

In LAPD crash, 1/17/12 blame is elusive

In 2009 a patrol car slammed into an aging BMW, taking the life of Devin Petelski, 25. That much is certain. Much more is not.

JOEL RUBIN

The two calls for help came across the radio minutes apart. The first was for a routine home burglary. The second put the night's tragedy in motion.

It was Oct. 15, 2009, a Thursday, and James Eldridge, a 20-year LAPD veteran, was on patrol in Venice. His partner, a rookie on the job only a few months, rode beside him. Shortly before midnight, a dispatcher came over the radio and assigned the officers to the burglary at a nearby home on Venice Boulevard.

Moments later, the radio squawked again: Another burglary at a different location. This one, however, was a more serious "hot prowler" — cop speak for when thieves are still in the house. Other officers were dispatched to the second call, but Eldridge decided that he and his partner, Ramon Vasquez, would back them up. With the car's emergency lights and siren turned off, he sped east down Venice Boulevard toward the second address.

Suddenly, Eldridge told investigators, he saw an old BMW sedan "come flying" out from a side street. His 4,300-pound Ford Crown Victoria slammed into the driver's side, sending the car spinning until it came to rest facing the wrong way on Venice. The patrol car careened onto the sidewalk and hit a tree. Eldridge and Vasquez escaped with relatively minor injuries. Devin Petelski, the 25-year-old driving home from her job as a counselor for troubled children, sustained traumatic chest and head injuries. She died two days later.

In April, the city quietly paid \$5 million to settle a lawsuit brought by Petelski's parents — one of the largest amounts taxpayers have ever paid to resolve a case like this. But that does not begin to tell the whole story of the crash.

Behind the legal resolution of the case, there re-
[See Crash, A8]

[Crash, from A1]

main two starkly different accounts of that night. In one, Eldridge is driving recklessly fast. Eldridge, Vasquez and other officers later try to shift the blame for the crash onto Petelski. In the other account, what happens is a tragic accident caused by a woman who pulls into the path of a responsible cop trying to do his job.

There is science to support both versions. But both can't be true.

News of the accident spread quickly through the tight social circles of the Westside. Petelski was well-known, having grown up in Brentwood and attending private schools in the area. A few

thousand people joined a Facebook page created to share information. By the morning after the crash, rumors were spreading that the officers not only had been speeding without their emergency lights and siren on, but they had turned off their headlights as well.

Someone coined a term for it — silent running — and it was assumed to be a common LAPD practice. "End Silent Running" became a rallying cry on protest T-shirts, blogs and in news accounts of the crash.

The claims weren't true — tests on the filaments in the headlights showed that they had been on. Nonetheless, the LAPD found itself on the defensive. The demands for a full accounting of the accident grew louder when Petelski died. A few nights later, 200 or so people holding candles silently marched from the accident scene to the local LAPD station. They were met at the door by Capt. Joseph Hiltner, who at the time was commanding officer of the area.

Hiltner, reading from a prepared statement, expressed the LAPD's condolences to the family, but quickly made it clear how he felt about the allegations being made against his officers.

"Unfortunately, there has been erroneous information put out that is not only inappropriate but disrespectful," he told the crowd. "These misrepresentations are hurtful and serve no valid purpose. This investigation is ongoing and so we don't yet have all the facts to provide the community with exactly what transpired leading up to this tragic accident."

LAPD investigators, meanwhile, were working to piece together what had happened. In separate interviews the day after the accident, Eldridge and Vasquez gave nearly identical accounts. Both estimated Eldridge had been driving between 40 and 45 mph.

Ryan Case, one of the first officers on the scene, recounted for investigators how, "During CPR, I detected the odor of an alcoholic beverage emitting from the female's mouth." Case did not respond to requests for comment.

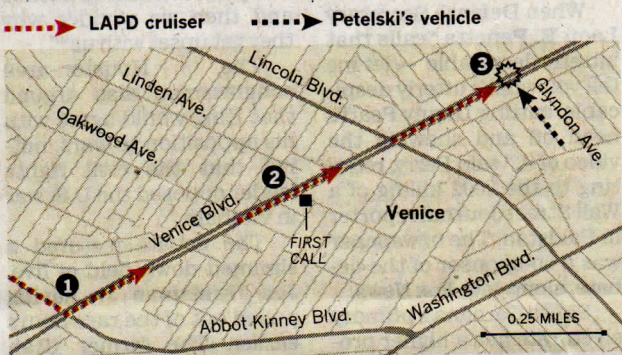
The few witnesses to the crash talked to police as well. Those who saw Petelski approaching the intersection said she came to a stop before pulling onto Venice. They were divided, however, on the question of how fast the police cruiser was traveling.

