his prisoner that he was an Arab just like the prisoner. Was Officer Davis correct in stating that he was an Arab?** What was the bizarre joke all about? Was the joke a funny fabrication in Officer Davis's mind because he was in a hypomaniac state and having a flight of ideas? I postulate that Officer Davis's joking and negligent driving were beyond his control due to a state of hypomania that he was experiencing. **In reconstructing the accident the inappropriate bizarre ethnic joke foretells the death of the night.**

Why was Officer Davis, a bipolar individual, alone in a police car? What is the policy

concerning the employment of a bipolar as a police officer? The public should be informed.

I spoke to Dave Payne, the Bloomfield Township Supervisor, on August 26, 2005, prior to the time that it was public knowledge that Officer Davis was bipolar. I stated to him that I knew Officer Davis was bipolar. He stated that the township did not know that Officer Davis was bipolar until after the accident. He stated that I better be careful. I asked him if that was a threat. Mr. Payne stated that he read the official reports concerning the accident, and concluded that Officer Davis did everything right. I asked him if there was a policy to test police officers for drugs such as the drug tests performed on the deceased officer's blood. He stated that it was not the policy because it would be an invasion of an individual's privacy. I told him that the police department is a paramilitary organization and that its members lose certain rights. Therefore, it should be permissible to perform tests for drugs on a police officer's blood. He held his ground and stated that this type of testing should not be permitted. I told Mr. Payne about the above stated theory concerning the accident. He was very disbelieving. I told Mr. Payne that the Chief of Police should be fired because of what happened to Officer Davis. Mr. Payne stated that I was mad at his chief of police because of what previously happened to me. Please, read *Yellow Light Perjury*, a story about my experiences with the officials of Bloomfield Township. The story is listed on my web site www.tagolden.com. Mr. Payne abruptly hung up on me before I could discuss other facts about the case.

That same day I spoke to Dan Devine the township treasurer concerning Officer Davis. He stated that he read reports concerning the accident, but refused to discuss anything with me. He advised me to get an attorney. Why?

The same conversation with the township clerk Jan Roncelli produced a different response. She stated that she had not read any reports concerning the case, and was not interested in investigating the facts concerning the case.

Who was responsible for what happened to Officer Gary Davis? Certainly, Joshua Campbell was, and got off lightly. Mr. Campbell had a previous arrest for drunk driving at the age of 17, and at the age of 21 he killed a police officer while driving drunk. What was Mr. Campbell doing during the intervening four years? Society should have monitored him very carefully concerning his drinking and driving. I feel that it should be mandatory for drunk drivers to take Antabuse, a drug that encourages abstinence by causing a feeling of illness when consuming alcohol.

Richard Lustig, the defense attorney for Joshua Campbell, stated that the police put a "Blue Curtain" around the case. The Bloomfield Township Police department was negligent in not having a handle on Officer Gary Davis. The public needs the facts concerning Officer Gary Davis. Was it known in the police department that Officer Davis was bipolar? Was a psychological profile constructed of Officer Davis subsequent to the accident? Why did Officer Davis not work the street for quite a few years? In view of what Mr. Payne stated to me, what is the policy concerning drug tests for police officers? What is the policy concerning bipolar individuals as police officers? Are police officers provided health insurance that includes good benefits for the treatment of emotional illness? Should the chief of police, Jeffrey Werner, be replaced as I suggested? Should the above three Bloomfield Township officials be re-elected if they run?

Subsequent to the alcohol related death of Officer Gary Davis the Bloomfield Township Police Department arrested the wife of Chrysler Corporation's CEO for serving alcohol to about 100 minors at a party at her home. Police Chief Jeffrey Werner decided to prosecute the woman in the District Court instead of the Oakland County Circuit Court where the penalty is more severe. The high profile wife pleaded guilty and was fined \$500 plus \$2,500 for court costs. Her husband makes millions. The outraged citizens of Bloomfield Township immediately made the Bloomfield Township Board of Trustees change the township ordinance to include a 90 day jail sentence for serving alcohol to minors, which is the penalty at the county circuit court. The citizens of the Township should have demanded that Chief Jeffrey Werner be fired for not sending the above case to the Oakland County Prosecutor for trial in the Oakland County Circuit Court. By his actions Chief Werner showed no respect or understanding of what caused the violent death of his officer. Joshua Campbell's death drive started when he was provided alcohol as a minor. Chief Werner did the minimum to try to prevent a repeat of the same tragic events.

Chief Jeffrey Werner Resigns After *Who Killed Officer Gary Davis?* Was Published

On January 20, 2006, Chief Jeffrey Werner abruptly submitted his resignation effective February 3, 2006, after *Who Killed Officer Gary Davis?* was posted to www.tagolden.com. In December, 2006, in an unrelated lawsuit against the 48th District Court, a Federal Jury awarded Michele Horton three million dollars, which was then settled out of court for one million dollars. Michele Horton was the 48th District Court's employee of the year in 2004, and then was abruptly fired after the court administrator mistakenly believed she leaked information about a judge's wife who was arrested for drunk driving. According to Federal Court testimony officials of the 48th District Court used false police reports written by the Bloomfield Township Police Dept. to justify her firing. These false police reports were compiled while Jeffery Werner was the Chief. I feel that Chief Werner is a good man, but sadly, and for reasons unknown to me, got confused concerning important priorities of the job, such as making the right decision. He was too buddy buddy with his officers and others, which led to poor decisions and deficient leadership. Although this article has been critical of him, and called for his dismissal, I do understand that he had a difficult job, and the Township should thank him for his services. Hopefully, the next chief of police and the Township Trustees will have learned from the mistakes of Jeffrey Werner.

\$1,600,000 Settlement

The drunken prisoner, Ray Hakop, who was in Officer Davis' scout car and severely injured sued Bloomfield Township. Bloomfield Township quietly and secretly settled the lawsuit out of court for \$1,600,000. I obtained the settlement amount by requesting it through the Freedom of Information Act. I feel that this was done to protect the reputation of Township officials who were involved with the case. The taxpayers have the right to know how much the accident cost. The two unprecedented lawsuits against Bloomfield Township stemming from incidents involving the police department in 2004 have cost the taxpayers millions of dollars. The voters have a right to information concerning past and current police department policy in order to evaluate their elected officials who oversee the police department. David Payne, the Township supervisor, has denied to me that there was any fault on the part of the Township in either case.

Theodore A.P. Golden, M.D.

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