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Saturday, January 19, 2008

Family relieved after 911 operator convicted

Verdict is first against emergency dispatcher for willful neglect of duty.

Darren A. Nichols and Doug Guthrie / The Detroit News

DETROIT -- Five-year-old Robert Turner just did what his mother told him to do.

With a heart condition, Sherill Turner told him to call 911 if she was in trouble. He did, but operators refused to listen. Now, the series of misunderstandings -- or deliberate neglect -- over calls after she collapsed Feb. 20, 2006, has left him without a mother and may put a 911 operator in jail.

In a case prosecutors call unprecedented, a Detroit jury on Friday found operator Sharon Nichols, 43, guilty of neglecting her duty for treating Robert's call about his dying mother as a prank. Nichols still admits no wrongdoing and blamed the tragedy on faulty equipment.

Advertisement The three-year operator, who was fired in March, faces a year in jail during sentencing March 11 for the misdemeanor.

"We feel she didn't die for nothing. It's a relief to the family," said Robert Yelder, the father of the boy. "It's a new thing, (convicting a 911 operator)."

The 36th District Court jury of five women and one man needed less than three hours to

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deliver the verdict that prompted Nichols to break into tears and bury her head into the shoulder of another operator, Terri Sutton, 47.

Sutton is the operator who lectured Robert for the second time when he called three hours later -- and sent a police cruiser to his east side home to lecture the boy. The officers found his 46-year-old mother dead on the kitchen floor. An autopsy couldn't determine when she died.

Jurors, who dashed out of the courtroom and refused comment, weren't swayed by arguments from Nichols' lawyer that faulty equipment in the city-owned system caused the tragedy. Nichols testified Thursday that her headset made the boy's 43-second call practically inaudible.

Her attorney, Cornelius Pitts, promised an appeal. Judge Paula Humphries dropped charges this week against Sutton, saying the woman was rude to the boy but did send a cruiser.

"We felt we made a presentation that if considered rationally would outweigh the emotion. Unfortunately, that did not prevail," said Pitts, whose closing argument alleged a conspiracy among high-ranking city officials to railroad Nichols to cover up lousy equipment.

"Her judgment (on the call) was in the inability to hear and I don't think there's any question the equipment has a lot to be desired. If you can't hear, how can you make a determination?"

James Canning, a spokesman for Mayor Kwame Kilpatrick, referred questions about Pitts' characterization of the system to James Tate, a police spokesman. Tate did not return several calls.

Tapes played during the trial this week showed Nichols took the first call from Robert, whose mother collapsed in their Detroit apartment. The boy told her his mother had passed out, but Nichols insisted he put his mother on the phone. "She hung up on me," Robert, now 7 and living outstate, testified this week. "She said I was playing on the phone."

According to a police transcript, the youth said, "My momma passed out." The boy testified in court this week he said his mother was dead, because he had put his ear to her chest and heard no heartbeat.

Nichols ended the call by promising to send help. When it didn't arrive, Robert called back.

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Again, Sutton treated it like a prank. She spoke to him for 1 minute, 16 seconds.

"Clearly justice was done," said Assistant Prosecutor Lora Weingarden. "This should serve as a wake-up call to 911 operators in the city and across the nation that they can't dismiss a call as a prank unless they are real certain."

Weingarden said Friday the jury found Nichols not believable. She said the jury did not believe Nichols' testimony that she could not hear the child on the phone.

"Her defense was contradictory to one another and they didn't make sense," Weingarden said. "She said she couldn't hear the call. How could she determine it was a prank if she couldn't hear the call?"

"But this case is not an indictment against all 911 operators. This has left a blemish on the city and on the (911 operators) and that's not entirely fair because so many do a great job. This case is not a reflection on all of them."

The verdict was the first against a 911 operator mishandling a call, Weingarden said.

The case underscores a national problem of crank calls, said Robert Cobb, interim executive director of the National Emergency Number Association, a Virginia-based trade operators group. Cobb said operators throughout the county field about 240 million 911 calls a year and a good portion are cranks. Nichols testified half her calls were fake. Prosecutors pegged the citywide number at closer to 25 percent.

"It's unfortunate that this has happened," Cobb said. "(Crank calls) are significant enough that it's a major concern. It's up to the local center as to how they manage crank calls, but it's an industry-wide problem."

Patrick Halley, the group's government affairs director, confirmed he doesn't know of any convictions involving 911 operators, although workers have been sent to jail for misusing information. Halley added the system works overall, but sometimes situations go wrong.

Southfield lawyer Geoffrey Fieger filed a multimillion-dollar lawsuit in April 2006 against the 911 operators who took the calls.

Friday's verdict may now mean young Robert can go back to his third-grade classroom without distraction. He has missed several weeks of class, said the boy's sister and guardian, Takisha Turner, 24, of Albion.

Turner said she pulled him out of class ahead of the trial because he had been peppered with questions from classmates.

"It means no difference to Robert. He's only 7 years old and all he knows is mom is gone," Turner said.

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Detroit News Staff Writer Candice Williams contributed to this report. You can reach Darren A. Nichols at (734) 462-2190 or dnichols@detnews.com.

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