

Police Pursuit, Dangers and Liability Issues

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When the majority of Americans pick up a newspaper, watch local and national news sources or even channel surf during prime-time television viewing, they are constantly presented with images of violence and danger. Some of this violence and danger centers on the police tactic of high-speed pursuit. The mass media portrays high-speed pursuit as exciting and in some parts of the country even interrupt scheduled programming to show live police chases as they are happening. Reality television shows such as “COPS” and “America’s Scariest Police Chases” are shown regularly during prime time television. The A&E network has also dedicated programming time to the topic of high-speed pursuit. Electronic Arts, the company that manufactures video games for Nintendo, Sony, and X-box, also have a game titled “The Need for Speed, High Speed Pursuit II”.

These television shows and video games may be exciting and entertaining to the general public, but the harsh reality is that high-speed pursuit is arguably the most dangerous police tactic in use today. A police officer is more likely to be involved in a high-speed pursuit than he is a deadly force incident. When an officer is involved in a deadly force incident he is usually in relatively close proximity to the suspect. In contrast, an officer involved in a high-speed pursuit should maintain a safe distance between himself and the fleeing suspect. Pursuits can range from relatively short distances such as a city block to several hundred miles long. The longer the pursuit the more likely that an injury of some type will occur either to the suspect, the officer, or the general public.

With this in mind, my purpose for this research paper is to explain what high-speed pursuit is, the dangers involved, and the liability of the officer and supervisors involved in these dangerous incidents. With the ever-increasing danger that police officers are faced with during high-speed pursuit, this information could quite possibly prevent serious injury, or most importantly, death to members of the law enforcement profession while engaged in high-speed pursuit.

The detailed information provided here is a result of fifteen years of law enforcement experience, personal investigation, interviews, and research in the area of high-speed pursuit with members of the law enforcement community. This experience and personal investigation occurred while I was assigned as a defensive driving instructor for the Little Rock Police Department and also serving as the Departments Defensive Driving Coordinator.

Before addressing the different aspects of police pursuit, I feel that it is important to establish a working definition of what pursuit actually is. There are many definitions that I believe truly reflect the meaning as it pertains to law enforcement officers. The Pennsylvania Vehicle Code (2001) provides a very good definition of pursuit as “an active attempt by a police officer operating a motor vehicle to apprehend one or more occupants of a motor vehicle when the driver of the vehicle is resisting the apprehension by maintaining or increasing his speed or by ignoring the police officer’s audible or visual signal to stop.” The Little Rock Police Department defines pursuit driving in their Policy and Procedure manual as “an active attempt by a law enforcement officer,

operating an emergency vehicle and utilizing simultaneously all emergency equipment (blue lights and siren), to apprehend one or more occupants of another moving vehicle, when the driver of a fleeing vehicle is aware of that attempt and is resisting apprehension by maintaining or increasing his speed, disobeying traffic laws, ignoring or attempting to elude the officer.”(2001) Although these two definitions are very similar, I feel that the Little Rock Police Departments definition more truly and adequately defines a police pursuit.

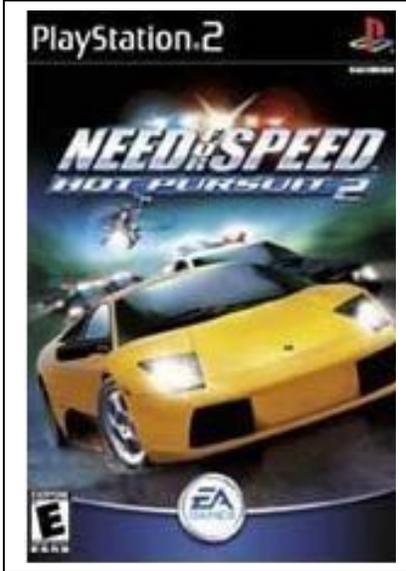
With the topic of police pursuit being a major concern of police department administration, field officers, and the general public, all aspects of police pursuit should be analyzed to ensure safety and reduction of liability to all parties involved. Through my years of experience in law enforcement and as a driving instructor, I have identified several areas that influence pursuits and are key in reducing the dangers and liabilities that are presented with a high-speed pursuit. For this particular assignment I have narrowed them down to four (4). These are not prioritized in any specific order, as I feel that all four are of equal importance for the task at hand. I have identified them as:

- 1. Media Influence**
- 2. Dangers of Pursuit**
- 3. Policies and Training**
- 4. Alternatives to Pursuit**

