

**The Bill Blackwood  
Law Enforcement Management Institute of Texas**

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**Evaluating the Appropriateness of the  
Pursuit Intervention Technique**

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**A Leadership White Paper  
Submitted in Partial Fulfillment  
Required for Graduation from the  
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## **ABSTRACT**

Police pursuits are a topic nearly every department in the United States either has or will have to deal with. Some view police pursuits as a necessary and effective part of the law enforcement function to be engaged in regardless of the price, while others view them as extremely dangerous and never worth the risk. The Precision Intervention Technique (PIT) is an effective means of bringing pursuits to an end, not just slowing the driver down. Fear of civil litigation has always been a concern, and officers should always measure their actions against the test of reasonableness; however, current court decisions, particularly *Scott v. Harris*, have ruled favorably for such use of force actions taken by police. Structured policy and training is an essential part of adopting the maneuver. With the exception of financial barriers and time required for training, the culture has never been more favorable to give officers this added tool for accomplishing the portion of the law enforcement mission related to the apprehension of fleeing suspects.

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## INTRODUCTION

The primary decision associated with the high-speed police pursuit of fleeing suspects is whether the benefits of potential apprehension outweigh the risks of endangering police officers, the public, and the suspects in the chase. On the one hand, too many restrictions placed on a police department's use of pursuit could place the public at risk from dangerous individuals escaping apprehension. On the other hand, insufficient controls of police pursuits could result in unnecessary accidents and injuries. The pursuit intervention technique, also known as precision immobilization technique and commonly referred to as the PIT maneuver, is one method of ending pursuits, and departments should examine, individually, whether it is appropriate for use within their community.

The pursuit intervention technique, or PIT, is a method of bringing a car to a stop against the driver's wishes, in a somewhat controlled manner. It is a method of conducting a forcible stop. The PIT was originally popularized in the 1970s by BSR Incorporated, an advanced driver training school in Summit Point, West Virginia. Tom Milner, a BSR co-owner at the time, brought the technique from Germany, where it was used by the German police. The technique was translated from a German book titled *The Hunter and the Hunted*. PIT gained popularity during the 1990s, and the technique was refined to reduce the violent ramming called for in earlier variations of the maneuver. A variation has been used by the Secret Service since 1965 for VIP protection during motorcades (Alpert, personal communication, March 23, 2009).

Examining the statistics compiled by the National Highway Traffic Safety Administration (NHTSA) and those of one local department indicated the occurrence of

dangerous pursuits entering or originating in the jurisdiction of reporting departments has fluctuated, but over the past ten years, pursuits have been on the rise (National Highway Traffic Safety Administration [NHTSA], 2008; Huntsville Police Department, 2009). These pursuits endanger the community and the officers involved, as well as the suspect. For everyone involved, it is in the best interest to end the pursuit as quickly as possible. Adopting a policy whereby officers could, under certain criteria, utilize the PIT maneuver would give them another tool generally not afforded to them.

The PIT maneuver is dangerous and should be placed on the Use of Force Continuum near the top, with other potentially deadly force options. However, when utilized under certain restricted circumstances dictated by policy, the likelihood of a crash resulting in death is decreased (Georgia Association of Chiefs of Police Executive Board, 2006). Recent court decisions, particularly *Scott v. Harris*, supports law enforcement's use of this level of force to bring dangerous pursuits to an end. Departments that have the budget should develop policy dictating the use of the pursuit intervention technique and provide training to its officers on how to properly execute the maneuver. The authorization to utilize the maneuver will give officers another option to stop dangerous suspects. It will give them another "tool" in their "tool box."

## **POSITION**

This paper is not intended as an instruction manual on how to perform the PIT maneuver, but for explanation purposes, the mechanics of the maneuver are explained. The pursuing vehicle approaches the pursued vehicle from the rear and causes its front bumper or quarter panel to contact the rear bumper or quarter panel of the pursued vehicle. The pursuing vehicle then steers slightly in the direction of the pursued vehicle,

pushing the vehicle, causing its rear tires to lose traction with the roadway and begin to slide around. The pursued vehicle loses the ability to steer and typically rotates 90 to 180 degrees prior to coming to a stop either on or off of the roadway.

