

November 10, 2006

Questions Police Pursuits

In response to the PS (Jack Lee's blog) commentary on police chases, we have another point of view by Candy Priano. As most of you may know, Mrs. Priano daughter [was killed as result of] a police pursuit and speaking for Tina and myself, as parents, she has our most sincere and heartfelt condolences.

by Candy Priano



Even though there are other innocent victims of pursuit in our area, you may know about only three: Kristie and Katy were killed and Chicoan Lyle Verry is facially disfigured for life due to a fiery crash after a Yuba City chase. This chase lasted only 30 seconds too; about the same length of time as the Paradise chase. A Yuba City officer attempted a traffic stop of a known car thief and robber at about 4 p.m. in a Sam's Club parking lot. This criminal needed to be caught, but many law enforcement agencies throughout the United States would not have allowed this traffic stop because they knew the suspect would not pull over appropriately and a chase in a highly populated area poses an even greater risk to the public than letting the suspect go.

Letting a suspect go does not mean officers stop apprehension efforts; rather, officers initiate other resources to bring about the apprehension of a suspect. (Source: "The Police Chief" magazine, March 2006)

You have to ask: Did officers involved in these three chases--Chico, Paradise and Yuba City--really think these suspects would pull over appropriately? Regarding the Paradise chase, Tinnel had already said more than once that he would do ANYTHING to avoid going back to prison. He did just that and took innocent Katy with him. In the weeks leading up to this chase, Tinnel's female friend led officers to believe she would help turn in Tinnel. But she never followed through and she never followed the officers' instructions, according to a lieutenant in the Butte County Sheriff's Department who spoke to me. In my opinion conducting a high-risk felony traffic stop on a busy, dangerously curved road in the afternoon near a school zone is never more important than the safety of innocent persons or the officers themselves.

Since December 2005, 15 innocent victims and two officers have been killed in California chases. In one deadly chase for a stolen car in Bakersfield, an innocent 17-year-old girl was killed and her 2-year-old niece was paralyzed. A Pasadena toddler was killed as he and his father were on their way to get pancakes. Again, the suspect was driving a stolen vehicle. An unborn baby was killed, as was a 9-month-old baby girl. The other innocent victims range in age from 20 to 61.

I believe the original version of Kristie's Law in 2004 would have prevented these tragedies and saved all of these law-abiding citizens from becoming victims of pursuit.

In some years, it has been reported that police pursuit crashes in the United States have killed at least 140 innocent victims and at least five peace officers. Although not tracked, a considerable number of innocent people and officers suffer permanent, life-altering injuries: lasting facial and bodily disfigurement due to fiery crashes, amputations, paralysis, and mental impairment. The National Highway Traffic Safety Administration (NHTSA) reports these fatalities and admits that these figures are under-reported.

I know they are under-reported because in 2003, two California officers were killed in pursuit-related crashes, but these two deaths are not reflected in NHTSA's 2003 report.

OUR FAILING CRIMINAL JUSTICE SYSTEM

You are correct that our criminal justice system has fallen apart. Our courts and our jails are revolving

doors for felons and parole violators. Makes me wonder why our officers risk their own lives chasing felons and parole violators who most likely will be out on bail within 48 hours or less. D.A. Mike Ramsey told me that even wanted felons have a right to bail.

Regarding the Chico chase that killed my innocent daughter, Kristie Priano, the officers released the teen who fled from police in her mother's RAV 4 after she was treated for minor injuries at the hospital. Yes, the teen who had to be caught went home with her mother while I stayed at the hospital with Kristie, praying for a miracle. Begs the questions: Why the chase? And, did the killing of Kristie really keep "someone else" safe?

The police report on this chase indicates that the teen and her friend had been driving around Chico for two hours prior to the chase, and she did not kill or injure "someone else." The chase lasted two minutes, the average length for most chases, and at the end of those two minutes Kristie was in a coma with major head trauma and later died. Kristie's dad, brother and I were injured and our lives altered forever. The teen, who officers knew had taken her mother's RAV4 without permission, received one year in juvenile hall and three years probation.

I blame the drivers who flee for these tragedies, and the minimal penalties for fleeing are a slap in the face to innocent victims and officers. Yet, as a victim of pursuit, I also learned that when officers fail to follow their own agency's pursuit policy, two wrongs do not make it right; they make it deadly.

SUSPECTS HAVE MORE RIGHTS THAN INNOCENT VICTIMS OF PURSUIT

Innocent victims of pursuit in California do not even have the right to discovery to find out in a court of law whether or not officers followed their pursuit policy.

California law enforcement agencies receive blanket immunity even when officers fail to follow their pursuit policy. Here is an excerpt from a ruling made by the judges of California's Fourth Appellate Court on Nov. 26, 2002, regarding a chase in Southern California through a schoolyard when students were present and an innocent man was injured and later died:

"Unfortunately, the adoption of a policy which may never be implemented is cold comfort to innocent bystanders. We do not know if the policy was followed in this instance, and that is precisely the point: We will never know because defendant did not have to prove officers participating in this pursuit followed the policy. WE URGE the Legislature to revisit this statute and seriously reconsider the balance between public entity immunity and public safety. The balance appears to have shifted too far toward immunity and left public safety, as well as compensation for innocent victims, twisting in the wind." For the full comment read <http://www.kristieslaw.org/judicial.htm>

I certainly blame all fleeing drivers, but that's the point, we cannot put our trust in fleeing drivers to do the right thing so we have to rely on law enforcement to put public safety first and officers to follow their pursuit policies. Can you think of any other public-safety priority where thoughtful policy is developed, adopted, and then legally ignored?

