

Collateral Consequences: Duty to Bystanders in Vehicle Pursuits

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The Basics: The Ninth Circuit recently decided a case where innocent bystanders were injured by a driver who lost control of his car and crashed into them as a result of a high-speed car chase with police.

In *Est. of Soakai v. Abdelaziz*, No. 23-4466, 2025 WL 1417105 (9th Cir. May 16, 2025), officers pursued a suspect believed to have participated in an illegal car rally. The officers did not turn on their lights or sirens, nor did they report the chase to the dispatcher. The chase ended when the suspect's car crashed into an area near a popular taco truck, resulting in the death of an innocent bystander and severe injuries to other bystanders. Despite witnessing the crash, the officers did not stop to render aid or summon emergency services.

The bystanders sued, alleging that officers violated their constitutional rights by initiating and conducting a high-speed chase with the purpose of harming the fleeing driver and by failing to call for emergency services or render aid after the driver lost control and crashed into bystanders.

The defendant-officers argued that the “purpose to harm” claim brought by the bystanders under the Fourteenth Amendment was inapplicable because the officers’ improper intent to harm and the injured plaintiff must be one of the same. In other words, the officers argued that for an injured bystander to state a claim, the officers

must have acted with an improper purpose to harm the bystander specifically.

The Ninth Circuit rejected the officers’ argument. The court found that although the purpose of a high-speed police chase might be to catch the fleeing motorist, officers owe a duty to all those in the vicinity, including bystanders. The court further noted that high-speed car chases create a clear, known risk of harm, not only to the fleeing driver and to the officers, but also to passengers and bystanders. As a result, the court concluded that the bystanders could bring a claim against the officers under the Fourteenth Amendment.

The court also addressed the bystanders’ state-created danger claim, which applies when officers fail to protect a plaintiff it affirmatively places in danger by acting with deliberate indifference to a known or obvious danger. The bystanders alleged that the officers’ failure to summon aid after the crash delayed medical treatment, resulting in additional harm. The court found that the bystanders could maintain their claim because the officers’ actions in initiating a car chase created the danger that led to a crash, and in addition, although the officers allegedly saw the injuries caused to the bystanders from the collision, the officers did not render aid or call for help. The court thus concluded that the bystanders could bring a claim against the officers for failure to render aid under the Fourteenth Amendment.

This case highlights that officers must be careful and aware of their surroundings when conducting high-speed car chases. If an accident occurs, officers should determine whether any bystanders were injured, and if so, ensure that those bystanders are provided care, if needed.

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