

TO GIVE THE NEWS IMPARTIALLY, WITHOUT FEAR OR FAVOR

Chattanooga Times Free Press

FRIDAY, JANUARY 24, 2020

TIMESFREEPRESS.COM

VOL. 151 | NO. 41 | \$2.00

TENNESSEE

Lee unveils plan for abortion restrictions



AP PHOTO/JONATHAN MATTISE

Tennessee Gov. Bill Lee, center, and fellow Republicans in the state General Assembly hold a news conference at the Tennessee Capitol on Thursday in Nashville to discuss a new anti-abortion proposal.

Broad proposal includes 'fetal heartbeat' provision

BY ANDY SHER
NASHVILLE BUREAU

NASHVILLE — Calling it a “monumental step forward,” Tennessee Republican Gov. Bill Lee on Thursday announced plans to push a comprehensive abortion-restriction proposal he believes “puts Tennessee at the forefront of protecting life.”

The legislation, Lee said, will include a “fetal heartbeat” provision that requires women seeking abortions to undergo ultrasound examinations. It then would ban an abortion upon detection of the fetus’ heartbeat, which can occur as early as six weeks into pregnancy.

Abortion package

- › Prohibits an abortion when a fetal heartbeat is detected.
- › Requires women to undergo an ultrasound prior to an abortion.
- › Prohibits an abortion in which the physician is aware a woman’s decision to terminate the pregnancy is based on race, sex, health or disability diagnosis.

A similar fetal heartbeat bill failed last year amid sharp divisions in the GOP’s House and Senate supermajorities.

Lee said another provision would ban abortions in cases in which the physician is “aware the

action is motivated by sex, race or a health or disability diagnosis of the child.”

“I believe that we have a special responsibility to protect the most vulnerable members of our community,” Lee said at a news conference surrounded by nearly three dozen GOP lawmakers. “And no one is more vulnerable than the unborn.”

At least 10 other states, including Georgia and Alabama, have enacted heartbeat laws that have been blocked in federal courts.

Abortion opponents aim to force the U.S. Supreme Court to revisit its landmark *Roe v. Wade*

See **ABORTION** › **A6**

IMPEACHMENT TRIAL

Dems put focus on abuse of power

Prosecutors argue president’s conduct illegal, dangerous

BY LISA MASCARO, ERIC TUCKER AND ZEKE MILLER
THE ASSOCIATED PRESS

WASHINGTON — Pressing through a second day of impeachment arguments, House Democrats scoffed at President Donald Trump’s claims that he had good reasons for pressuring Ukraine to investigate his political foes.

It was Trump who engaged in a shocking abuse of power, not former Vice President Joe Biden or other Trump foes, said Rep. Sylvia Garcia of Texas. There is “no evidence, nothing, nada” to suggest that Biden did anything improper in dealings with Ukraine, said the former judge.

The Democratic prosecutors argued in the impeachment trial before skeptical Republican senators and a watchful American public that Trump sought a political investigation of Biden from Ukraine for his own gain to sway the 2020 election in his favor.

“There was no basis for the investigation the president was pursuing and pushing. None. He was doing it only for his own political benefit,” Garcia declared.

Trump is facing trial in the Senate after the House impeached him last month, arguing he abused his office by asking Ukraine to investigate political rival Biden while withholding crucial military aid. They also charged him with obstructing Congress by refusing to turn

Inside

Blackburn ducks out of chamber for Fox News interview, **A6**

See **TRIAL** › **A7**

HIGH-SPEED POLICE PURSUITS

Family continues to mourn loss of Collegedale man killed after chase

BY ROSANA HUGHES
STAFF WRITER

Ever since her brother died last summer, Tamia Jackson hasn’t been able to make sense of what happened.

That July 14 evening, 32-year-old Randy Goforth spent time with his girlfriend and her children at Collegedale’s Imagination Station park, according to Jackson.

After the park visit, Jackson was supposed to meet Goforth at their mother’s house for Sunday dinner.

“Chicken and dumplin’s is what he wanted,” Jackson said.

