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## Criminals run, cops chase - and sometimes the public pays

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Mary Plaster lost her leg in an accident in 2008 when a St. Paul police officer crashed during a chase, crushing her leg, and was photographed in St. Paul on Thursday, June 16, 2011. (Pioneer Press: Scott Takushi)

A 21-year-old woman lost her leg when a drug dealer fleeing St. Paul police slammed into a car that hit her.

Another drug suspect fleeing police crashed into a van, injuring its 65-year-old driver.

Before both hot pursuits, St. Paul officers had staged undercover drug buys.

St. Paul police pursuits have led to injuries or fatalities three times more often than those in Minneapolis, according to a Pioneer Press analysis of seven years of police chase data from the state.

The Minnesota Court of Appeals recently said St. Paul wasn't liable in one of the crashes, in which the 21-year-old bystander had to have her leg amputated and sued the city.

But Judge Heidi Schellhas, writing for the majority in upholding the city's immunity, said the judges were concerned about an aspect of the St. Paul police pursuit policy - it allows officers to chase a drug suspect whose identity is known and who could be found later.

The attorney for the injured woman argues in an appeal document to the Minnesota Supreme Court that "chasing a suspect at 100 mph down a city street towards a complicated intersection constitutes a reckless disregard for the safety of others." The St. Paul city attorney said the appeals court ruling was correct.

Bystanders killed or injured might be the most worrisome outcome of police chases, but such cases are rare in Minnesota. Seven percent of chase fatalities or injuries were people who were not involved in the pursuit, amounting to 86

people, according to the Pioneer Press analysis of the data.

When it comes to all chases, 13 percent ended with an injury or fatality statewide. That number was 18 percent in St. Paul and 6 percent in Minneapolis.

St. Paul Police Chief Thomas Smith said he had no specific answer to explain the discrepancy.

"Each chase is so unique," he said. "What were the road conditions like? What was the actual incident itself? We review each case and take a look at our policy.



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"There always has to be a balance between enforcing traffic laws and apprehending serious criminals and safety during a pursuit. I feel very confident that we have great systems in place to monitor those type of activities."

## A CHASE, A CRASH, A LIMB LOST

For Mary Sanford, even one case of a bystander killed or injured in a police pursuit is too many. She started a website - [justiceformaryanddan.com](http://justiceformaryanddan.com) - after her son and his friend were seriously injured in a St. Paul pursuit, the one the appeals court ruled on last month.

"We're hoping to have people think about this so that we can have rules changed, laws changed, and make the public aware that this doesn't have to happen," Sanford said.

It was Aug.



Mary Plaster lost her leg in an accident in 2008 when a St. Paul police officer crashed during a police chase, crushing her leg, and was photographed in St. Paul on Thursday, June 16, 2011. (Pioneer Press/Scott Takushi)

27, 2008, and pouring rain when Wendell Raymone Jones flew through a St. Paul intersection at 100 mph, police not far behind.

An informant had contacted police to say he could order crack cocaine from a man who went by the street name "Nutta" or "Netta."

When the informant set up a deal with the suspect, undercover officers were standing by. Officers moved in to arrest the man, identified as Jones, and he sped off. Police knew the suspect and could have found him later, according to the appeals court opinion.

Meanwhile, Mary Plaster was celebrating her 21st birthday. She and Dan Sanford, then 21, were loading presents into a car on Front Avenue, near Dale Street and Como Avenue.

Plaster's father and stepmother were in a car behind them. When Jones plowed into that parked car, it pushed the vehicle forward and crushed Plaster and Sanford.

Plaster's leg had to be amputated below the knee and she's had 20 surgeries. Sanford's right leg was broken and his left knee shattered; he's had a rod inserted in his leg and his knee reconstructed. Thomas Plaster and his wife also were injured.

Jones was sentenced to 11 years in federal prison and more than two years in state prison for the drug case and fleeing police. He declined a recent interview request.



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## HOT PURSUIT: WHO GETS CHASED ?

The St. Paul police hot-pursuit policy says officers can chase people whose identities are known and who can be found later only if "a serious felony or hazardous driving behavior is involved."

The policy does not define "serious felony."

In the lawsuit against St. Paul in the Plaster case, the city argued that the first-degree drug offense that Jones was wanted for qualified as a serious felony. The appeals court agreed, affirming a lower-court ruling.

Attorney Patrick O'Neill Jr., representing Plaster, her father and Dan Sanford, had argued that police did not need to chase Jones because it was not an emergency or a crime in progress.

The court said the police officers were immune from liability in the chase because they did not act willfully or maliciously but were performing their duties as police policy allows.

Minnesota provides immunity for public officials so that the fear of personal liability does not deter them from doing their job.

O'Neill is seeking to appeal the ruling and, in a petition for review to the state Supreme Court filed Wednesday, he cited the police department's "vague, ill-defined and outdated" policy. The high court will decide whether to accept the case.

St. Paul City Attorney Sara Grewing said: "While the circumstances surrounding this case are incredibly tragic, we believe the Court of Appeals got it right and followed the precedent of current law."

Minnesota Appeals Court Judge Lawrence Stauber, who wrote the dissenting opinion, said there was "significant evidence" for a jury to find police "were reckless and willfully and wantonly negligent."

"In such a case, the city and the officers are not entitled to immunity," Stauber said.

Geoffrey Alpert, a University of South Carolina professor of criminology and the co-author of "Police Pursuits: What We Know," said he believes pursuits should boil down to the need to immediately apprehend a suspect.

