

What Were They Thinking?

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A televised police pursuit of a stolen car last week ended in a head-on collision when the driver went the wrong way on the Century Freeway.

The crash critically injured the suspect, his passenger and three others in the oncoming car, prompting the obvious question: Why would police think it a good idea to chase a car going the wrong way on a freeway?

Officer Jason Lee, an LAPD spokesman, said police halted the August 30 pursuit when the car entered the 105 freeway at Central Avenue, driving east in the westbound carpool lane. But footage of the 9 p.m. chase, shot from a news helicopter and made available to the *Weekly* by KTLA-TV 5, raises questions about whether police had given up.

The aerial view shows the suspects' car speeding in the carpool lane, followed by a police cruiser that appears to be seven or eight car lengths behind. No police cars are in the frame when the crash occurs, and the first one appears 16 seconds later.

Lee said that the cruiser was one-quarter mile behind the suspects' vehicle, joining the LAPD police cruisers that monitored the stolen vehicle's progress from the other side of the freeway. "You don't pursue people from a quarter-mile behind," he said.

But, with the LAPD cruiser still in sight, could the fleeing suspects have known the pursuit was off?

When a pursuit becomes unsafe, LAPD policy calls on officers to stop it, which Lee maintains occurred. But Hugh Manes, a retired 47-year veteran police-misconduct litigation attorney and a longtime critic of police pursuits, disagrees. "They definitely were in the lane and were right there at the scene when the crash happened," said Manes, who holds that the many accidents related to police pursuits make them counterproductive. "They should be pursued in rare instances, when the suspects represent an imminent threat to the entire community — firing guns, using the car in such a reckless manner that it endangers people." A stolen car, he said, will eventually be abandoned and can be recovered later.

The American Civil Liberties Union of Southern California has long held that only dangerous felons should be the subject of high-speed law-enforcement chases. LAPD spokesman Lee points out that a loaded automatic weapon was tossed from the vehicle during the pursuit.

Injured in the crash were driver Daniel Payan, 21, and Regulo Orozco, 24, both of Los Angeles. They were charged with grand theft auto and felony evasion. The California Highway Patrol would not release the names of people in the oncoming car.

Lee said he would not get into a debate with an attorney about the pursuit. "That's what the courts

are for," he said. But it's not likely that any litigation will settle the point. The California Legislature passed a law in 1988 that immunized police against damage suits related to car chases. And a federal lawsuit would have a tough time, too. A 1998 U.S. Supreme Court ruling found that an officer's decision to give chase to an evading vehicle does not violate anyone's constitutional rights.