Earlier in the year, Goforth had been released from federal prison, having served 10 years for drug conspiracy. But he had been on the up-and-up since then, Jackson said.

He was working two jobs and had recently bought a new car.

“He was different,” she said of



STAFF PHOTO BY TIM BARBER

Tamia Jackson holds a photo of her older brother, Randy Goforth, at 84 Lumber on Hickory Valley Road, where he could often be found.

See **CHASE** › **A7**

Law enforcement agencies weigh pursuit policies

BY ROSANA HUGHES
STAFF WRITER

High-speed pursuits have long been a Catch-22 in law enforcement. On the one hand, police have to avoid putting the public in danger by operating a 2-ton vehicle at high speed while pursuing an erratic driver who is also in a 2-ton vehicle. On the other hand, police don’t want to send the message that perpetrators can get away if they flee.

“That police vehicle is a much more dangerous weapon than any police handgun,” said Fred Shenkman, an emeritus professor of criminology at the University of Florida who has taught

Tennessee fatal police pursuits (2013 to 2018)

2013	7
2014	7
2015	9
2016	19
2017	3
2018	6

Source: National Highway Traffic Safety Administration

and consulted with law enforcement agencies across the country for more than 40 years.

See **POLICIES** › **A7**



Advice	B10	Editorials	B6-7	Region	B1
Business	C1	Entertainment	A2	Sports	D1
Business Directory	E1	Nation	A5	Television	B10
Classified	E1	Obituaries	B2	Weather	B5
Comics & Puzzles	B8-9	Politics	A6	World	A4

Today’s Online Poll

OPENED AT MIDNIGHT

Do you support Gov. Bill Lee’s plan to restrict abortion?

○ **TIMESFREEPRESS.COM**

Yesterday’s Poll Results

AS OF 9 P.M. THURSDAY

Have you taken prescribed opioids?

○ **YES: 56%** ○ **NO: 44%**

Trial

› CONTINUED FROM A1

over documents or allow officials to testify in the House probe.

Trump attorney Rudy Giuliani has pursued investigations of Biden and his son, Hunter, who served on a Ukrainian gas company's board, and also of debunked theories of what nation was guilty of interference in the 2016 U.S. election.

Republicans, growing tired of the long hours of proceedings, have defended Trump's actions as appropriate and cast the process as a politically motivated effort to weaken the president in the midst of his re-election campaign.

The Democrats' challenge is clear as they try to convince not just fidgety senators but an American public divided over the Republican president in an election year.

Democrats opened the day arguing that "no president" has ever abused

power the way Trump did as they focused on the first article of impeachment, abuse of power, arguing Trump's motives were clear.

"No president has ever used his office to compel a foreign nation to help him cheat in our elections," Rep. Jerrold Nadler of New York, the chairman of the House Judiciary Committee, told the senators. He said the nation's founders would be shocked. "The president's conduct is wrong. It is illegal. It is dangerous."

Republican senators, who hold a majority in the chamber and will vote on Trump's conviction or acquittal, exhibited no shock.

Ahead of the day's proceedings, Sen. Roy Blunt of Missouri said the Democrats were putting forward "admirable presentations." But he said, "They've basically got about one hour of presentation, and they gave it six times on Tuesday and eight times yesterday. There's just not much new here."

Rep. Adam Schiff, the



House impeachment manager Rep. Sylvia Garcia, D-Texas, speaks during the impeachment trial of President Donald Trump in the Senate on Thursday at the U.S. Capitol in Washington.

Democratic chairman of the House Intelligence Committee, stood before restless senators forced to sit silently for another long day there would be "some repetition of information" from the overview heard on day one.

But he promised a stitching together of the facts to an inevitable conclusion.

"You've now heard hun-

dreds of hours of depositions and live testimony from the House," Schiff said. "We will now show these facts and many others and how they are interwoven ... to a finding of guilt and conviction."

The top Senate Democrat, Chuck Schumer, acknowledged Thursday that many senators "really don't want to be here."

But Schumer said Schiff

has been outlining a compelling case about Trump's pressure on Ukraine and the scheme to cover up the charges and many Republicans are hearing it for only the first time. He contended they can't help but be "glued" to his testimony.

