



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:

Kristie's Law became a national grassroots organization in 2003 to support the true victims of police pursuit crashes: innocent bystanders and their families. Kristie's Law is dedicated to the public interest in promoting *safe* law enforcement vehicular pursuits. We partner with PursuitSAFETY, a national 501(c)(3) nonprofit organization I founded in 2007, based in California.

I was an ordinary citizen thrust into this controversy by the death of my daughter, Kristie Priano. One minute, Kristie was a 15-year-old honor student and community volunteer, laughing with her brother in the back seat of our family minivan on the way to play in her high school basketball game. The next, she was one of hundreds who die each year across the nation from violent crashes caused by police pursuits of nonviolent suspects. More than one third of those killed are innocent bystanders—just like Kristie.

My Kristie—our family's little spark plug, filled with independent ideas—was a source of great joy, giving me hugs and telling me not to worry. Because of a police pursuit gone terribly wrong, she is and will always be achingly absent.

Police pursuit crashes have killed innocent people and police officers to retrieve such things as \$15 or less worth of stolen gasoline, a six-pack of beer, shoplifted merchandise, and a vacuum cleaner. Kristie died because a mother called the police to complain that her daughter had stolen the family car. It is often the case that irritated family members call the police to recover borrowed vehicles not promptly returned or taken

without permission, and that is what happened in our case. The police need to use other safer methods to apprehend these clearly-identified and nonviolent suspects rather than by high-speed, vehicular pursuits through populated areas. Police departments that adopt and *follow* well-defined pursuit policies which allow chases only for violent crimes posing a threat to life keep the death toll low.

In our case, the police had a relatively safe pursuit policy in place but did not follow it. And, due to California's immunity shield, they were never held accountable for violating their policy and putting the public at risk, nor were they discouraged from making the same mistakes in the future. This was very difficult for my family to understand and live with. However, I found strength in my suffering to help others who must endure this heartbreak and to try to keep it from happening to yet others. I am proud of our organization, its members, and all their efforts to achieve these goals. For all that we have achieved, this potential review by the Supreme Court of California stands to surpass it all and achieve my greatest goal: to finally put a stop to this bad law which puts innocent people at risk every day.

For 17 years, I have tried to prevent my tragedy from striking others through the courts, in the state legislature, through public education and police training courses. The immunity shield provided for in Vehicle Code §17004.7 was in an addendum to a bill signed into California law in 1988. The people behind this last-minute special likely never intended to grant immunity from civil liability to public entities when officers did not follow their own agencies' pursuit policies. Yet, that is what has happened, as I and too many others can attest to. I believe that the immunity shield is why California leads the nation in pursuit fatalities. [Bureau of Justice Statistics, *Fatality Analysis Reporting System, 1996–2015*, May 9, 2017].

In 2004, Senator Sam Aanestad (R-Grass Valley) introduced SB1866, known as "Kristie's Law," to fix the flawed 1988 law. He did this at the urging of the California Court of Appeal, Fourth Appellate District: "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 [...] twisting in the wind." [*Hoa Nguyen v. City of Westminster*, 2002].

Aanestad's bill, which came under fire by the law enforcement lobby in California, did not pass. The senator tried once more in 2005, and again, "Kristie's Law" failed. However, that same year, law enforcement's measure, SB719, carried by Senator Gloria Romero (D-Los Angeles) passed. When asked if I would like Kristie's name on Romero's bill, I declined. I knew that SB719 did not go far enough to save lives and

therefore did not deserve to bear my daughter's name. Indeed, the number of innocent victims has continued to climb despite the passage of SB719, ostensibly designed to encourage safe vehicular pursuits by peace officers.

Justice Rylaarsdam described my experience quite well in *Hoa Nguyen et al. v. City of Westminster*, writing, "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 police officers participating in this pursuit followed the policy."

On behalf of Kristie's Law and the many, many victims of police pursuits I continue to meet and support, I implore the Court to thus please consider reviewing *Riley v. Alameda County Sheriff's Office*, to address a defect in the law which has cost hundreds of lives.

Sincerely,



Candy Priano
Founder and Victim Services Director

Kristie's LAW

47 Edgewater Court
Chico, CA 95928
candy.priano@pursuitsafety.org
530-519-9754

c: Timothy P. Rumberger, Esq.
Susan Aanestad, wife of the late Senator Sam Aanestad

PROOF OF SERVICE

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):

KRISTIE’S LAW – 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)

[] (BY HAND DELIVERY) I delivered such envelope(s) by hand to the addresses listed above.
[XX] (BY TrueFiling) to the address(es) set forth above

[XX] (BY MAIL) I placed such envelope(s) for collection and mailing on this date following ordinary business practices to the addressees listed below:

Alameda County Superior Court, Appeals Unit, 1225 Fallon Street, Oakland, CA 94612
Hon. Winifred Smith, Hon. Ioana Petrou, Hon. Michael Markham,

JULIA ROMERSON, 1064 84th Avenue, Oakland, CA, 94621
JULIETTE ROMERSON, 1064 84th Avenue, Oakland, CA, 94621
JADEAJA CARTER, 124 Martinique Court, Stockton, CA, 95210
THOMAS ROMERSON, 1064 84th Avenue, Oakland, CA, 94621
TERINA HARRIS, 124 Martinique Court, Stockton, CA, 95210
DWAYNE KENT, 1520 Alcatraz Avenue, Berkeley, CA, 94703

[] (BY HAND DELIVERY) I delivered such envelope(s) by hand to the addresses listed.
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[XX] (STATE) I declare under penalty of perjury that the foregoing is true and correct.
[] (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

Document received by the CA Supreme Court.