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Police Vehicle Pursuits



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ABSTRACT

The purpose of this research paper is to explain the need for police officers to pursue serious offenders when the need arises. There has been a great deal of controversy over whether or not police vehicle pursuits are necessary. Police vehicle pursuits should be used to apprehend serious offenders and to prevent other serious crimes that those offenders commit. The Dallas Police Department's pursuit policy puts the decision to initiate a vehicle pursuit solely on the officer's knowledge of the facts surrounding the pursuit. But their policy prohibits pursuits if a felony against a person was not part of the reason for contact.

Police pursuits are a very important and vital part of police work in today's society. The majority of police departments across the country still allow police pursuits, and departments have policies and procedures in place to dictate when and how a police vehicle pursuit should be initiated. The primary officer should decide whether or not the pursuit is the final alternative to apprehending the offender. All police pursuits should be monitored by a field supervisor and discontinued if the threat of danger outweighs the reason for the pursuit.

Police officers are trained to preserve and protect life and property. With that being said, police officers have a great deal to think about when a vehicle pursuit begins. When a pursuit starts, the officer has to be aware of the traffic conditions, weather conditions, possible offender's intentions, and innocent bystanders who may be in the path of the pursuit. Even with all these variables, a police vehicle pursuit is still a necessary tool for a police officer to use, when attempting to take a fleeing offender into police custody.

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INTRODUCTION

Some police departments across the country prohibit their police officers from pursuing minor traffic violators. Those departments believe that putting the officer and violator at risk for a minor traffic violation is not a good reason to pursue. In large metropolitan cities, or highly populated areas, pursuing a traffic violator could impose more risk than necessary. Misdemeanor violations could be handled better through the court system to reduce the possibility of liability or negative outcomes. Another resource for these situations would be that when a traffic violator flees, an officer can acquire a description of the vehicle, license plate information, and file an evading offense. The evading offense would be investigated by a detective and a possible arrest may be made at a later date.

All felony offenders, on the other hand, should be pursued in a safe manner and taken into custody to prevent a further threat to the community. In some cases, felony offenders can cause further injury or harm to others if not apprehended. Some offenders may have already committed a serious crime before an officer attempted to stop them on a traffic stop. When an officer has prior knowledge of the person who is fleeing and feels that the offender is a danger to others, a police vehicle pursuit should be warranted. Some serious felony offenses are murder, kidnapping, aggravated assault, aggravated sexual assault, aggravated robbery, etc.

There are also other alternatives that can be used to conclude or assist in a police vehicle pursuit such as the use of stop sticks, rolling road blocks, pursuit intervention technique maneuvers, and police helicopters. The Dallas Police Department only approves the police helicopter to assist in their police pursuits (DPD,

2009). These other resources are all valuable to assist the pursuing officer in ending a pursuit safely. All police departments should have policies and procedures in place to protect their departments from possible liability litigation regarding pursuits. Policies and procedures should also protect the involved officers and the general public. Police officers who are involved in a vehicle pursuit should always think of concluding the pursuit in the safest manner possible.

A vast number of people across the country have seen or heard of police pursuits, whether it was on the evening news, word of mouth, or viewing a pursuit in person. The purpose of this research is to address police pursuits and why they are necessary and a vital part of a police officer's duties. Also, with policies and procedures in place, supervisors controlling the pursuits and officer training, a possible fatal conclusion will be reduced. There are four sections of this research that will support the researcher's position that police vehicle pursuits are necessary.

The first position will prove that there is documentation that the policies and procedures of two major Texas police departments allow their police officers to pursue offenders in vehicle pursuits. Pursuing vehicles that fail to stop for law enforcement in some cases is a very necessary component of a police officer's duties. The second position will show that supervision plays an important role in the positive conclusion of the police pursuit. With supervisors being involved with the controlling aspect of the pursuit by radio or as the last vehicle in the pursuit, there can be a very safe conclusion of the pursuit. The third position will show that there are several alternative resources that can assist the pursuing officer in bringing the vehicle pursuit to a positive conclusion. Some of these alternative resources are stop sticks, rolling road blocks, and

police helicopter support. The fourth position that will be discussed is training. It is very important that police departments train their police officers in pursuit driving to prevent possible liability claims against their department. Officers being trained in how to utilize additional resources can be a plus for a positive conclusion of any police vehicle pursuit.

