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IS IT *WHEN* TO CHASE? OR *IF*?

Ten days and twenty-five hundred miles apart, two pursuits end in tragedy



By Julius (Jay) Wachtel. [Kayla Woods](#) won't be enjoying a seventh birthday party. She'll no longer be there to watch over her younger brother and comfort him when he's sad. And she'll never again play with her friends, like she was doing on June 10, when a vehicle fleeing from police sped through the Lake View Terrace neighborhood where she and her family lived. According to her grieving father Kayla was all of six years and ten days old when the speeding car crushed her tiny body, pinning her against a wall.

[Moments earlier](#) LAPD officers responded to reports of a drug transaction involving armed men. When cops arrived a vehicle containing three suspects took off. Police gave chase. As the pursuit entered a residential area the car's occupants tossed two handguns. Seconds later, while negotiating a sharp turn, the vehicle went out of control and plowed into a sidewalk, striking the victim. Two passengers, Juanquin Hiriarte, 34 and Manuel Ydiarte, 49 were immediately arrested. The driver, Aaron Rojas, 32, was taken into custody two hours later when a police dog found him hiding in the trash. [All were charged](#) with murder, felony evading and being ex-cons with guns. Ydiarte was also charged with possessing heroin for sale.

Local residents wondered why police would chase in a residential area. In an interview LAPD Chief Charlie Beck emphasized that officers were dealing with armed criminals and that the pursuit was "very brief." He also said that deciding whether to chase was a "tough call" and had he known the outcome in advance he would have told officers not to come to work.

Ten days later in Harlem a [speeding minivan](#) approached a red light. It didn't bother to slow down. In what a witness described as an "explosion" an oncoming vehicle smashed into the van, catapulting it into a group of pedestrians waiting to cross the street. Sister Mary Celine Graham, 83, was killed. Several others were injured, including Sister Mary Celine's fifty-eight year old health aide, Patricia Cruz, a mother of six. Ms. Cruz was hospitalized in critical condition but is expected to recover.

A member of the Franciscan Handmaids of the Most Pure Heart of Mary, Sister Mary Celine retired in 1999 after spending fifty-one years as a teacher and director at Harlem's St. Benedict's Day Nursery. Described as "a wonderful lady...a holy woman, bright, vibrant," Sister Mary Celine suffered from Parkinson's disease but was determined to "continue her work through prayer."

Sister Mary Celine's mission wasn't interrupted by an ordinary accident. The van that brought her life to its sudden, violent end [was being chased by police](#). Only moments earlier officers had pulled it over in connection with an armed robbery. As its 18-year old driver was arrested his 20-year old companion took the wheel and drove off. He fled after the accident but was caught the next day.

Police strongly defended their actions. Police Commissioner Raymond Kelly described the brief pursuit by an unmarked sedan – it ran with red lights and siren and kept a block away – as within guidelines and tactically sound. "It was an unfortunate series of events that caused a nun to lose her life," he said. Dr. Geoffrey Alpert, an expert in such matters, remarked that "chases often end badly" so the trend has been to restrict them. Yet he went on to say that in this particular case what the police did seemed appropriate.

What's known about police pursuits? Querying the [FARS database](#) for pursuit-related vehicular fatalities in 2008, the most recent year with complete data, yielded 279 crashes and 320 deaths. Victims included 301 vehicle occupants, twelve pedestrians, three bicyclists and four others. Although the toll has remained stable for a decade (275 crashes and 321 fatalities in 1998) reporting isn't mandatory, so the figure is presumably an undercount. Applying simple corrections, the author of a [2002 article](#) in the FBI Law Enforcement Bulletin estimated yearly pursuit-related deaths at 375 to 500.

Yet even that figure may be too low. [A comprehensive 1992 study](#) sponsored by the AAA Foundation for Highway Safety reported there were about 50,000 pursuits

each year, with 18 to 44 percent leading to accidents, five to 24 percent causing injuries, and one to three percent – 500 to 1,500 – resulting in deaths.