One witness wrote that "it appeared the police vehicle was traveling at the speed limit, but it may have been increasing speed."

Tragic collision

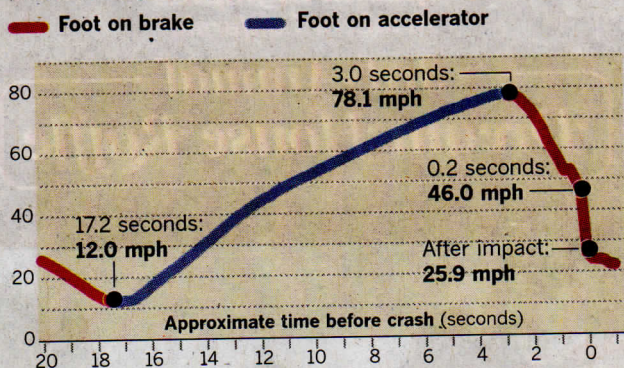
As LAPD Officer James Eldridge responded to a reported burglary on Oct. 15, 2009, his car recorded its speed before colliding with Devin Petelski's BMW. Police officials dispute the recorded data.

Scene of the accident



- 1 A witness sees a police car turn east onto Venice Blvd. with emergency lights and siren on, then turn them off.
- 2 Location of first burglary call. Officers bypass it and proceed toward another burglary call.
- 3 Petelski pulls onto Venice from a side street. The LAPD cruiser broadsides her car, killing her.

LAPD car speed (miles per hour)



Recorded speed data

Time (seconds)	Speed (mph)	Brakes	Time (seconds)	Speed (mph)	Brakes
20.0	25.9	On	7.0	65.5	Off
19.0	20.6	On	6.0	69.2	Off
18.0	14.5	On	5.0	72.8	Off
17.0	12.4	Off	4.0	75.7	Off
16.0	17.1	Off	3.0	78.1	Off
15.0	23.5	Off	2.0	72.6	On
14.0	30.6	Off	1.0	56.3	On
13.0	37.8	Off	0.8	52.6	On
12.0	43.9	Off	0.6	53.2	On
11.0	49.0	Off	0.4	49.7	On
10.0	53.1	Off	0.2	46.0	On
9.0	57.2	Off	0.0	25.9	On
8.0	61.4	Off			

Sources: ESRI, TeleAtlas. Graphics reporting by JOEL RUBIN

KHANG NGUYEN Los Angeles Times

Zachary Edminster and Krysta Ohle recalled the accident differently. They were driving behind Eldridge and, in recent interviews, said they saw the squad car traveling far faster than the posted speed limit of 40 mph.

Both gave oral statements to officers at the scene that night and said they remember estimating the police car's speed: Edminster told the officer between 60 and 80 mph, Ohle guessed about 70 mph. Neither estimate, however, is included in the written versions of their statements the officers submitted to investigators.

According to LAPD Cmdr. Andrew Smith, Edminster told police in a follow-up interview that Eldridge was driving about 50 mph. Edminster denied this, saying the officer he spoke with tried to convince him that Eldridge was driving at the slower speed. Smith said the department would investigate the discrepancy.

The core of the department's investigation was done by members of its Specialized Collision Investigation Detail. They measured the length and direction of the skid marks left by the tires, weighed the two cars and pinpointed where they had come to rest. From these measurements they conducted a "momentum analysis" — a calculation based on the laws of physics showing how fast the cars had been moving.

Eldridge, they concluded, had been driving 49 mph at the moment he applied the brakes.

The report, which Smith said was reviewed by an independent expert, was a boon for the city in the lawsuit Petelski's parents had filed against the LAPD, Eldridge and Vasquez. The calculation, close to the estimates of the officers, bolstered the idea that Eldridge was driving at a reasonable speed.