Media Influence

As stated earlier, the media influence on police pursuit is sadly underestimated. If the topic of a police pursuit were brought up as a “water cooler” conversation, images of the 1970’s movie, “The Blues Brothers” police chase would begin to emerge. A lengthy and massive chase involving several jurisdictions and finally a multi-car crash in which several hundred Chicago police cars crash into each other not only in the streets but a shopping mall as well. Also in the 1970’s, “Smokey and the Bandit” was released and showed a flashy black Pontiac Trans Am fleeing from the police in a multi-state pursuit in which several police cars were wrecked. Although these and other movies are still shown today and people still watch them and laugh, the sad reality is that the smoke and mirrors of Hollywood could not be further from reality. The fact remains police pursuits are extremely dangerous. According to the national Highway Traffic Safety Administration (NHTSA), “314 people were killed during pursuits in 1998. Of this total, 2 were police officers and 198 were individuals being chased. The remaining 114 were either occupants of unrelated vehicles or pedestrians.”(2002) I believe that these numbers are low due to the lack of agencies that report usable statistics.

Another form of the media that is beginning to have a large impact is the video game producers. Electronic Arts is a programming company that produces video games for Nintendo, Sony, Microsoft, and Sega, to name a few. On a recent television advertisement, two police officers are sitting on the side of the road in their police car. A yellow Lamborghini pulls up beside them and the passenger gets out of the car. He runs up to a speed limit sign and spray paints a 1 in front of the posted 65-mile per hour speed



limit. After painting the sign, the passenger runs back to the car and the driver speeds off with the police officers in pursuit. The closing caption states the title of the game, “The Need for Speed, Hot Pursuit II.” With the record number of adolescent persons playing video games and the continuing trend of not being involved in group activities, I would argue that the difference between fiction and reality has become skewed.

According to the Office of Juvenile Justice and Delinquency Prevention Statistical Briefing Book, “Law enforcement agencies in the U.S. made 28 million arrests of persons under age 18 in 1997.”(2002) Although the juvenile population is much greater than it was in the 1980’s, the technological advances along with the increased population, I feel correlate with the desensitization of America’s youth.

Dangers of Pursuit

There are numerous dangers involved any time a criminal suspect decides to initiate a high-speed pursuit. I believe that the criminal makes the decision to flee when confronted by a police officer therefore it is the suspect that begins the pursuit. The problem with this poor decision is that not only is the suspect putting his own life in danger, he is endangering the lives of police officers and the general public. Almost every research statistic shows that the longer a pursuit lasts, the greater the chance for property damage, personal injury or most importantly death. According to Alpert and Dunham,

“...chases that lasted between one and three minutes and the ones that lasting four and five minutes all have slightly more than a 20% chance of injuries. In comparison, 37% of the chases lasting six to nine minutes had personal injuries, a substantially higher figure.” (1990) With this in mind, it is in the best interest of all persons concerned to terminate a pursuit as quickly as possible.

The National Highway Traffic Safety Administration (NHTSA) tracks pursuits from data submitted by law enforcement agencies. The problem with the National Highway Traffic Safety Administration statistics is that reporting is not mandatory and not all police agencies submit data and some data that is submitted is not accurate. While some agencies make a determination of a pursuit related crash as being a crash resulting from any pursuit, other agencies may not classify a pursuit related crash after the officer/supervisor terminated the pursuit and a suspect crashes after the termination.

It is not known which stance the Pennsylvania State Police take but the executive summary of their annual pursuit report shows that in the year 2000, officers in Pennsylvania were in 2,171 pursuits. Out of these 2,171 pursuits, 11 were killed as a result of pursuit related crashes. Of these 11 fatalities, 6 deaths were to the suspects and 5 were to uninvolved persons, that is other motorists or pedestrians. Furthermore, 710 crashes resulted from the 2,171 pursuits with 363 injuries occurring to either the suspect, the police, or uninvolved persons.

The National Highway Traffic Safety Administration reported that in 1998, 314 people were killed as a direct result of high-speed pursuits. Of the 314 killed, 2 were police officers, 198 were suspects, and 114 were either occupants of uninvolved vehicles or pedestrians. Alpert and Fridell (1992) presented a pursuit study conducted by Alpert and Dunham from 1985 through 1987. In this study, two police departments were involved on the collection of thoroughly detailed data. The involved departments were the Metro Dade Police Department and the Miami Police Department. The table below shows the results of the three-year study.

Overview of Police Pursuits				
Number of Pursuits:	952			
Duration of Pursuits (minutes):	<u>< 3</u>	<u>3-5</u>	<u>6-9</u>	<u>10+</u>
	217	329	141	114
Reason for Pursuit:				
	<u>Traffic</u>	<u>BOLO</u>	<u>Felony Stops/ Suspected Felons</u>	<u>Reckless/ DUI</u>
	512	107	312	19
Pursuits ending in Arrests				646
Pursuits ending in Death				7
Pursuits ending in Escape				298
Total Accidents				310
Personal Injuries				160
Property Damage				364
Voluntarily Terminated By Officer or Supervisor				40*
* This figure does not include the police being outrun.				

