

MICHIANA POINT OF VIEW

Equal justice under law doesn't apply to police in Cass County

By JOEL THURTELL

A POLICEMAN'S LOT IS seldom an easy one. Police are exposed to hazards, pressures and temptations most mortals never encounter. But does that mean, given similar situations, that an officer who breaks the law should be treated with more deference than an ordinary citizen?

In Cass County, Mich., the issue was recently dramatized when sheriff's deputies investigated but chose not immediately to arrest a man witnesses said had fired a revolver several times from a moving car. Ten days later, answering a similar gunshot complaint, deputies arrested two men, charged them with a major felony, and put them in jail.

The suspect who remained free Oct. 31 was Ronald Immoos, a captain in the Berrien County Sheriff's Department.

The men arrested in the Nov. 9 incident were not policemen, only residents of a rural Cass County trailer park.

In the Berrien captain's case, the following Monday the Cass sheriff issued no press release describing the alleged Saturday shooting, and we learned of it only because a reporter happened to tune it in on a police scanner.

When asked to report on the case two days later, Cass County Sheriff James Northrop refused.

IN THE CASES OF Steven Bandy and Robert Visel, however, a press release was ready only hours after the early morning event. The sheriff's report said Bandy and Visel were awaiting arraignment in the Cass County jail on charges of assault with intent to do great bodily harm less than murder, a felony which,

upon conviction, carries a maximum prison term of 10 years.

And while Bandy and Visel were charged immediately, four days went by before the police captain was charged with possession of a firearm while under the influence of intoxicants — a misdemeanor with a maximum jail term of 90 days or a \$100 fine, or both.

Later, when Bandy and Visel were arraigned, the charge had been reduced, to the same firearms misdemeanor Immoos faced because prosecutors decided there wasn't enough evidence to prove either of the two men was guilty of assault.

Since the alleged crimes were roughly equivalent, why didn't deputies arrest Immoos and lock him up just as they had done to Bandy and Visel?

One Cass deputy explained that relations between neighboring sheriff's departments are "very delicate," and sheriffs don't like to think their counterparts are cracking down on them.

But that view hardly explains why the Cass Sheriff's Department moved so slowly in Immoos's case — after all, the investigation involved only one off-duty officer, not the entire Berrien department.

Another deputy offered a second reason for protecting Immoos: "Policemen are under far greater pressure than civilians, and sometimes they crack. If they get into trouble when that happens, their brother officers should shield them from publicity and, if necessary, from the law."

But who was there to shield Bandy and Visel from the embarrassment of publicity? Certainly not the police. Just a few

hours after they arrested the pair, deputies reported to the press that the men were jailed after Bandy allegedly shot a gun near Visel's head. Visel later fired a rifle into Bandy's trailer, the report said. On the basis of witness accounts, deputies arrested the men.

WHILE THE ABSENCE of a press release makes reconstructing the alleged Immoos incident difficult, it appears that after leaving the Keeler Bar, Immoos, headed south on M-152, fired a revolver from the window of a car.

But Immoos was not arrested when deputies later found him, ironically because officers had only the say-so of witnesses to the shooting—not enough to justify an arrest, one sheriff's spokesman said.

Yet witness statements were all deputies needed to find jail cells for Bandy and Visel.

On the Monday morning after his alleged offense, Immoos, still uncharged, was reportedly at work in the Berrien County sheriff's office, and it took until late on Tuesday, Nov. 3 — three days after the incident — for a warrant to appear bearing the police captain's name.

Only on Wednesday, Nov. 4 — four days after the alleged shooting incident — did the Cass sheriff tersely announce the arrest of Immoos.

When he earlier refused to comment on the case, Sheriff Northrop said, "We work with those boys (Berrien County sheriff's deputies) every day, and we can't just drop something like this on them."

Responding to my comment that if Immoos had not been a policeman he would likely have been arrested on the

spot, Northrop remarked, "That's your worry."

I am worried. Sheriff's deputies are applying a double standard, acting tough with ordinary citizens while minimizing the reported offense of another policeman. I am worried, too, because had not an alert news reporter heard the sheriff's radio dispatcher sending cars after Immoos, it seems very likely that nobody — other than employees in the two police departments and a few concerned residents on M-51 would ever have known of the incident.

And I am even more worried because I know this is not the first, but the second, recent instance of an attempted police cover-up in Cass County.

When an anonymous tip brought me to a caved-in apartment here last September, I found Cassopolis Police Chief Frank Williams trying to blunt my effort to get the story of a South Bend policeman who smashed a city squad car into the building.

THE CHIEF ARGUED that the driver, Cpl. Patrick Galloway, was a 13-year police veteran, that his job might be in jeopardy, and that the story certainly should not be set in print.

An angry Chief Williams demanded to know who had informed me of the accident. Although just a few hours after the accident, Galloway had "had a couple drinks," immediately following the crash he did not order a blood test to determine how much alcohol the policeman had consumed.

Any argument that arresting a police officer might endanger inter-departmental harmony completely ignores the

public interest and simply cannot be accepted.

Any argument that prosecution could destroy a valuable police career is also bunk — any career that must be saved by a cover-up is not worth the saving.

Besides, nobody is asking that careers be wrecked, only that each man and woman be treated equally before the law.

But equality is absent in Cass County, and there is plenty of reason to worry about the privileged treatment policemen are getting from their own kind. There is even more reason to be concerned when the special treatment extends into the judicial process.

On Dec. 10, Cass Prosecutor William Grimmer announced that Captain Immoos, who so far has not stepped into a Cass County courtroom, has been offered and has accepted a "deferred prosecution."

That means that while Bandy awaits trial and Visel waits to be sentenced, Immoos has been promised that, if he fulfills certain unspecified conditions during the coming year, he will not be prosecuted.

Immoos qualified for this easy treatment because of his "past employment history and lack of a criminal record."

While Robert Visel said he had another misdemeanor charge pending, Bandy's record was clean, and either man might wonder if, had his "past employment history" consisted of police work, he might not have had to spend a night in the county jail believing he faced a possible 10-year prison term.

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