While some officers may experience altered time perception and report after a pursuit the feeling that everything was in slow motion, things actually happen quickly in a pursuit. One study conducted by the Pursuit Management Task Force, a task force created by the National Law Enforcement and Corrections Technology Center, Western Region, found that more than 50% of all pursuit collisions (as reported by agencies statewide) [each of nine states] occurred during the first two minutes of a pursuit. More than 70% of all collisions occurred before the sixth minute of a pursuit. This information is of significant importance in that it illustrates that a pursuit technology must be able to be rapidly deployed and utilized to have a significant impact in preventing pursuit-related collisions (as cited in U.S. Dept of Justice National Institute of Justice, 1998). The PIT maneuver can be immediately deployed by any officer trained in its use the moment defined criteria are met, as opposed to relying on luck and a guess in choosing where the suspect is going to travel in hopes of beating him to the location and setting up road spikes or other means of termination. Adoption of the maneuver by a department for its officers puts some control back in the hands of the officers as they can pick where and when to end the pursuit.

Several cases over the past two decades have concluded with favorable rulings towards law enforcement. First, in 1994, the Texas Supreme Court decided in the case of *City of Lancaster v. Chamber (1994)* that officers and departments are both immune from liability when damages are sought, as long as the officer was acting in good faith,

conducting his duties as assigned, and at his discretion. As long as an officer does not knowingly violate the law or act “plainly incompetent,” this is a grant of qualified immunity. For day-to-day activities and decisions, qualified or official immunity protects individuals. Qualified immunity is the term used for a public servant’s defense when a suit is brought in federal court. A similar defense is available in state lawsuits, which is known as official immunity.

On March 6, 1988, officers in New Jersey encountered a situation that led to another important court decision in 1994, *Fagan v. City of Vineland* (1994). This case involved an officer who observed a passenger standing up in the vehicle through a t-top roof. The driver of the vehicle refused to stop for police, disregarded several stop signs, and increased the vehicle’s speed. The driver eventually struck another vehicle. Two people in the other vehicle died, and one person in the pursued vehicle was injured. The Third Circuit Court ruled that the conduct of the police did not “shock the conscience” (*Fagan v. City of Vineland*, 1994). The officers were granted summary judgment. The lower court’s decision to also grant the city summary judgment, however, was reversed, which left the city open for a civil suit. An interview with the city attorney for Vineland, New Jersey revealed that a suit was filed, but a jury found no fault on the city’s part and awarded no damages to the plaintiff (Verderose, personal communication, March 23, 2009).

In the case of *Sacramento v. Lewis* (1998), officers observed a speeding motorcycle and attempted to pull over the driver. The motorcycle driver refused to stop, which resulted in a pursuit. The chase, which lasted under two minutes, terminated when the motorcycle driver lost control. When the driver and passenger of the

motorcycle were thrown from the motorcycle, the pursuing officer attempted to stop but struck and killed the passenger where he lay on the ground. The court ruled that the officer's conduct did not meet the "shocks the conscience" test. The significance of this case is that unless it could be proven that the officer intended to harm the suspect or worsen their plight, it would be extremely difficult to prove liability under the 14<sup>th</sup> Amendment.

In another case, *Fiest v. Simonson (2000)*, officer Simonson attempted to pull over a suspected stolen vehicle. The driver of the vehicle refused to stop, and after a lengthy high speed pursuit, which went the wrong way on several one way streets, the pursued vehicle struck another vehicle on the shoulder at an approximate speed of 100 miles per hour. The driver of the innocent-third-party vehicle, Brian Keith Fiest, was killed. A three-judge panel of the U.S. Eighth Circuit Court of Appeals ruled in July of 2000 that the officers had many opportunities to weigh the danger of the chase, and due to the dangers involved, the officers should have discontinued the pursuit. The court found the actions of the officers did "shock the conscience" and violated the innocent driver's Fourteenth Amendment right to due process. Nearly one year later to the day, however, the complete panel to the same court overruled that decision during its consideration of *Helseth v Burch (2001)*. In this case, Everett Contois who was being pursued by officer John Burch, struck Helseth, an innocent third party, causing the death of Helseth's passenger and leaving Helseth a quadaplegic (*Helseth v. Burch, 2001*).

Finally, the most recent court decision that gives rise to much enthusiasm and encouragement in support of pursuits by law enforcement's is *Scott v. Harris (2007)*.



