

Pursuit-related crashes, on average, kill three innocent bystanders every week.



Kimberly Aragon-Nunez, Kristin Saragusa, Alliyah Griffin, James Williford, Donna Deitz, Carolynn Reece, Angeles Ipiña, Kristie Priano, Tabatha Berg, Steven Ehrensperger, Laura Felder, Patty Criner, Brian DeWitt

February 4, 2020

The Supreme Court of California  
350 McAllister Street  
San Francisco, CA 94102

Re: *Riley v. Alameda County Sheriff's Office*, Case # S260342  
Amicus Letter

To the Honorable Justices of the Supreme Court of California:

I am Esther Seoanes, an acute-care nurse practitioner in Austin, Texas. In my work, it is essential to me that I provide the best possible care to my patients, to improve their overall health with the goal of restoring them to their pre-acute illness phase. My job is demanding, but it provides me with great pleasure and fulfillment to guide my patients back to their baseline health.

In my profession, I frequently see death. I also see pain in the faces of family members of deceased patients. My life, which had always been on this safe side of the world, changed very suddenly on June 15, 2012, when a vehicular police pursuit of a shoplifter crashed into my husband, James Williford, killing him.

James wouldn't want anybody else to die or suffer as he did. My own pain and suffering continues to this day. And I am not the only person suffering from his death; James was awesome, always helping others. He was on his way to help a friend suffering from cancer when he was killed. This world needed him!

Recognizing the terrible loss James's death caused to the world and understanding that ours was not the first such tragedy, I was driven to do something. I turned to the Internet and discovered PursuitSAFETY and the organization's founder, Candy Priano. From our first encounter, I never had to wait for Candy to answer a phone call or email, as she made the loved ones of pursuit victims her first priority. Candy visited me at my home when I organized an event for Texas families who had recently buried their loved ones due to the same tragedy which impacted both our lives. Together, then and now, we promote PursuitSAFETY as a safe place where families from any state or country can turn to for the support they need.



**A National Nonprofit Organization**  
founded June 30, 2007,  
**PursuitSAFETY is working to**  
**reduce deaths and injuries as**  
**a result of unnecessary police**  
**pursuits and response calls.**

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**Contact PursuitSAFETY**

P.O. Box 3128  
Chico, CA 95927-3128  
530-519-9754

[www.pursuitsafety.org](http://www.pursuitsafety.org)

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Today, I am proud to serve as the executive director of PursuitSAFETY, a national 501(c)(3) nonprofit organization based in California. Our mission is to prevent innocent bystanders and police officers from being needlessly killed or injured in vehicular pursuits for nonviolent crimes or for any reason that does not put the public in imminent danger. We accomplish our objectives in several ways:

- championing state and federal legislation requiring the adoption and implementation of, and adherence to, well-defined pursuit policies which allow chases only for violent crimes posing a threat to life;
- advocating for federal funding of much-needed pursuit-reduction technology for law enforcement (to our knowledge, we are the first victims' advocacy organization to ask the U.S. Congress to include pursuit-reduction technology in federal law-enforcement grants; specifically, the Byrne Grant and COPS technology funding);
- raising awareness through outreach presentations to civilians and law enforcement; and
- educating teen drivers about the inherent dangers of pursuits.

California and Kentucky were the last U.S. states not to require police officers to follow their own agencies' adopted pursuit policies. As of June 13, 2019, only one state—California—still did not place public safety first when it came to vehicular police pursuits. On that date, Kentucky's highest court overruled a 50-year-old state law that stated, "Police cannot be made insurers of the conduct of culprits they chase." The Kentucky Supreme Court held that there is a jury question on liability in police chase cases: whether the fleeing suspect or the officer caused injury to innocent bystanders.

In our amicus brief to the Kentucky Supreme Court for this historic case, *Estate of Luis Gonzalez II v. the Scott County Sheriff*, we wrote, "Pursuit policies can save lives, but their effectiveness depends upon the extent to which compliance is actually and meaningfully enforced. It is PursuitSAFETY's belief that such meaningful compliance and enforcement can only be achieved through the actual or potential imposition of civil tort liability upon law enforcement agencies or officers who fail to exercise due regard for the safety of third persons, and where such failure results in harm to third persons. Beyond simply providing compensation to innocent victims, police officer civil liability serves the critical function of deterring unreasonably dangerous conduct. Indeed, there can be little doubt that '[d]eterrence is a real and present virtue of the tort system. The actual or potential imposition of civil tort liability changes the behavior of others.'" [Andrew F. Popper, "In Defense of Deterrence," 75 Albany Law Review 181 (2012)].



