

# Family Can Sue Calif. Highway Patrol for Letting Daughter's Accident Photos Spread Online

Nicole Catsouras Died in Car Crash; Family Says Pain Compounded by Police Photos of Body

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[Christos and Lesli Catsouras](#), whose daughter's [fatal car accident was shown in photos posted on thousands of Web sites](#), can sue the California Highway Patrol for releasing the photos and prolonging the family's anguish, a California appeals court has ruled.

In a unanimous opinion filed Jan. 29, a three-justice panel said a lower court was wrong to toss the suit and rule that the highway patrol and two of its officers breached no legal duty to the Catsouras family. By allegedly e-mailing friends several photos of 18-year-old Nicole Catsouras' decapitated body, the justices wrote, the highway patrol officers may have violated the family's right to privacy and caused them emotional distress, issues that a jury should be allowed to resolve.

"We rely upon the CHP to protect and serve the public," the appeals court said. "It is antithetical to that expectation for the CHP to inflict harm upon us by making the ravaged remains of our loved ones the subjects of Internet sensationalism."

Christos Catsouras, Nicole's father, said he was "looking forward to confronting" the highway patrol in court for its "incompetent behavior. Up until now, the CHP has told us that there was nothing that they could do about the pictures and that we were on our own. We are thankful now that we finally have an opportunity to get them to sit down and talk to us and offer help."

Lawyers for the two officers -- Aaron Reich and Thomas O'Donnell -- said they would probably ask the California Supreme Court to reverse the decision.

## 'Truly in Uncharted Waters'

"Reviewable issues are just popping off the pages" of the opinion, said Alexander R. Wheeler, who represents O'Donnell and says his client is innocent and didn't e-mail the photos to anyone. "An emotional set of facts has led the court to create a new area of the law&We are truly in uncharted waters."

Jon Schlueter, Reich's lawyer, said his client was justified in sending the photos outside the department "as a warning to his friends and his family," because

"he wanted to convey that it is really, really dangerous" to drive out of control. According to CHP reports, Nicole was clocked at more than 100 mph when she clipped another car, lost control and slammed into a toll booth.

The California Highway Patrol declined to comment on the appeals court decision but stressed that the department had investigated the incident, tightened procedures for handling photographs and worked to have the photos of the accident removed from Web sites.

"As previously articulated to the Catsouras family, the men and women of the CHP feel for the tragic loss of their daughter," said spokeswoman Fran Clader. "The CHP is a professional law enforcement agency and demands its employees conduct themselves appropriately at all times."

The Catsouras family, meanwhile, continues to relive their daughter's death and the grief that it has brought.

## **Nicole Catsouras: Fatal Accident Seen Across Internet**

At approximately 1:45 p.m. on Oct. 31, 2006, 15 minutes after taking her father's Porsche 911 for a drive without permission, [Nikki Catsouras](#) was speeding on State Route 241, near Lake Forest, Calif., when the accident occurred and killed her instantly. Photos of her decapitated body, still strapped into the car, were taken by highway patrol officers investigating the crash, in accordance with departmental policy.

"One of the officers e-mails some of the photographs to a dispatcher and then the dispatcher e-mails them outside the police department," said Keith Bremer, a lawyer for the Catsouras family. "And then from there, you know, it created a life of its own and created momentum and it just, it just exploded."

The Catsourases soon began receiving anonymous e-mails and text messages that contained photographs of the accident, including pictures of Nicole. A fake MySpace page was created, which at first looked like a tribute to Catsouras but also showed the horrific photos.

"What type of individual would do that?" asked Christos Catsouras.

## **Pictures on 1,600 Web Sites**

The pictures, taken by California Highway Patrol officers and e-mailed outside the department, spread around the Internet, making their way to about 1,600 Web sites, according to an investigator hired by the family. Messages about the images became so persistent that Lesli Catsouras stopped checking her e-mail. Nikki's three younger sisters were forbidden to use the Internet, and 16-year-old Danielle was taken out of school to be home schooled out of fear that her peers might confront her with the pictures.

"There was threats that people were going to put the pictures on my locker, in my locker," said Danielle. "I remember her in such a great way, I don't want to see it and have that image stuck in my head."

"We talk about Nikki all the time," said Christos. "We've got pictures of her everywhere, we laugh about her, cry. I always called her Angel."

## **How to Stop Accident Photos After They Go Viral**

Though the Catsourases hired a company to remove the photos from the Internet, the images lived on. "It spreads in bursts, and when it spreads it happens very fast," said Michael Fertik, the founder of [ReputationDefender](#), a company that helps clients remove items from the Internet.

"We go at it by just direct human-to-human contact. We reach out to the people who are posting them, or chiefly in these cases, hosting the Web site where they are posted, and saying, 'Look, this is in no one's interest. You're getting less pleasure out of this than these people are suffering pain.'"

After an internal investigation, the California Highway Patrol identified two dispatchers, O'Donnell and Reich, as being responsible for the leaked images. Citing "pending litigation," the highway patrol did not comment on the case, but it sent a letter to the family admitting the mistake.

"After a thorough and complete investigation, we have determined that a highway patrol employee did violate departmental policy in this matter. Appropriate action has taken place to preclude a similar occurrence in the future," said the letter, signed by Lt. Cmdr. Paul Depaola of the Orange County Communications Center.

"Again, my sympathy to you and your family at this difficult time of loss," Depaola wrote.

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