This research involves journals and departmental pursuit policies and procedures. The results of this research will reveal that police agencies ranging in sizes allow their police officers to pursue offenders in vehicle pursuits. Law enforcement agencies should understand from this research that accountability of the initiating officer, good supervision, well written pursuit policies, procedures, and training resources will assist the pursuing officer to a safe conclusion of a vehicle pursuit. Without the police vehicle pursuit in the officer's toolbox, serious offenders can possibly evade police apprehension and commit more possible crimes that may harm or injure others.

Ashley (2009) stated, "One of the most difficult law enforcement activities to manage is that of motor vehicle pursuit" (p. 1). In most cases, if the offender perceives that the officer will pursue, the offender may be taken into custody without a vehicle pursuit taking place. More police departments across the country pursue offenders than not. Yates (2009) stated, "Despite the dangers, all but a few agencies across the country have continued the practice of vehicle pursuits" (p. 4). Another study by Veronica Rose in 2006, found that "Pennsylvania police were involved with 2,115 pursuits and 1, 931 pursuits in 2007" (as cited by Rose & Cummings, 2009, p.1). Police departments should allow their officers to pursue offenders when warranted because of the serious actions of the offender and safety of the general public. The

safety of the officer, offender, and citizenry should always be the number one priority and concern of any police department.

This research will show that vehicle pursuits are very necessary. Police vehicle pursuits in the right circumstances are the right thing to do. If not for a pursuit, some offenders would have seriously injured or killed others if it had not been for their apprehension from a police vehicle pursuit. Police vehicle pursuits should be quickly thought-out to make sure that they are a necessary and viable option. Police should not take the vehicle pursuit lightly; it can be a very dangerous issue when high speeds, weather conditions and dangerous offender driving is involved. This research will show that even with some pitfalls to police vehicle pursuits, it still is a necessary tool for law enforcement officers to use. Some offenders will do whatever it takes to evade police apprehension and put others at risk without a conscience. Their goal is to evade to police, and the police officer's goal should be just as strong to apprehend the offender.

POSITION

Officers will pursue serious offenders in certain circumstances, when it is safe for them to do so. According to the Dallas Police Department's (2009) vehicle pursuit policy, the pursuing officer must base his or her pursuit on gathered facts regarding the offender. Officers must have probable cause to believe a felony has taken place by the offender. The pursuing officer should also believe that the pursuit is immediately necessary to apprehend offender. Most police departments have strict rules on police vehicle pursuits. Both Dallas and Ft. Worth Police Departments approve and agree that vehicle police pursuits in specific cases are a necessary part of police service in making the community safer by apprehending fleeing offenders (DPD, 2009; Ft. Worth PD,

2008). Policies and procedures are put into place by departments to give police officers guidelines and parameters to follow while in a police vehicle pursuit. Without vehicle pursuits and officers apprehending in some instances, communities across the country would be in jeopardy of increased criminal activity.

According to the Ft. Worth Police Department pursuit policy, the pursuing officer makes the decision to pursue or not as well as making a decision on the possible risks. Factors they must consider include road conditions and the type of offense committed. A Ft. Worth police supervisor will monitor the pursuit as well to make sure guidelines are followed (DPD, 2009; Ft. Worth PD, 2008). The supervisor assists in the accountability of the pursuit and adds another dimension to the pursuit. Most police departments require supervisors to participate in vehicle pursuits and be the third vehicle in the pursuit. Supervisors cannot always be in the pursuit, but should strictly monitor the pursuit by radio. Supervisors play a very important and vital role in vehicle pursuits by controlling the pursuit by radio, from a distance or actually taking part in the vehicle pursuit as the last police vehicle. A supervisor can make split second decisions that the primary officer cannot at the time of the pursuit, whether to continue or discontinue the pursuit because of inherent dangers. Many times, the primary officer's decision making skills diminish because of the highly stressful situation of the pursuit itself. Also, by having a supervisor involved in the pursuit, it decreases unauthorized officers from getting involved, which is typically a violation of departmental policy and procedures. The larger number of police vehicles involved, the more the danger factor increases.

This is why a vast number of police departments limit the number of police vehicles in a pursuit to three. The first police vehicle is usually the primary police officer

who initiated the pursuit, second is a backup or cover vehicle that calls the pursuit on the police radio, and the third is usually a supervisor. This allows the first police vehicle to concentrate only on driving and not broadcasting on the radio, which can be a distraction to the officer. But, in some cases, the primary officer has to both lead and operate the radio. This is usually due to other officers not catching up with the pursuit before its conclusion.