It's currently accepted that about forty percent of chases end in a collision. A [1997 NIJ study](#) reported that 40 percent of Omaha pursuits caused property damage and that 41 percent of Miami chases caused injuries. [More recently](#), two-thousand in-service Minnesota police officers reported that 41 percent of the chases in which they had participated ended with someone (usually the person being pursued) crashing.

There's no denying that chases are inherently dangerous. It's also well known that cops are reluctant to back off. Officers in the Minnesota study, for example, said they voluntarily discontinued pursuits less than five percent of the time.

But should cops chase in the first place? In a [2008 report](#) for the Police Foundation, Alpert and Smith concluded that pursuits are difficult to justify:

The empirical research debunked two common myths: most fleeing suspects are dangerous violent felons; and if the police don't chase suspects, all suspects will continue to flee, thereby greatly endangering public safety. What emerged...was the fact that most suspects who flee the police were young males who had committed minor offenses and who had made very bad decisions to flee. Additionally, the research supported the finding that if the police were to restrict their pursuit policies and not chase all offenders, no wholesale fleeing was likely to occur....

Fleeing suspects may not be as benign as the authors suggest. Kayla Woods and Sister Mary Celine were killed in chases involving armed offenders. And while a slim majority (fifty-one percent) [of Omaha](#) pursuits were for traffic violations, a not inconsiderable forty percent of those chased had committed serious crimes. [In Miami](#) the proportion of such chases was 35 percent; over four years that amounted to 117 armed robberies, 67 vehicular assaults, 37 aggravated assaults, 37 stolen vehicles, 24 burglaries and 62 other felonies.

With evidence accumulating about the tragic consequences of pursuits the tendency has been to restrict the practice. Perhaps the most extreme example is Baltimore, where General Order 11-90 (in full, [here](#); summarized, [here](#)) prohibits high speed pursuit driving except when "failure to pursue may result in grave injury or death." Pursuing officers must use lights and siren and come to a full stop at controlled intersections. In addition, the Maryland Court of Appeals [has ruled](#) that 11-90 is admissible in civil actions against the city. So the bottom line is clear: if you're a Baltimore cop, don't even think about chasing.

Pursuit policies in [Los Angeles](#) and New York (PG 212-39, not online) are far more permissive. Excepting infractions and misdemeanor evading or reckless driving, LAPD officers may pursue anyone who tries to flee. Cops must take into account factors including the severity of the offense, community safety, risk to the public by pursuing, traffic and weather conditions, and whether a violator can be apprehended later.

New York City's policy is similar. Officers must consider the nature of the offense, time of day, weather, location and population density, the capability of their vehicle and their familiarity with the area. Pursuits must be terminated "whenever the risks to uniformed members of the service and the public outweigh the danger to the community if [the] suspect is not immediately apprehended." Unmarked vehicles and motorcycles must "limit" pursuits and yield to regular patrol cars as soon as practical.

In trying to strike the proper balance some jurisdictions restrict pursuits to specified crimes. [New Jersey](#) limits chases to offenses punishable by at least five years in prison, or to persons who pose an immediate threat to the safety of police or the public. [Orlando](#)'s policy is narrower, allowing pursuits only when officers "have a reasonable suspicion that a fleeing suspect has committed or has attempted to commit a violent forcible felony..." (Dodging fleeing cars doesn't count.) Then there's [Milwaukee](#), where a recent spate of pursuit-related deaths led the city to institute a policy requiring that officers have probable cause to believe that a violent felony occurred before starting a chase.

Kayla Woods and Sister Mary Celine were struck down by felons fleeing from gun-related incidents. From what's known the New York City episode, at least, should satisfy virtually all rules short of Baltimore's. Yet even if shaped by the most stringent cost-benefit analyses, pursuit policies seem awfully hollow when, as so often happens, an innocent life is lost. It may be that as extreme examples of the application of force (think about your Saturday morning drive, then consider 3,000 pounds of steel coming your way) chases should be subject to public scrutiny and their conditions enshrined in law so that everyone who may be affected is onboard.

Or we could just say "no."