Once reluctant to take on impeachment during an election year, Democrats are now marching toward a decision by the Senate that

the American public also will judge. They are one-third of the way through 24 hours of opening arguments.

Trump blasted the proceedings in a Thursday morning tweet, declaring them the "Most unfair & corrupt hearing in Congressional history!"

Campaigning in Iowa, Biden said, "People ask the question, 'Isn't the president going to be stronger and harder to beat if he survives this?' Yes, probably. But Congress has no choice." He said senators must cast their votes and "live with that in history."

Each side has up to three days to present its case. After the House prosecutors finish, likely Friday, the president's lawyers will have as much as 24 hours. It's unclear how much time they will actually take, but Trump's team promises not only to defend the president but to take apart the Democrats' case. The Senate is expected to take only Sunday off and push into next week.

Policies

› CONTINUED FROM A1

"You've got sort of an unguided missile, compared to a handgun," he said. "The damage that could be done with two, 2,000-pound vehicles going 90 mph. And you're out there trying to make things safer. But on the other hand, you can't just let people go."

From 1996-2015, an average of 355 people, or about one person per day, were killed annually in pursuit-related crashes, according to a 2017 U.S. Department of Justice report.

Between 2013 and 2018, Hamilton County saw only one fatal police pursuit, according to the National Highway Traffic Safety Administration. Across the state, there were 51.

Whether to engage in a high-speed chase becomes a question of weighing the potential danger to the officer and the public against the potential advantage of apprehending a fleeing suspect.

"For anyone other than a violent felon, the balance weighs against the high-speed chase," the National Institute of Justice has said.

In one recent case, 32-year-old Randy Goforth was killed after being pursued last summer in Collegedale. Goforth, who had recently been released from prison, was traveling 70-80 mph in a 35 mph zone when he was spotted by Officer Burlon Hayworth with the Collegedale Police Department. After a brief chase, Goforth crashed his car. He died three days later.

Records show Goforth wasn't suspected of doing anything more than speeding, but a toxicology report later showed his blood alcohol content was at 0.11%, just under twice the legal limit.

A significant number of people who flee police end up getting charged with driving under the influence.

But that threat isn't great enough to encourage a chase, according to James F. Hodgson, sociology/criminal justice program director and professor of sociology and criminal justice at Averett University.

"Chase someone, get them excited, get them scared, and they're under the influence of drugs or alcohol. Nothing good can come out of that," he said.

A 'REAL TRAGEDY'

Aside from potential loss of life, pursuits come at a high price.

"These pursuits cost departments and cities and you and I, as taxpayers," Hodgson said.

The cost can sometimes be so much that a lot of insurance companies are telling law

"You can train your police officers all you want, but don't forget you're chasing someone — who maybe isn't [a good driver], not to mention they're scared, driving too fast; and don't forget, it's not like it's a closed course. They're driving in your streets and mine, with my kids and your kids walking up and down the streets."

— JAMES F. HODGSON, SOCIOLOGY/CRIMINAL JUSTICE PROFESSOR AT AVERETT UNIVERSITY

enforcement agencies, "If you're going to continue to pursue this many people a year under these circumstances, we can no longer cover you." Or, "We'll cover you, but we're going to quadruple your amount of liability," Hodgson said.

Across the country, the need to protect against liability brought on by civil lawsuits has driven a need to establish better policies. Without a policy, governments can often be held liable for their officers' lack of training.

So more and more departments have adopted policies for pursuits. And those with established policies are limiting the circumstances under which pursuits can occur, with some departments even implementing no-chase policies.

Just this year, Atlanta police Chief Erika Shields announced a zero-pursuit policy after several deadly incidents, according to the Atlanta Journal-Constitution. She noted a potential rise in crime but added that suspects who are out on bond often become repeat offenders, and that she couldn't justify those pursuits "when the courts aren't even going to hold them accountable."

The reform in pursuit policies is being guided by more evidence-based research, Hodgson said. Most national and state-level accreditation agencies require departments to establish specific policies for their practices, including for pursuits.