"My line in the sand is a violent crime," he said. "Otherwise, it's not worth the risk to the officer, the suspect and the public." Alpert said he does not consider a drug offense to be a violent crime.

Smith, the St. Paul police chief, said that people involved in drug offenses can be "very violent individuals" and that drug dealers often carry guns. Jones, the man convicted in the Plaster case, was a gang member and had been arrested for possessing a firearm and police were told he might have a gun, a police report said.

In Minneapolis, the pursuit policy is more specific about offenders police can identify and apprehend later. In those cases, the policy says officers shouldn't chase unless the crime is for homicide, first- or second-degree assault, aggravated robbery, sexual assault involving the use or threatened use of a dangerous weapon, or kidnapping.

When Minneapolis police Sgt. Scott Olson came to the department in 1993, the attitude was "chase them until they crash," he said. "There was no, 'Hey, this isn't worth it, stop the pursuit.' "

But the department's policy over the years became more restrictive, said Olson, a coordinator of pursuit driving training.

## 'A TOUGH SITUATION'

Four days before the appeals court decision was filed in the Plaster case, police were involved in a pursuit in St. Paul with similar circumstances.

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On May 12, St. Paul police and Ramsey County sheriff's deputies were working on an undercover drug deal. They had information about a man selling cocaine and an undercover officer arranged to buy some.

After the deal, arrest teams moved in and an officer tried to stop a car involved - they believed a man inside was the drug supplier, according to a criminal complaint. The car fled from police, sped to 70 mph on Rice Street and ran a red light, the complaint said.

When an officer couldn't keep up with the suspect, he backed off and broadcast information to other officers to look for the car, according to the complaint charging Rayvell Deprie Carter with first-degree violation of controlled-substance law and fleeing police.

Carter crashed into a minivan, causing it to roll and injuring the 65-year-old driver, the complaint said. The man was treated at a hospital for a head cut and released.

Carter pleaded not guilty last week. He was not the supplier of the drugs and his reason for trying to get away was "unrelated to any drug-trafficking allegations," said Barry Voss, Carter's attorney, who added that the reason would come out at trial.

Voss said he didn't think police should have been pursuing Carter in the first place.

When an offense isn't violent and if police "have a pretty good idea who the suspect is, how can you say high-speed pursuits are in the best interest of the public?" Voss asked. "It just creates situations like this, when police escalate things and a bystander, an innocent person, gets injured." A police spokesman said officers did not know Carter's identity before the pursuit.

The St. Paul policy says "an officer must consider if the pursuit itself would create a more hazardous condition than if no pursuit occurred." That includes considering 18 factors, including the nature and seriousness of the offense, the suspect's driving behavior, the density of traffic, the time of day and weather conditions.

"We have to weigh the balance - if we don't pursue this individual...what happens?" Smith said. "We have to balance what we do every single day, and

that's very difficult to do."

After becoming chief last summer, Smith initiated a review of the department's pursuit policy. A revised policy will be completed soon, Smith said. He said he wouldn't talk about the changes until they're finalized but described them as minor.

'BETTER... TO BACK OFF'

Dennis Kenney, a criminal-justice professor at John Jay College of Criminal Justice and co-author of the police pursuit book, surveyed people who had fled from police and been caught.

"Most of the people who ran did so for fairly minor reasons," he said. "But once they made the decision to run, they were in for a penny, in for a pound. They were willing to do pretty much anything and take pretty much any risk to get away."

So, if police know who a suspect is, "pushing them pretty much increases the risk to everyone," Kenney said. "The better thing is to back off and get them in a more controlled environment."

The adrenaline rush among officers during a pursuit is a big issue, Kenney said.

"Quitting and backing down isn't something officers do well," he said.

To try to counter that, some departments require officers to immediately report chases and supervisors decide whether to authorize it, Kenney said. In St. Paul and Minneapolis, supervisors or

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officers can call off pursuits.

Officers in Minnesota must go through eight hours of training in emergency vehicle operations, which includes pursuits, at least every four years.

## FEWER CHASES

The number of police pursuits in Minnesota has declined over the past seven years by 48 percent - from 1,324 to 687.

Hennepin County Sheriff Rich Stanek, who as a state representative in 1999 authored a bill that required the state to develop a model police-pursuit policy, said he thinks departments having that standard made them crack down on the number of pursuits. Police also respond to public opinion, he said.

"They don't like it when police chase vehicles," he said of the public. "There are only two outcomes - the person stops and gives up or there's a crash and people could be critically injured."

The theory of Olson, the Minneapolis sergeant, for the lower injury and death rate in Minneapolis: Supervisors have increased oversight of pursuits and officers decide more often, on their own, to quit chases.

"They understand there's a huge liability, both on themselves and the department," he said.

## 'TRYING TO MOVE ON'

Plaster finished paying off her prosthetic leg three months ago but will soon need a new one (they last about three years). A prosthetic leg costs about \$40,000; Plaster said her insurance covers 80 percent, and she's responsible for the rest.

While she understands the need for police chases, she said she thinks St. Paul police need a better policy and more training.

On the third anniversary of the crash in August, Plaster will turn 24. The accident has been physically and mentally damaging, she said.

"I haven't spent a birthday since not bawling my eyes out or in the hospital," Plaster said. "I'm trying to move on with my life and pick up the pieces and figure out what I'm going to do."

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