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## Crash

Continued from Page 1A

The boys — Marc Claybrooks, 14, and his 16-year-old twin brothers Demar and Jemar Claybrooks, along with their friend, Aaron Shields, 15, were fatally injured when the car split in two after striking the tree. The driver, Herbert Lee III, who was injured but survived, was convicted of manslaughter and served one year in prison, the maximum allowed for a juvenile. He has since been convicted of other offenses and is serving a five-year prison sentence.

The families sued multiple defendants, including Lee's mother as well as Youth Alive, which later shut down, but all claims except those against the police officers were resolved. The plaintiffs alleged both officers knew the high-speed chase was likely to result in a collision, but pursued it anyway.

In a deposition, Tinnelli, who led the chase, said later that "as soon as they took off, I thought, 'Oh my God they are going to have an accident.' It's the first thing in my head."

The city maintained the officers were protected by governmental immunity and that Kentucky's high court has held that officers cannot be held responsible for the "conduct of culprits they chase."

The city also pointed to the findings of a Professional Standards Unit investigation that exonerated both officers. It found Tinnelli had probable cause to stop the vehicle because it was stolen, demonstrated "sound judgment throughout this incident, and was compliant with departmental policy." It said Franklin followed Tinnelli at a safe distance and had his lights and sirens activated. But Jefferson Circuit

Judge Barry Willett rejected the city's arguments to dismiss the case and said a jury should decide if the officers were negligent.

The tragedy unfolded after a Christmas pageant at the Presbyterian Community Center, Willett said in his order that because there was space in Youth Alive vans to drive them the four boys home, a staff member for Youth Alive told them to get into Lee's car.

Tinnelli saw the car with five people inside near Shepherd Square, a known area for drug trafficking, called in the plate and found it was stolen, according to the order. He was told to hold the vehicle for "latents," which he took to mean that a felony was involved and he could conduct a "felony stop," Willett said.

He pulled the car over but as soon as he got out of his cruiser, Lee sped away, fishtailing and heading south on First Street.

Tinnelli followed, Franklin behind him. Franklin's cruiser reached a speed of 74 mph at the intersection with Magnolia Street before he slowed to between 49 and 64, according to the order, because of road conditions and because he knew a dangerous curve loomed just past Hill Street a few blocks ahead.

The families said Tinnelli violated department rules by failing to report that there was a pursuit in progress and his speed and traffic conditions, "all of which is necessary to evaluate danger posed" and to ensure the officer is not succumbing to the "adrenaline of the pursuit."

The plaintiffs said the chase, in which six cruisers were involved, violated a department rule allowing only two, the city claimed four of the cars were there only for support.

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## CJ\_2017\_Police\_Chase\_p2

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