On the night of March 29, 2001, a Georgia police officer clocked 19-year-old Victor Harris's car speeding at 73 miles-per-hour in a 55 mile-per-hour speed zone. The officer turned on his flashing blue lights as he followed Harris's car, but Harris refused to slow down. Other police officers, including Deputy Timothy Scott, joined in the pursuit. At one point in the chase, Harris pulled his car into a parking lot and was nearly trapped by police cars. He managed to get his car back on the highway, colliding with Deputy Scott's car in the process. Deputy Scott, leading the pursuit at that point, then requested and received permission to disable Harris's car, and he proceeded to push his bumper into Harris's vehicle. Harris lost control of his car, ran off the road, crashed, and suffered injuries that left him a quadriplegic. Harris filed suit, alleging, among other things, that Deputy Scott used excessive force to end the chase and thereby unreasonably seized Harris in violation of the Fourth Amendment (protection against unreasonable search and seizures). Deputy Scott responded by filing a motion for summary judgment based on a defense of qualified immunity (Kessler, 2008).

The District Court denied Deputy Scott's motion for summary judgment because it believed that the case presented "material issues of fact" that a jury would have to resolve. The court first decided that Harris had been seized. The Eleventh Circuit affirmed the District Court's decision to deny Deputy Scott summary judgment against Harris. In the end, however, the Supreme Court reversed the Court of Appeals decision. The Supreme Court found that Harris moved "shockingly fast" down narrow roads, "force[d] cars" to the shoulder, and engaged in "hazardous maneuvers" as he led the police in a, "Hollywood-style car chase of the most frightening sort, placing police

officers and innocent bystanders alike at great risk of serious injury” (Kessler, 2008, p. 427).

The Supreme Court next held that, given the facts of the chase, Deputy Scott's seizure of Harris was objectively reasonable and therefore did not violate the Fourth Amendment. The Supreme Court balanced Deputy Scott's goal, elimination of the "imminent" threat to pedestrians and motorists, with his method, the use of deadly force against Harris (Kessler, 2008, p. 428). Interestingly, video footage is rarely used by the Supreme Court in their decision making, but in this case, it was available for them to view, and it seems the viewing was instrumental in their final eight to one decision in support of Scott. The justices were able to see with their own eyes what had occurred, which was a different story than Harris had presented (Ross, 2008).

So the ebb and flow of the judicial tide seems to have, at least for now, rotated towards supporting law enforcement when it comes to accidents involving injury and deaths that occur as a result of a vehicle pursuit. This does not mean that departments should automatically loosen their guidelines on pursuit policy. It should, however, encourage departments to examine policies and at least consider the addition of new pursuit-ending technologies and techniques, such as spike strips and perhaps the PIT maneuver. Some policy considerations are examined in the next section.

Time and experience has brought about many departmental regulations on pursuits. According to Walker (2005), similar to police use of force issues, until the 1970s, there were few, if any, specific policies giving guidance to officers as to acceptable circumstances they could engage in during a pursuit. Officers could pursue a suspect at will, regardless of the level of the offense or circumstance. Walker (2005)

stated, “High-speed pursuits became part of the culture of policing, with flight, defined as a direct challenge to an officer’s authority.... With the development of media technology, (helicopters, more mobile cameras), high-speed pursuits became a part of the popular culture of policing” (p. 57). Pursuits were, and still are, glamorized by television and cinema. Now, nearly all departments across the United States have some policy outlining the circumstances under which its officers may or may not engage in a pursuit.

Pursuit policies come in two forms: restrictive and judgmental. Restrictive policies are those where “the officer may only pursue given the existence of certain well-defined criteria” (Pipes, 2001, p.16). These policies are usually adopted by urban and suburban departments. As it pertains to the PIT maneuver, an example of this would be a policy that allows officers to only utilize the maneuver on certain roadways and at speeds no greater than a certain limit. Judgmental or discretionary policies are those “where the officer may decide whether or not to pursue based upon certain factors” (Pipes, 2001, p.16). This allows the officer more latitude in his actions. These policies are usually adopted by rural departments or municipal departments that have interstates running through them. As it pertains to the PIT maneuver, a sample policy might read that officers will use their own discretion and judgment as to where and when the maneuver can be safely deployed based on their training, experience, and the totality of environmental factors. One policy type is not necessarily better than the other. Each department must decide which type of policy is best for its needs and for the community it serves.

