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Levy sheriff suing automaker

Bronson - Levy County Sheriff Johnny Smith is such a big fan of Ford products that they are all he drives.

Smith's unmarked car is a Crown Victoria. His farm truck is one of the Ford F-series. And his wife drives a Ford SUV.

The sheriff often tells people that "Ford Motor Company makes fine products."

All that confidence in Ford products makes Smith is an unlikely candidate to sue the car maker, but he has agreed to be named as a plaintiff in a federal lawsuit against Ford.

"The only problem I have with Ford is in their Crown Victoria (police car)," Smith said. "There is a problem there, and all they have offered us is a Band-aid approach to fixing it. I am responsible for the safety of the deputies and citizens of this county and that is why we need to get this fixed."

Smith is one of 20 sheriffs nationwide who have filed suits to try to force the automaker to do more to protect the gas tank on the Crown Victoria police cars. The suit contends that Ford has not done enough to prevent the gas tank from being ruptured in a high-speed, rear-end collision.

Although Levy County has not had an officer injured or killed in a crash involving the gas tank, he said he knows that could change any time.

The "Police Interceptor" package on the Crown Victoria makes the real-wheel drive, full-sized sedan a more rugged vehicle. The cooling system is efficient enough to let the cars idle for up to five hours in 110-degree heat. The transmission has extra cooling lines. The alternator is oversized and the suspension is heavy duty.

Since Chevrolet removed its police version of the Capri from the market after the 1996 model year, the Crown Victoria has become the overwhelming favorite of law enforcement. Ford officials estimate there are 350,000 of the specially equipped cars in use and they contend that they are safe.

But Smith and the other sheriffs contend in their lawsuits that Ford has not done enough to protect the gas tanks from being punctured during rear-end collisions. Without additional safety features, the lawsuits claim, pieces of the car as well as spare firearms and other items stored in the trunk can pierce the gas tank during a high-speed crash and start a gasoline-fed fire.

Ford spokeswoman Kristen Kinley said the company has offered shielding kits that are made of hard, heavy plastic to cover protruding objects on the rear axle that could puncture the gas tank in a crash. The kits would be installed by local dealers at no cost to the local agencies.

Ford and the Arizona attorney general also recently issued several suggestions to improve officer safety. The proposed actions include a trunk package to let officers carry more sharp-edged, heavy equipment horizontally instead of longitudinally, and a layer of puncture-resistant material for the trunk.

"We still believe this is a safe vehicle and we stand behind it," Kinley said. "We did these things because we realized there were enhancements that could be made to improve police officer safety."

Kinley also noted that the ways that police use their Crown Victorias are unique and sometimes inherently dangerous. "Officers use their vehicles more often and in some unusual situations like for barricades," she said.

Mike Ryan is a Fort Lauderdale attorney who filed the suit for Sheriff Smith after consulting with State Sen. Rod Smith, who had been hearing from sheriffs around the state. All three said Ford's proposed solutions were insufficient because they had not been extensively tested and were limited to the interior of the trunk while the potential for gas tank punctures could also come from outside the car.

"This is not a personal injury or wrongful-death lawsuit," Ryan said. "This lawsuit is about getting Ford to adequately and completely fix a problem. Ford needs to shield the gas tank and use other suppression systems like those used in places like airplanes to quickly put down a fire."

In November 2001, after hearing several reports of fuel leaks and fires in the Crown Victorias, the National Highway Traffic Safety Administration's Office of Defects Investigation began investigating. Fuel leaks following rear impact crashes in Crown Victorias made between 1992 and 2001.

What the administration had to work with at that time There were reports on 17 post-crash fires that resulted in nine deaths. While the investigation was under way, the administration found out about 12 more post-crash fires causing nine deaths. Investigators found only four fire-related rear-end crashes resulting in four deaths in the 2.6 million non-police versions of the car during the same 10-year period.

Federal investigators concluded there was no single factor that contributed to the post-crash fuel leaks in the cars and that the Crown Victoria meets federal standards for rear-impact collisions.

But Ryan, Sheriff Smith and others noted that those standards are not the situations that law enforcement may be working under.

The federal standards require a vehicle to withstand a 30-mph rear collision without spilling more than a small amount of fuel. The investigation noted that "almost all of the post-crash fuel leaks occurred in very high-speed incidents, with crash energies far in excess of those generated by," the federally-required crash tests. And, the investigation concluded that leaks in the Crown Victorias were also, "Caused by a deformed frame rail, shock absorber supports, the differential cover, and stowed items in the trunk. "

Smith said having trunk room to stow items is one of the major factors making the Crown Victoria suitable for police work.

"We are getting more and more technology and that gear has to be put somewhere, as well as the specialized gear for deputies like our divers or those with other specialities," Smith said.

Ironically, it was a high-speed, rear-end collision in 1995 and a pair of catastrophic crashes last year that confirmed for the Alachua County Sheriff's Office that the Crown Victoria was the right car for its needs. Crown Victorias have been the patrol car of choice for Alachua County since the late 1980s.

"In the 1995 crash, it was a high impact, rear-end collision at 60 mph and the gas tank did not explode," said sheriff's spokesman Sgt. Keith Faulk. Within the last year two deputies were involved in non-rear-end collisions so severe their cars were totalled but the deputies were able to walk away, Faulk said.

"We have seen that the Crown Victorias absorb crashes much better than anything else, and right now, as far as I know, they are the only rear wheel drive, police-equipped vehicle on the market," Faulk said.

The only gas tank related problem Alachua County deputies have had involved a local installation problem. When the car was a few years old, the employee it was assigned to noticed a pronounced smell of gasoline. The source of the smell was discovered after the gas tank was removed.

"When the police radio was being installed right after we got that car, it was accidentally screwed into the gas tank," Faulk said. "That wasn't a problem until the screw started to vibrate out and that allowed some gas to leak out of the tank."

Faulk said his agency is having Ford local dealerships doing the retrofitting on the sheriff's patrol cars.

"You get hit from the rear end in anything and the possibility of rupturing the gas tank is extremely high," Faulk said. "Even our armored personnel carrier would have damage."

The faith that Alachua County Sheriff's Office has in the Crown Victoria was partially substantiated by the findings in a recent rear-end fatality investigation in Texas. The Dallas medical examiner's office concluded that the police officer driving the car likely could have survived the impact because he had no long bone breaks or head injuries that would have been fatal.

However, an autopsy concluded he died of smoke inhalation and burns caused by fire after the gas tank ruptured.

"I've looked at that case, too," Ryan said, "and they found that of the four punctures to the gas tank, three could have been prevented with a better system. That fact that he could have survived if the gas tank had not been punctured shows why sheriffs and police chiefs want their officers in these cars."

Sen. Smith said he is confident the problem will be resolved if Ford is pushed.

"This can be fixed and it will be fixed because they make up more than 90 percent of the police cars nationwide," Smith said. "Everybody has an incentive to fix this, especially Ford in the states where there is a moratorium on buying these cars because there are no other models out there right now."

Sen. Smith said the reason that sheriffs like Johnny Smith filed their suits in federal court was to make sure it was the corporation, not the local dealerships, who would be forced to come up with a solution.

"This is not about money - it's about fixing these cars and making them safe," Sen. Smith said. "This is also about making sure that the taxpayers don't have to pay the burden of forcing this to be corrected."

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