The table above indicates that out of the 952 pursuits that were analyzed, 364 pursuits (38%) resulted in accidents with 160 (17%) resulting in injury and 7 resulting in death. 512 pursuits, or 54%, were initiated for traffic violations while only 312 pursuits, or

(33%), were a direct result of chasing a serious felon. It is not known if the traffic violation pursuits or the felony pursuits resulted in the most death or injuries.

Only within the last few years have we begun to see the application of alternative pursuit tactics along with the need for protecting officers and the general public. As the previously stated statistics have shown, any time an officer engages in a high-speed pursuit there is more than a 30% chance that someone will be injured. By recognizing the dangers involved in pursuit driving only then will the law enforcement community be effective in protecting the lives and property of all persons concerned when it comes to high-speed pursuits.

Policies and Training

When it comes to the training of recruit officers today, police academies spend several hours teaching recruits how to fire a weapon. Several more hours are spent teaching recruits when it is permissible to fire a weapon and the liabilities associated with the firing of the said weapon. With the common knowledge that an officer is more likely to become engaged in a high-speed pursuit than to become involved in a deadly force incident, why are more academies not spending an adequate amount of hours teaching the dangers and liabilities of pursuit driving.

Currently the Little Rock Police Department utilizes the Thompson Defensive Driving System. I personally know of only two other agencies using this same system, those being the Arkansas State Police and the Arkansas Game and Fish. Aside from these

three law enforcement agencies, it is not clear if any other in-depth driver training is given to law enforcement officers of this state.

The Thompson Defensive Driving System (TDDS) is a course that centers on thinking and not on speed. Although not a dedicated pursuit school, the TDDS trains officers how to drive more efficiently by controlling the vehicle's speed and direction of travel. By teaching basic principles such as vehicle dynamics, center of gravity, weight transfer, 360-degree awareness of a vehicle, and some basic physics, officers are taught how to drive slower than a fleeing suspect and still maintain contact with the suspect.



Spud Hilton / Special to Chronicle

This picture was taken on June 13th, 2002 after two San Francisco Police cars crashed into each other while engaged in a pursuit. One officer was killed and three others were injured. Only through adequate training on policy and thoroughly teaching the dangers of pursuit can we as police officers end tragedies such as this one.

The second area of training concerns the area of policy and procedures. As stated by Alpert and Fridell (1992) “pursuit driving must be looked at with the understanding

that police serve the state and the state's interest, not the individual citizen. Law enforcement agencies must have rules, regulations, training and supervision to guide and control the discretion of their officers." Since policy and procedures are orders and the process by which a task is accomplished respectively, then training on policy and procedures should be of great value. Alpert and Fridell (1992) states "Too many officers and administrators are unable to answer the question, "What were you going to do with the offender when you caught up to him?" With no plan, the chase will likely take on the characteristics of a drag race." Alpert and Fridell go on to state from the same passage that "The mission of law enforcement is to protect lives; nothing an officer does should compromise that mission.

To keep a high-speed pursuit from "taking on the characteristics of a drag race", a major emphasis should be placed on teaching policy when it comes to pursuit. An acceptable pursuit policy should be definitive and should state what is accepted and what will not be tolerated. There are basically three models of pursuit policies. Alpert (1992) defines them as following;

1. Judgmental: allowing officers to make all major decisions relating to initiation, tactics and termination;
2. Restrictive: placing certain restrictions on officers judgments and decisions; and
3. Discouragement: severely cautioning or discouraging any pursuit, except in the most extreme situations.

The Little Rock Police Department currently has what is considered to be a restrictive pursuit policy. The policy allows the officer to make initial decisions such as initiation, tactics and even termination. However, the policy takes most of the major decision-making away from the officer and places in under the responsibilities of a supervisor. The Little Rock Policy also dictates how many and what type of police vehicles may become involved in an active pursuit and also determines in which situations a pursuit will be terminated. Although not as long as the 90-page pursuit policy of Fredericksburg, Virginia, the Little Rock Police Department pursuit policy has been labeled as an exemplary policy by pursuit experts such as Geoffrey Alpert, a professor of justice at the University of South Carolina.

Alternatives to Pursuit

The most effective way to totally eliminate the dangers and liabilities involved with police pursuit is to disallow pursuits totally. The problem with this solution is that the American public wants their streets and homes to be safe from harm. If pursuits were banned, all the bad guys would have to do is flee every time a police officer engages them after a crime had been committed. With criminals having this type of knowledge, crime rates would skyrocket due to the fact that police officers could not pursue them. Luckily for the police, the American public has a strong support for their law enforcement agencies and want officers to use any reasonable means to effectively apprehend criminals.