Regardless of which type of policy a department implements, a pursuit policy should provide officers guidance for when a pursuit situation occurs. Officers must be trained in the use of any device or technique allowed or endorsed by the department; otherwise, a department is vulnerable to “failure to train” lawsuits. Departments and officers should be educated that use of the pursuit intervention technique will be considered a Fourth Amendment seizure by the courts and its use must be objectively reasonable. The technique is an attempt to seize control of the vehicle and person or persons in the vehicle and must be accomplished by force; therefore, the maneuver should be placed on the use of force continuum; however, where it should be placed on the continuum is debatable.

Justice J. Stevens commented in his dissenting opinion in *Scott v. Harris (2007)* that the use of an automobile as a method of seizure may be considered deadly force when he wrote “a jury could conclude that Scott unreasonably used deadly force to seize Harris by ramming him off the road under the instant circumstances” (*Scott v. Harris, 2007, p. 8*). The Georgia Ad Hoc Committee asserted that the courts have not yet explicitly ruled on whether or not the PIT maneuver is deadly force. The committee offered an opinion after their study, which included a review of their state patrol’s statistics and experience, examining the Georgia Tech Research Project and compared it to their state law’s definition of deadly force. It was their opinion that the PIT maneuver is not deadly force because death or serious injury is not a likely consequence of using the PIT maneuver in accordance with proper training and policy (Georgia Association of Chiefs of Police Executive Board, 2006).

Blankenship and Moneymaker (1997) asserted that policies on forced stops must “conform to case law regarding the use of deadly force” (p. 57). Their opinion is that policies outlining procedures for pursuits should be treated like those regulating the use of firearms and should limit pursuits to those circumstances in which the suspect “presents a clear and present danger to the community if not apprehended” (Blankenship and Moneymaker, 1997, p. 57). It should be noted, though, that they also said “adopting and enforcing a stringent pursuit policy should not be based solely on the desire to avoid litigation. Instead all police activities should be motivated by the utility of their actions” (Blankenship and Moneymaker, 1997, p. 58). Officers must often make quick decisions and choose whether to act or not. Included in that choice, the officer should always do a cost-benefit analysis. They should examine the circumstances and if the benefits of conducting the chase, maneuver, or technique outweigh the cost of incurring the risks associated with it. Blankenship and Moneymaker (1997) had a conservative stance on the use of pursuits, but they also acknowledged their benefit.

Some pursuits are surrendered quickly by suspects, but other times, they may last an hour or more. Many pursuits are lengthy and travel for miles, while others may last for only a block or two. Some only reach relatively low speeds, and others are conducted at very high speeds. Some pursuits travel roadways changing from interstate to the inner city streets and back again. On many of these streets, there are good opportunities to utilize the maneuver, including those at low speeds. Restricting the use of the maneuver to only the main thoroughfares, where speeds may increase quickly, eliminates many opportunities for officers to shut the pursuit down before it ever becomes a high speed pursuit. Shorden McCloud, a trainer of the maneuver at the

Federal Law Enforcement Training Center in Glenco Georgia, said, "I would steer clear of putting a number on the speed at which the maneuver can be done in department policies" (McCloud, personal communication, June 29, 2009).

Placing the maneuver at the highest level on the use of force scale, deadly force, may result in the restriction of its use to only the most dire circumstances and felony offenses, thus reducing its overall potential benefit. An example of this would be putting an end to the reckless and dangerous driving of a suspect whose only known violation is suspicion of driving while intoxicated. Placing the maneuver too low on the scale might lead some to believe it is not all that dangerous, when, under certain circumstances, it is quite dangerous. Due to the fact that the maneuver involves two automobiles weighing approximately 2,000 pounds each and there is intentional striking and loss of control of one of the vehicles, the potential or risk of death cannot be ignored. It appears that the technique should be placed on the Use of Force scale at the same level as impact weapons because impact weapons also carry with their use the potential to cause serious bodily injury and death. However, under most circumstances, they are not used with the intention of causing death or serious bodily injury. This is the same for the PIT maneuver. With the adoption of the technique comes the need for a clearly defined policy addressing the varied circumstances that the maneuver may be used.