A big piece of best practice is preparing officers to determine when a pursuit is worthwhile, Hodgson said. Collegedale, like many departments, offers some guidelines but ultimately lets officers make on-the-spot judgments about whether to chase based on their perception of a driver's danger to the public.

In Hayworth's case, the department reviewed the pursuit months later and found him to be in compliance with department policy.

But while other agen-

cies have made their pursuit policies more strict, Collegedale has made its more lenient. In 2016, Chief Brian Hickman approved a policy that removed specific conditions for when to engage in a high-speed pursuit, including removing the need for probable cause that the suspect has committed or is going to commit a felony.

Now it is left solely up to officer discretion.

"You can train and try to teach [discretion], but — in some cases it works out well, in some cases not," Hodgson said.

That's why a good number of departments are moving toward removing the decision to chase from the officer's discretion, he said.

"They'll have a [supervisor] who will immediately take administrative control over the pursuit and make that determination — without having that adrenaline and emotion of being on the road and being in the car driving at break-neck speeds."

Collegedale police do have a field supervisor who "is in command of the pursuit."

Chattanooga police also are to be in constant contact with a supervisor. But Chattanooga has gone a step further and directed its officers to pursue only when there is reasonable suspicion that the suspect has committed or is committing a violent felony. And the department has defined those felonies as "murder, manslaughter, aggravated assault, armed robbery, rape, aggravated kidnapping, child sexual assaults and aggravated arson."

It further adds that officers "shall not initiate or become involved in pursuits for traffic offenses, misdemeanors, non-forcible felonies or when the suspect flees for an unknown reason."

Ultimately, though, high-speed pursuits will always be a lose-lose situation, Hodgson said.

"Your chances of property damage, chances of personal injury, if not death, are quite high. Much higher than any other form of apprehending a suspect," he said. "You can train your police officers all you want, but don't forget you're chasing someone — who maybe isn't [a good driver], not to mention they're scared, driving too fast; and don't forget, it's not like it's a closed course. They're driving in your streets and mine, with my kids and your kids walking up and down the streets."

"You start factoring in all those variables, and I think you start seeing the real tragedy in this — the lose-lose part."

Contact Rosana Hughes at rhughes@timesfreepress.com or 423-757-6327 with tips or story ideas. Follow her on Twitter @HughesRosana.

Chase

› CONTINUED FROM A1

his time after prison. "He went in a kid and came home [an adult]."

As they waited for him to arrive that night, Jackson and her mother, Pamela Burnette, assumed maybe Goforth's phone had died. Or maybe he was still with his girlfriend.

"We called him and called him. Texted him," Jackson said.

But he never responded.

Later that night, Jackson went home, but she and her mother stayed up all night waiting to hear from him.

He would have had to stop by Burnette's house (he'd been living there) to pick up his work clothes early in the morning, she said.

But when he didn't come home, "I figured something bad had happened," she said.

They started making calls.

"He wasn't at the hospitals ... he wasn't in jail," Jackson said. "We waited to see if he would go to work. Once they said he didn't come to work, we instantly knew then that it was something worse."

That Monday morning, they called the hospitals back, only this time asking if any John Does had been admitted the night before. One said yes, they had a critically injured, unidentified man.

She knew it was her brother.

It was mid-afternoon when Jackson and Burnette arrived at the hospital. But they were given few answers as to why Goforth was there.

"He couldn't talk. He was on life support," Jackson said, her voice cracking. "But when I walked in and grabbed his hand and told him I was there, he started crying."

She said hospital staff couldn't understand why his family didn't know sooner. "They were shocked that we didn't get there earlier because they stated that officers told them they've already contacted family," she said. "They did not."

She said his doctor came in and told them Goforth had been in a terrible car crash and suffered a major brain injury.

He was not going to make it.

THE CRASH

It was around 9:30 p.m. Sunday when Collegedale Police Department officer Burlon Hayworth spotted Goforth heading south on Ooltewah-Ringgold Road.