There are several alternative resources that officers can use during a pursuit. One of these resources is the PIT maneuver. Some police departments train and use this resource, but not all departments allow their officers to use this technique. According Yates (2013), "The PIT maneuver is another tool in the tool box. But like any other tool you need to have the appropriate training and equipment to make it effective and safe" (p. 1). This is also known as the Precision Immobilization Technique and is a procedure that has been used by law enforcement departments around the world. Vehicles at high speed are, by laws of physics and aerodynamics, inherently less stable than at lower speeds (Fwed, Flickety, & Crosby, n.d.).

The PIT maneuver is tactic that can be initiated with the police vehicle by tapping or bumping the rear bumper of the offender's vehicle putting the vehicle into a spin, which in most cases make the offender stop. Some police departments prefer not to use this technique because of possible vehicle damage can occur, if not deployed properly. Another resource is the stop sticks devices that are used by some police departments in the country to end police vehicle pursuits. Stop sticks are deployed ahead of the pursuit by another police officer before the pursuit arrives at that location. The device is thrown onto the roadway and deflates the tires of the offender's vehicle. Some police

departments, like the Dallas Police Department, stopped using this device, because of possible risk to the deploying officer involving traffic dangers or the fleeing offender (DPD, 2009).

The next resource is the police helicopter. They are very useful in the apprehension of fleeing offenders. In police vehicle pursuits, the police helicopter assists from the air to let officers know where the possible road hazards are ahead. The police helicopter pilots can radio the pursuing police vehicle to let officers know about upcoming red lights and stand still traffic conditions. The police helicopter can also advise the ground officers in the direction of travel, if the officers lose sight of the offender's vehicle. Officers can also be notified when the offender leaves the roadway or the vehicle to flee on foot. Some police department helicopters are equipped with night vision capability as well, which can also assist the pursuing officers in the apprehension of the offender. Police helicopters are a great asset in decreasing the danger in police vehicle pursuits, by letting the ground officers know where the dangers are ahead. The police helicopter is one of the most valuable police resources available to decrease the danger in police vehicle pursuits.

The fourth position is training police officers in vehicle pursuit driving. Alpert (1997) stated, "A critical component of police training should be an analysis of the specific risk factors as well as the benefits of pursuit driving" (p. 7). Officers are trained while in the police academy and after graduation in vehicle pursuit driving in most police departments. This course trains police officers on how to maneuver the police vehicle at high rates of speed to maintain control of the vehicle.

Another aspect of this is today's standards for professional police officers. Academy training across the country has nearly doubled in time due to all the additional training required by the state as well as individual police departments. With this being said, driver's training has also been extended in a lot of academy's to reduce the element of danger. One aspect of this driver's training is high speed and pursuit training. As an example of this type of training, a recruit pursues another vehicle on a driving course at varying speeds with lights and sirens, simulating a vehicle pursuit. Recruits are graded on how well they keep control of the police vehicle during this exercise. Also, after graduation, recruits continue their training with a field training officer who trains them in real life situations and driving with red lights and siren. The field training officer's job is to continue training and instructing the recruit after the academy and to also grade him or her regarding high speed driving techniques. Not driving well in a pursuit driving situation could possibly fail a recruit, which could lead to grounds for termination.

With the training in the academy as well as field training, the police officer is able to drive in high stress situations after completing both programs. Veteran police officers also have in-service training to assist them in keeping their skill levels up in regards to high speed and pursuit driving. With this knowledge of vehicle pursuit driving, the police officer should have a good concept of the guidelines of pursuit driving. No police officer wants to get into a vehicle pursuit with the idea of placing anyone at risk, which also includes for the offender. However, "Perhaps the most compelling, ongoing and logical reason for law enforcement's continued interest in high-speed vehicle pursuits has been

its concern in balancing the values of crime control and offender apprehension with ensuring the safety of all parties” (Schultz, Hudak, & Alpert, 2009, p 1.).

COUNTER POSITION

Rose and Cummings (2009) stated, “In 2007, there were 13 pursuit-related fatalities, and 218 pursuits that resulted in injuries to 248 people. California police officers were involved in 7,120 police pursuits in 2007 and 5,571 pursuits in 2008, according to California Highway Patrol data” (p. 1). The number of fatalities and injuries can be alarming to many regarding police vehicle pursuits. Because of the numbers, some would like to put an end to all police pursuits across the country. Some may feel that the police officer should let the offender go and attempt to catch them in other ways. There is some thought of believing that the liability may be greater than the pursuit and apprehension. City leaders across the country are always concerned with the safety of its citizenry and the liability associated with police vehicle pursuits.