Similar to the use of a police baton, the level of force the PIT maneuver may be considered can vary on the use of force continuum depending on the circumstance surrounding its use. For example, a policy might allow officers to utilize the technique at lower speeds, which have less probability for injury or for lesser offenses, such as

specified misdemeanors and DWI's. More serious offenses, such as violent crimes and felonies, might be established as criteria justifying the maneuver's use at higher speeds, which carry an increased probability of injury. Departments that decide to adopt the maneuver should have verbiage in their policy similar to that of the Georgia Department of Public Safety Policy 17.02, which states that that PIT maneuver "should not be used until other methods for stopping a fleeing vehicle (e.g. tire deflation devices and roadblocks) have been considered and determined not to be feasible" (as cited in Georgia Association of Chiefs of Police Executive Board, 2006, p. 31). If departments choose to allow officers to utilize the maneuver by policy, then training should be required and provided. According to Beach (1993), officers should only use the types of force they have trained on as "A lack of training is grounds for negligence. Just seeing someone else perform a maneuver is not enough. You must have specific instructions and be able to demonstrate how to use it" (p.168).

## **COUNTER POSTITION**

Opponents to the use of the PIT maneuver argue that it is too dangerous and would open the department up for civil liability. The cost of training the officers may be too high for small budgets. Many fear legal recourse by injured third-party victims against the government for so-called groundless and reckless pursuits. Another common argument is that the cost to repair damaged patrol vehicles will be too high. Some departments believe the mere adoption of a pro PIT maneuver policy would affect the city's insurance rates or the bond rating for the city. Municipalities are faced with a wide range of concerns that can result in liability damages being awarded to a petitioner, including matters associated with its police department's conduct. They are

forced to have insurance to protect themselves. Insurance companies can raise the already expensive premium rates for municipalities or refuse to insure them at all, especially if several lawsuits are filed against a police department (Kappeler, 2001). As a result, some departments believe the best way to keep their department out of legal battles is to establish and enforce extreme restrictions.

Certainly there are court decisions finding departments at fault. Some cite the cause of failure-to-train officers in the use of weapons or tactics they are deploying. Sometimes the lack of training is only brought to light when things go badly and someone is injured or killed. Then it becomes a problem for the officer, department, or governmental agency. Ultimately, though, the taxpayers pay the bill.

A survey conducted by the National Institute of Municipal Officers gathered data from 215 municipalities indicating they had over \$4.3 billion in pending liability lawsuits (Bates, Culter, and Clink, 1981 as cited in Kappeler, 2001). It is unknown what percentage of cases was ruled for in favor of the petitioner or what the final pay out was. Settling cases out of court is also a growing trend. One study in Texas by Vaughn, Cooper, and del Carmen (2001) found that of 630 lawsuits filed against the police, 159, or 25%, resulted in an out of court settlement with the average payout of \$55,411 to the plaintiff (as cited in Kappeler, 2001). The cost of these lawsuits is not just monetary. They cost time and effort, which takes away from the performance of the other tasks beneficial to the city and department's goal of community service.

There are two primary areas of liability involving police pursuits in which law enforcement officers and agencies are sued in federal court. They pertain to the person's 4<sup>th</sup> and 14<sup>th</sup> Amendment civil rights covered under 42 U.S.C. Section 1983.



Plaintiffs usually allege a violation of their substantive due process right to life or allege an excessive use of force was used during the process of the person's arrest or seizure (Lilly, 1999).

Two cases in 1985 concluded with rulings that strongly encouraged policy makers to adopt cautious, more conservative stances on some policies in order to avoid liability: *Brandon v Holt* (1985) and *Kentucky v. Graham* (1985). In *Brandon v. Holt* (1985) the Supreme Court ruled that department policy makers, especially the chief executive, may be held personally liable for officers' conduct if it is deemed that in his or her official capacity, he or she should have known of possible misconduct, even if they did not. In *Kentucky v. Graham* (1985), the Supreme Court ruled that an employee can be held personally liable for actions taken in his or her official capacity.