He estimated Goforth to be driving at speeds of 70-80 mph in a 35 mph zone, according to an incident report. He waited until Goforth got closer before he turned on his emergency lights.

Goforth didn't pull over, and Hayworth began to pursue him.

Dash camera footage, dispatcher radio traffic and police reports show no indication that Hayworth suspected the driver of anything more than speeding. In fact, apart from the evading-arrest charge listed on the incident report, the two initial charges were for reckless driving and improper passing, both of which are misdemeanors.

The pursuit continued onto Bennie Lane — a small, dead-end street — and lasted just over two minutes before Hayworth told dispatchers he felt he had lost the vehicle and was calling off the pursuit.

But by that time, Goforth had already crashed into the woods behind a house in the 9300 block of Bennie Lane.

When Hayworth and another officer — Corey Loftis — arrived, they ran to where Goforth's white Mercedes was turned onto its right side. He was severely injured, and "his head [was] through the sunroof ... constricting his neck," Hayworth wrote. So "the decision was made to push the car onto it's [sic] wheels so as to help Goforth clear his airways."

Body camera footage shows the officers turning the vehicle over as trees snap and crack under the weight of the vehicle.

One officer tried to get others to help him pull Goforth out of the vehicle, but at least two officers say "no."

"You're gon' end up hurtin' 'im worse," one officer says.

Another officer says he's going to stabilize Goforth's head. But again, he is stopped.

"Hang on. Hang on. Stop. Just stop. He's fixin' to be gone," an officer says, as Goforth is heard faintly wheezing.

"He didn't know this road, boy," an officer says about Goforth. "Look at his f----- head, son."

One officer spots Goforth's backpack and says, "I bet you that backpack's got dope in it." Another points to an item and claims it's a scale. It turned out to be a phone charger.

It would be at least another 15 minutes before emergency personnel arrived on scene.

'THEY CAN'T BRING HIM BACK'

Jackson and Burnette stayed by Goforth's side until he died three days later on July 17.

"We just kept talking to him, telling him we were there, to hang on," Jackson said, tears in her eyes. "Just so he'd know he wasn't alone. He knew. He was my mom's only son."

The family hasn't been able to understand the events around the crash, Jackson said.

They said police never contacted them to notify them about what happened; they had been unable to find him until the day after the crash because, despite having identified him, police failed to notify them.

Collegedale's police department policy states that the reporting officer is to make a "good faith effort" to notify the immediate family of those involved in motor vehicle accidents. The officer is to record those efforts in their report. But the incident report makes no mention of an attempt to notify family.

Jackson said she's not sure why Goforth would run from police other than possibly being scared about going back to prison.

A toxicology report later showed Goforth's blood alcohol content was at 0.11%, just under twice the legal limit. An arrest could have put him back behind bars.

Months after the crash, the police department reviewed the pursuit.

"The officer operated within department policy," Collegedale Police Department spokeswoman Bridget Raper said in an email. "We have nothing further to add."

But while other agencies have made their pursuit policies more strict, Collegedale has made its policy more lenient. In 2016, Chief Brian Hickman approved a policy that removed specific conditions for when to engage in a high-speed pursuit, including removing the need for probable cause that the suspect has committed or is going to commit a felony.

Now it is left solely up to officer discretion.

"You can train and try to teach [discretion], but ... in some cases it works out well, in some cases not," said James F. Hodgson, sociology/criminal justice program director and professor of sociology and criminal justice at Averett University.

While DUI is an arrestable offense, it's not encouraged to chase a DUI suspect, according to Hodgson.

"Chase someone, get them excited, get them scared and they're under the influence of drugs or alcohol. Nothing good can come out of that," he said.

And whether there was enough for someone to chase him, Jackson doesn't know.

As of Thursday, Collegedale police had still not contacted Jackson or her mother, and county investigators returned her calls only after the Times Free Press requested more information on the crash.

"They can't bring him back," she said. "Truly love what you have before life teaches you to love what you lost."

Contact Rosana Hughes at rhughes@timesfreepress.com or 423-757-6327 with tips or story ideas. Follow her on Twitter @HughesRosana.



Randy Goforth