I have included three areas where alternatives to pursuit can reduce the dangers to officers, the public, and suspects. The first area, although not widely thought of as an alternative to pursuit, is the legislative body of the state. When an officer chases a stolen vehicle or other non-violent criminal, the general public sometimes gets angered because of the perception that the benefits of catching a non-violent criminal do not come close to outweighing the risks associated with the pursuit. When an innocent person is killed or injured because of one of these types of pursuits, the public becomes outraged and begin to blame the police departments for the death or injuries.

As I stated earlier in this paper, I believe that the criminal makes the decision to flee when confronted by a police officer therefore it is the suspect that begins the pursuit. The Arkansas Criminal Law Manual (2002) Code 5-54-125 annotated states:

- a) If a person knows that his immediate arrest or detention is being attempted by a duly authorized law enforcement officer, it is the lawful duty of such person to refrain from fleeing, either on foot or by means of any vehicle or conveyance.
- d) Fleeing by means of any vehicle or conveyance shall be considered a Class A misdemeanor.

Currently Arkansas law only classifies vehicular fleeing as a misdemeanor. By making more stringent laws, (classifying vehicular fleeing as a felony), educating law enforcement officers, court officials, and the public we as police officers can change the perception that fleeing is not a dangerous or violent crime.

The next alternative to pursuit falls along the lines of training. Once an officer has been sufficiently trained in the area of when to pursue, he should then be trained in the area of how to pursue. The Little Rock Police Department has incorporated a training aid to the defensive driving course taught to recruit officers. That training aid is called a SkidCar and was developed in Sweden and then introduced to American police agencies in the early 1990's. It consists of a vehicle-mounted frame with computer controlled hydraulic wheels. The SkidCar teaches students controlled driving techniques by simulating all vehicle speeds and all types of road conditions. One of the functions of the SkidCar is to train drivers to look where they want to go and not at the obstacle that they are going to strike. All of this training is done at speeds no greater than 25 miles per hour , which increases safety and



This SkidCar shown above is the same version of the Ford Crown Victoria currently used by the Little Rock Police Department.

enhances risk avoidance. By training at low speeds, the driving course can contain light poles, buildings or other obstacles. The SkidCar is under the complete control of the instructor at all times by the use of the in-car computer. This control allows the instructor to instantly drop the vehicle to full ground contact when the student loses control due to poor driving techniques. When the car is dropped to full ground contact, the abrupt correction gives the student a life-like sensation of impact and also the sensation of near misses without any real danger.

The last area of alternatives to pursuit that I will address is the area of technology. In the technology arena I will address the areas of tire deflation devices, electronic auto

arrestor systems, and also the use of helicopters in pursuit situations. Tire deflation devices are quickly becoming one of the most popular devices to use in terminating pursuits. There are several brands of tire deflation devices to choose from, all centering around the deployment of a device that holds hollow tubes that penetrate a vehicles tires and deflates the tire in a controlled manner, thus ending the pursuit in a slow controlled manner. The popularity of these devices come from the standpoints of officer safety, the speed of deployment, the devices effectiveness and the overall simplicity and low cost. Also just by purchasing tire deflation devices and then promoting them through the media, the department can show that it is taking a proactive stance in the area of public safety.

The auto arrestor system is deployed similar to a tire deflation device. When a vehicle drives over an activated system, it is affected by a short pulse of electric current that disrupts or burns out critical electronic components in the ignition system. Once the vehicles ignition system has been shut down, the vehicle coasts to a safe stop similar to running out of gas. A positive to this system is that an ignition system is much less expensive to replace than paying for property damage that results from a crash. It also has the benefits of being able to terminate pursuits quickly without exposing civilians, officers, and suspects to the dangers associated with prolonged pursuit.

Helicopters can also play an invaluable role when it comes to high-speed pursuits. Even though a helicopter is perhaps one of the most expensive pieces of police equipment, it is arguably the safest tool to use in pursuits. By being in the sky, a

helicopter can maintain an excellent observational vantage point and still remain out of sight. This concealed vantage point can allow ground personnel to slow to safe speeds and remain in close proximity to the suspect by following the directions provided by air personnel. By ground officers being able to slow down, the pressure on the pursued individual is also reduced which in turn allows him to slow, thus eliminating unnecessary dangers to himself, the officer, and the public.

I hope that this paper has provided some valuable insight into the dangers and liabilities of high-speed pursuit. It is not my intent for this material to be deemed all-inclusive, as I have only addressed a very limited aspect of police pursuit. Clearly the dangers of high-speed pursuit are becoming more and more evident and the training of officers in this dangerous tactic is approaching the level where it should be. As I have stated in the previous sections of this paper, I truly believe that only way to negate the dangers of pursuit is to get the State legislative bodies involved and also by educating law enforcement officers on acceptable policy issues and the dangers of pursuit.

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