The most important concern in a pursuit is for the lives of all parties involved. The first study, by the Physicians for Automotive Safety, gained national attention in 1968. They "reported the alarming estimates that 20% of all pursuits ended in someone being killed," which, at the time, was approximately 500 per year (as cited in Walker, 2005, p. 57). The same study found that "50% ended in at least one serious injury, and 70% ended in an accident. Subsequent studies found these estimates to be exaggerated but confirmed the basic point that pursuits are highly dangerous" (as cited in Walker, 2005, p.57). Engaging in a pursuit can have fatal consequences. The latest statistics from the National Highway Traffic Safety Administration (2008) indicated the following numbers of vehicle crashes over the past ten years:

**Table 1.** Fatal Motor Vehicle Traffic Crashes Involving Police In Pursuit

Fatal Crashes	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
National	276	272	265	317	329	294	300	318	341	371	291
Texas	18	19	24	24	23	27	34	36	29	35	25

(National Highway Traffic Safety Administration, 2008)

These numbers are likely somewhat lower than actual due to the fact that only about 90% of states report fatalities to the NHTSA. The deaths in the above listed accidents were further broken down by the NCSA as to whether the deceased was an occupant in the police vehicle, the chased vehicle, a third party vehicle occupant, or was a nonoccupant/pedestrian. (See Appendix).

The potential loss of life and the fear of lawsuit that usually accompanies it is always a strong motivating factor for departments to not expand their policy. However, there is also the cost and relative scarcity of training facilities that can be considered a counter position. Finding a facility that provides training for the maneuver may be a challenge for departments that want to begin using the maneuver. Currently, there are no academies in south central Texas that offer the training, nor are any of the larger police organizations, such as San Antonio, Dallas, Fort Worth, Houston, or the Texas Department of Public Safety, currently using the maneuver or offering training. The only agency in the southeast Texas area found to utilize the technique is a suburb of Fort Worth, Texas: Dalworthington Gardens. The maneuver is accepted and is being used by a variety of different agencies outside of Texas. Georgia, Washington, and Oklahoma state police currently use the maneuver, as do the police departments in Pine Bluff, Arkansas; Fairfax, Virginia; Brunswick, Georgia; and LaGrange, Georgia, to name a few.

The Georgia Public Safety Center in Forsyth, Georgia hosts training schools for surrounding departments, leasing its facility and a dormitory, which is complete with an on-site cafeteria and provides vehicles. The instructors are usually from the individual departments and have already been through the certification. Costs associated with receiving the training includes travel, housing, meals. Everything else is provided for, including the cars (Mills, personal communication, June 20, 2009).

The Federal Law Enforcement Training Center in Glenco, Georgia trains in the use of the maneuver in its Law Enforcement Advanced Driver Instructor Training Program. The cost of the course is approximately \$2,600 per student. That cost includes transportation to and from the airport, room and board, and tuition. Occasionally, grants are given for partial or full costs of the training (Anderson, personal communication, June 29, 2009).

Departments wishing to pursue certification for its officers in the maneuver may consider hiring a certified instructor to come to their location and complete the instruction in their own town if they have access to a facility capable of accommodating the maneuver's vehicle requirements. Those departments will also have to provide at least two vehicles and be prepared to replace tires and rims as they are damaged throughout the training course. Departments adopting the maneuver should also consider the purchase of front grill guards. The grill guard should be a complete guard that covers the entire front of the vehicle and wraps as far around the lights and front quarter panel as possible. This will help protect the patrol vehicle from damage and should significantly reduce any cost of repair associated with the completion of the maneuver. The costs of grill guards vary, but a good one can be purchased for

approximately \$300. Grill guards will likely pay for themselves in the long run, even if never used in the maneuver. Grill guards provide vehicle front-end protection from damage commonly caused in minor fleet accidents, including those involving deer and other wildlife.

## **RECOMMENDATIONS**

During the research for this document, pursuits by the Huntsville, Texas Police Department were examined. The city of Huntsville has five main thoroughfares, as well as 142 centerline miles of city streets, on which the execution of the maneuver could be appropriate, either in specific areas or in their entirety. IH 45, US 190, SH 30, SH 75, and SH 19 are the main thoroughfares, and pursuits have occurred on each during the time frame examined, including inter-jurisdictional pursuits. Each of these roadways has different characteristics, from four-lane divided highways with a center barrier cable to only two opposing lanes of traffic. The city streets are sometimes very narrow, with parking oftentimes allowing only one vehicle passage in one direction at a time. Speed limits vary from 20 mph in school zones to 70 mph on the highways. This is a pretty typical semi-rural community. There are areas within the city that would be conducive for conducting the maneuver at varying speeds. The Huntsville Police Department has a detailed policy on pursuits, including a post pursuit review. The department currently allows and has a policy governing the use of the Magnum Spike strip for tire deflation of pursued vehicles but does not allow or train the use of the PIT maneuver. Pursuits dating from 2000 were examined with the number of pursuits being as follows:

**Table 2. Huntsville Police Department Pursuits.**

2000	2001	2002	2003	2004	2005	2006	2007	2008	Total
1	3	5	7	8	4	8	10	16	62

Source:(Huntsville Police Department, 2009)

The 2007 and 2008 numbers, 10 and 16, reflect 196% and 313% increase over the previous seven years average of 5.1 per year. It should be noted, however, that this increase may be partially attributed to a change in administration and policy in 2007.