Robert Pulone, the city attorney assigned to the case, felt confident he could persuade a jury to side with

the officers. He rebuffed the idea of negotiating a settlement with the family.

"I thought we were looking pretty solid," he recalled.

Pulone's confidence did not last.

Tests on blood drawn from Petelski about two hours after she arrived at the hospital showed no alcohol in her body.

Also, Ford includes in its vehicles a device called a powertrain control module. Akin to black boxes on airplanes, it records a car's speed, the position of the accelerator pedal, and braking statistics for the roughly 25 seconds before air bags inflate in a crash. A few weeks after the accident, LAPD investigators attempted to download the data from Eldridge's car but were unsuccessful because of unspecified problems, according to the department's crash report.

Later, attorneys for the city and Petelski's parents agreed that an outside expert would try again. This time, it worked.

"Jesus Christ!" Pulone said when he saw the results.

According to the numbers retrieved from the on-board computer, Eldridge slowed nearly to a stop and then rapidly accelerated about 17 seconds before colliding with Petelski. With the gas pedal pressed to the floor and the engine throttle fully open, his speed climbed from 30 to 50 to 75 mph in a span of 10 seconds. About three seconds before impact — and a fraction of a second before Eldridge hit the brake — the car's speed topped out at 78 mph.

For the city, the new data changed everything. Once determined to take the case to court, city lawyers suddenly wanted to discuss settling it, said Geoff Wells, the attorney for Petelski's parents.

The two sides agreed to \$5 million — the second-largest payout ever made by the city to resolve an LAPD traffic accident case. The attorneys who negotiated the settlement for the city



CHRISTOPHER MEDAK

MOURNERS light candles at a memorial to Devin Petelski shortly after she was killed in a collision with an LAPD squad car in Venice in 2009. The city of L.A. reached a \$5-million settlement with her parents.

declined to discuss the case.

Petelski's mother, Shaunnah Godfrey, said she knew that by taking the money she and her ex-husband were eliminating the possibility of a trial where the officers would have been compelled to testify and a jury would decide how fast Eldridge had been driving. She and her husband had to be persuaded to accept the deal, Wells said.

Eldridge, as well as Vasquez, declined repeated requests to talk about the crash, having been ordered by LAPD officials not to discuss it.

But Pulone, who said he had several conversations with Eldridge about the accident, said he was "devastated" by Petelski's death but remains adamant he was not driving as fast as the car's computer indicated.

LAPD officials back him on that. In a written response to questions, Smith said the department "is profoundly sorry for the tragic loss the Petelski family suffered" but believes the figures recorded by the car's computer are suspect.

Because police officials were not involved in downloading the data from the computer, they cannot ensure it was done properly, Smith wrote.

Two independent crash reconstruction experts, who reviewed the computer data for The Times, said they believed the figures captured by the on-board computer were accurate and that there was no indication the download process was flawed.

Regardless, the department is disregarding the data, opting instead to trust the calculations of its own reconstruction team, which Smith called "proven, court-tested and reproducible."

LAPD experts also concluded the damage done to the two cars would have been worse if Eldridge had been driving 78 mph, Smith said.

The official stance of the LAPD is that the 49-mph calculation "is an accurate assessment of the speeds involved in this collision."

Blame for the crash, or the "primary collision factor," as Smith wrote in re-

sponse to the questions, was Petelski pulling into the path of the oncoming squad car.

Once LAPD officials had accepted that Eldridge had not been driving excessively fast, his decision not to use the car's emergency lights and siren became moot.

Because Eldridge was driving at a safe speed, "there would not have been a need to activate their emergency equipment," Smith wrote.

Citing privacy rules, Smith declined to say whether the LAPD looked into Godfrey's accusation that Eldridge and Vasquez had colluded after the accident to decide how fast Eldridge had been driving. Police officials did not think it was necessary to investigate why Case said he smelled alcohol on her breath when there was none.

"There is no evidence," Smith said, "to indicate that the officers or anyone tried to shift any blame to the victim."

Eldridge and the others remain on the police force.

And Petelski's family and friends still mourn her. At the base of a tree at the intersection where she was killed, people leave flowers and other mementos in a memorial to her.

joel.rubin@latimes.com