However, Rivara, and Mack (2004) stated that “There were 2,654 fatal crashes involving 3,965 vehicles and 3,146 fatalities during the nine years study period. Of these, 1,088 were people not in the fleeing vehicle. These crashes often occurred at high speed, in the night, on local roads” (p. 1). It was also stated that the offenders pursued by police were repeat offenders who had convictions for motor vehicle related issues. The lives that were lost were mostly innocent victims (Rivara & Mack, 2004).

Others may oppose pursuits because it can lead to injuries of bystanders and property damages. According to Cooley and Gavery (2006), the researchers explained that “liability arising from pursuits exists in all states with only slight differences in the degree of fault applied to the pursuit, such as whether the officer showed deliberate

indifference or reckless disregard” (p. 2). While this is a concern, Hill (2002) stated, “High-speed police pursuits and the inherent risk of injury and death can constitute an important law enforcement and public safety issue. Available data indicate the number of pursuits, injuries and deaths, continues to increase” (p.1). The National Highway Traffic Safety Administration (NHTSA) reported that 314 people were killed during pursuits in 1998. Two were police officers, 198 were individuals being chased, and 114 were either occupants of unrelated vehicles or pedestrians (Hill, 2002) (p.2). Also, innocent bystanders may also be in harm’s way themselves. Pedestrians and others who are in vehicles who just get caught in the middle of a police vehicle pursuit may not know how to react to the situation properly. Citizens can sometimes panic when they observed a police vehicle pursuit come their way. They may become startled or just caught off guard causing them to not react fast enough to prevent a hazard to themselves or others.

There could always be an inherent risk of possible serious injury, property damage, or even death due to police pursuits, but without them, possible serious repercussions could occur. There are also numerous police vehicle chases that are successfully completed across the country on a daily basis. If violent and dangerous offenders knew police agencies were prohibited from pursuing them, there could be a more potential risk involved to the community. By police agencies permitting their police officers to pursue in certain circumstances, some serious offenders do not flee but surrender without pursuit. According to an article in the *Hernando Today*, (“Bad guess,” 2009) “a man guessed wrong when he assumed the Hernando County Sheriff’s Office has a “no pursuit” policy” (para. 6). The offender evaded deputies, and after a vehicle

and foot pursuit he was apprehended. The offender, who turned out to be an armed convicted felon, stated he fled because he thought that there was a no pursuit policy for the Hernando County Sheriff's Office ("Bad guess," 2009). While it is true pursuits are, by their very nature, dangerous to law enforcement as well as the public, this does not negate the need to pursue in some instances.

RECOMMENDATION

In conclusion, police departments should allow their officers to pursue serious offenders who flee from them in vehicles. Police officers take an oath to protect their communities that they serve and apprehend the most dangerous offenders when necessary. Some dangerous offenders attempt to evade police in vehicles and, at times, on foot. There will always be a potential risk involved in police work and in police vehicle pursuits as well. But police officers must make a valiant effort to apprehend serious evading offenders to stop further serious violations of the law and to prevent possible injury or serious harm to others. With departmental policies and procedures, supervision of pursuits, training, and other alternative police resources, police departments can reduce negative outcomes of police vehicle pursuits. Hill (2002) stated, "Research indicates that too many restraints placed on the police regarding pursuits can put the public at risk" (p. 3).

It is recommended that police departments educate the public on police vehicle pursuits. Radio and television public service announcements could assist the public in learning more about police pursuits and the dangers associated with them. Police departments could also give safety tips in regards to what to do in case you are in the path of a police pursuit unexpectedly. Mailers could be sent out in the communities

where a large number of police pursuits occur. The mailers could give safety tips to the community about police pursuits and what to do if one is observed. Some suggestions in the mailer could be pull to the right side of the roadway, clear an intersection, or pull off the roadway into a business parking lot.

The newspaper is another way to put out awareness of police vehicle pursuit safety tips to citizens. Also, now, more and more highways across the country are getting video boards installed to display different traffic information and hazards. These boards alert the driver of possible slowdowns and hazards ahead. Most police departments today are involved with community groups such as Neighborhood Crime Watch, Apartment Associations, and other groups where information and training regarding police pursuits can be given.

As stated earlier, police pursuits are a very important and vital part of police work in today's society. The majority of police departments across the country still allow police pursuits, and departments have policies and procedures in place to dictate when and how a police vehicle pursuit should be initiated. Pursuits are a vital tool for police officers across the country to pursue dangerous and serious criminal offenders who flee. All police departments have a responsibility to protect the communities they serve.

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