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PursuitSAFETY urges the California Supreme Court to recognize that innocent victims of police pursuits and their family members are not simply seeking an adequate legal remedy but are “ask[ing] the legal system to take steps to prevent repetition of their tragedy.” [Id., 182].

As Atlanta attorney Richard Hendrix stated in our brief, “Put simply, raising the specter of civil liability by allowing civil suits against police officers in pursuit cases to go forward where there is sufficient evidence to warrant a jury’s consideration of a lack of due regard will alone save lives in Kentucky, even if such suits are ultimately unsuccessful, because the potential for civil liability will discourage thoughtless behavior and increase accountability.”

Vehicular police pursuits kill the innocent. On average, crashes that end police pursuits kill one person a day in the United States. Over one-third of the people killed are innocent bystanders. Throughout California, police chase crashes kill and injure children, spouses, parents, and other family members and friends, including our founder’s daughter, Kristie Priano. As a nurse practitioner and victim of pursuit myself, my heart breaks over the fact that, while Kristie was dying in the hospital, the Chico, California, police found the infraction so minor that they didn’t even arrest the fleeing driver.

When “Kristie’s Law,” a bill to establish a statewide policy allowing pursuits for only violent crimes and to require officers to follow their policy, failed a second time in the California Senate in 2005, the late Senator Sam Aanstad (R-Grass Valley), who sponsored the bill, said, “Florence Nightingale, over 120 years ago, bucked the system when she told doctors they needed to wash their hands before they did surgery, and she was laughed at, and she was scoffed at, and people were dying, but she persisted. Today, the sanitary conditions that she developed for hospitals have revolutionized medicine. You have a chance to be the Florence Nightingales.”

On behalf of PursuitSAFETY, I respectfully request that the California Supreme Court grant review in *Riley v. Alameda County Sheriff's Office* in order to address this life-and-death issue, specifically the unfairness which results when lack of compliance with an adopted pursuit policy has no bearing on a law enforcement agency’s immunity. This case offers the Court an opportunity to settle this important issue of law left explicitly undecided in *Ramirez v. City of Gardena* (2018) [5 Cal.5th 995] and to secure uniformity in appellate decisions throughout California.



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I close by reiterating how important it is to me that I provide the best possible care for my patients. In my work, as in most professions, I must follow hospital policy; it is literally a matter of life or death. I beg the court, in Kristie's name and on behalf of all the innocent victims of California, to please require officers to follow their pursuit policy.

Thank you for your consideration.

Sincerely,



Esther Seoanes  
Executive Director, PursuitSAFETY  
[esther@pursuitsafety.org](mailto:esther@pursuitsafety.org)

cc: Timothy P. Rumberger, Esq.  
Richard W. Hendrix, Esq.  
Susan Aanestad, wife of the late Senator Sam Aanestad  
Candy Priano, [candy.priano@pursuitsafety.org](mailto:candy.priano@pursuitsafety.org)



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STATE OF CALIFORNIA )  
  )  
COUNTY OF ALAMEDA )

I am employed in Alameda County. My business address is 1339 Bay Street, Alameda, California 94501, where this mailing occurred. I am over the age of 18 years, and am not a party to this within entitled action. I am readily familiar with the practices of these law offices for collection and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited with the United States Postal Service in the same day in the ordinary course of business.

I served the foregoing document(s) on recycled paper bearing the title(s):

**PursuitSAFETY – AMICUS LETTER**

on February 4, 2020 by placing true and correct copies thereof addressed as follows:

First District Court of Appeal, 350 McAllister Street, San Francisco, CA 94102  
Justice Simons, Justice Jones, Justice Burns

Jody Struck, Haapala, Thompson & Abern, 1939 Harrison Street, Ste 800 Oakland, 94612  
Counsel for Alameda County (Sheriff’s Office)

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JULIETTE ROMERSON, 1064 84<sup>th</sup> Avenue, Oakland, CA, 94621  
JADEAJA CARTER, 124 Martinique Court, Stockton, CA, 95210  
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[ ] (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

DATED: February 4, 2020

By:   
TIMOTHY P. RUMBERGER, Esq.  
Counsel for Plaintiff William Riley

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