ROOM FOR IMPROVEMENT IN EVERY PROFESSION

I support law enforcement--always have and still do. But officers are human and there is room for improvement in every profession. Improvement is paramount in matters of public safety.

I invite you to learn more about police chases by reading the Introduction to my e-book, "10 Deadly Secrets Behind Police Chases." Here's the link: <http://www.kristieslaw.org/book.htm>.

These tragedies are not accidents. They are crashes. I have spoken to hundreds of innocent victims of pursuit and their families from around the world and we all say the same thing: We are victimized again when others say that our innocent loved ones were killed or injured in car accidents. This term minimizes that we are crime victims. If your innocent loved one was killed in this manner, I can assure you that you would call it a violent crash or a crime or a tragedy, but you would never call it an accident.

Respectfully,

Candy Priano
Kristie's Mom

NOTE: Do you have something to say? Want to reach thousands of politically involved and caring people? Post Scripts is one of the most widely read blogs in Northern California. Our readers are sharp, intelligent people; they are voters and some are legislators. They are just the folks you want to address when it's really important. We will publish any well-written, responsible article on any subject of community interest.

Posted by Jack Lee at November 10, 2006 08:48 AM

Comments

From my earlier editorial..."Yes, the police were in pursuit, but this fatal accident could have happen whether that suspect was being pursued or not, so restraining police from pursuits guarantees nothing. However, we know for a fact IF the suspect had been stopped by the use of deadly force during the initial traffic stop.... the accident would never have happened.

Restrain officers any more and you will only get more needless deaths of innocent people. The officers need backup, not to be trigger happy, but to simply do their job as the law intended. The current law on use of deadly force is too ambiguous."

Posted by: Jack Lee at November 10, 2006 09:20 AM

Candy, I join with Jack in thanking you for this informed, gracious and heartfelt response to our postings.

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You are absolutely right about this. You are a victim in this situation. It was never my intention (and I don't believe it was Jack's) to diminish either this fact or the suffering that criminal activity has caused you and your family. To this end, I can certainly understand and sympathize with your desire to see our system improved upon and I applaud your efforts.

The point of my post was to be clear about who caused this terrible criminal tragedy. If our society refuses to name criminals (and too often we do) and hold them as being totally responsible, our system, rules and regulations mean absolutely nothing...and the officers might as well go home and let survival of the fittest become the order of the day.

I personally believe that the coarsening of our society, the tendency to victimize criminals, parental failure, and the disrespect we have shown police officers have acted together to create an atmosphere of tolerance that enables and even supports or encourages criminal behavior. This is the tragedy in society that I was addressing in my remarks.

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November 04, 2006

Police Pursuits (follow up note)

From the comments section...."Jack, I am continually frustrated by stories like these. Beyond the obvious heartache for the people involved in Katy's life, and the feelings of the officer(s) as well, is a fundamental issue of importance. I want to set aside the family, friends and even the officers for a moment and talk about this one thing.

It's called responsibility. We seem to have lost our ability to name the guilty in our society. I can't help but think it stems from a desire to be "let off the hook" in our own lives. We find fault with or blame anything but the truly guilty. When accidents occur it's an SUV that causes the problem. Guns are the reason gangmembers kill each other. Haliburton and the oil industry are the "reasons" for the war in Iraq. Criminals are victims themselves of an "unfair" society or a disadvantaged life. And now the "chase" is the culprit instead of the escaping felon.

I have to acknowledge ignorance of facts in this case, but even without knowing exactly what happened, it is clear the "wanted felon"...and only he is to blame. His choices and actions caused everything else that occurred...he killed Katy and he endangered the lives of others including the officers involved. We cannot ask the police to do a job and then put them in a box that makes the job impossible. Society has a degree of responsibility as well. If we were producing fewer criminals and punishing criminal activity appropriately, police officers could take up poker or checkers to pass the time of day. Life in America might look a little more like Mayberry RFD and a little less like South Central.

Terrible things happen. We can search for reasons till we're blue and it won't satisfy our outrage or comfort the hurt. Failing to place blame where it clearly belongs only makes this very sad event worse." Tina G.

Posted by Jack Lee at November 4, 2006 03:47 PM

Comments

Tina G. hit the nail on the head. I fully support her contention regarding police pursuits.

By the way, both of you, I have gotten in the habit of reading your blog daily, ever since you started the articles on the west Nile problem in our neighborhood. The city of Chico seems to be working to correct the problems regarding their flood control pond. You were a lot faster than the normal drive by media. Thanks. John B.

Posted by: John Bullerjahn at November 6, 2006 09:44 AM

Even though there are other innocent victims of pursuit in our area, you may know about only three: Kristie and Katy were killed and Chicoan Lyle Verry is facially disfigured for life due to a fiery crash after a Yuba City chase. This chase lasted only 30 seconds too; about the same length of time as the Paradise chase. A Yuba City officer attempted a traffic stop of a known car thief and robber at about 4 p.m. in a Sam's Club parking lot. This criminal needed to be caught, but many law enforcement agencies throughout the United States would not have allowed this traffic stop because they knew the suspect would not pull over appropriately and a chase in a highly populated area poses an even greater risk to the public than letting the suspect go.

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Posted by: [Candy Priano](#) at November 9, 2006 06:06 PM