The policy change broadened the department's definition of what constitutes a pursuit. This policy change was also intended to reduce officer reluctance to formally announce they were in pursuit out of the usually unwarranted fear of disciplinary action for a policy violation identified during the subsequent pursuit review board.

The 62 pursuits were examined and given a rating of "yes" or "no" as to whether or not the officer(s) involved would have physically had the opportunity to conduct the maneuver. This ranking was based on the examination of the dynamics of the individual pursuits and considered the conditions present at the time, such as time of day, traffic conditions, weather, speeds, and proximity of the officer to the suspect. The conditions were then set against the physical makeup of the roadway as well as the structures in the area of the reported route of pursuit. The ratings indicated that officers could have utilized the maneuver in 20 of the 62 pursuits. Restricting the use of the maneuver to DWI's and felonies reduces the number to 14. Restricting the use to only known felonies further reduces the number to seven. Restricting the use of the maneuver to violent felonies reduces the number to five, two of which were incoming allied jurisdictional pursuits. None of the 62 pursuits ended or involved a fatality collision.

Should the department decide to move forward with adopting the maneuver, there are some local options for training. Huntsville has a small municipal airport and is also less than an hour drive away from the Texas Engineering Extension in Bryan, Texas, and both have open areas sufficient for training purposes. The department also has access to cars which, with a minimal investment of bumpers and tires, could also be utilized. The department's current pursuit policy is judgmental. It is committed to a high level of training and education of its officers.

Finally, to answer two of the counter position concerns mentioned in this paper regarding the adoption of the maneuver, personal interviews were conducted with a member of the city's Finance department as well as the City Risk coordinator. In regards to the city's adoption of the maneuver affecting the insurance coverage for the city vehicles or general liability, it would not affect any rates or cost of coverage for the city, which uses the Texas Municipal Intergovernmental Risk Pool (Share, personal communication, May 22, 2009). The same answer was given in regard to the adoption of the maneuver affecting the cities bond rating (Honea, personal communication, May 26, 2009). The department appears to be a good candidate for the maneuver's adoption.

Most departments are highly committed to post academy in-service firearms training. Very few have continued or in-service training post academy in emergency driving or pursuit methods; yet, statistically, officers are more likely to be involved in a pursuit in their career than a shooting. Departments should research their own pursuit statistics to get an accurate assessment of the local trends and determine for themselves whether PIT training is something they wish to pursue. In doing so, many

departments may want to look at refocusing a portion of their training efforts and budgets toward this area.

Departments that do not have a pursuit policy should immediately take steps to formulate one. Departments who have not updated their policy are recommended to revisit them and strongly consider the adoption of stop sticks or spike strips for slowing pursuits and also the use of the PIT maneuver to effectively end pursuits. It should be noted that spike strips do not end pursuits, they merely slow them down; the PIT maneuver brings an end to the pursuit. There appears to be strong support from the Supreme Court for officer and agency protection, even in the event of accidental death and serious injury. If departments are unable or unwilling to adopt the PIT maneuver until new and developing technologies come available, it is recommended that as many spike strips as needed be purchased for full deployment. This will increase the odds of opportunity to have them deployed in a timely manner in a strategic location.

Ultimately, the decision to adopt or not to adopt the maneuver is up to the individual agency and must take into account the local political and community outlooks, customs, prerogatives, and demands set against the varied agency philosophies and resource capabilities (International Association of Chiefs of Police, 2004). That being said, there appears to be no better time in history to place this tool into law enforcement agency policy if it is not already there.

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## APPENDIX

### *Fatality Description*

Texas					National					
Occupant of Police Vehicle	Occupant of Chased vehicle	Occupant Of Other Vehicle	Non-occupant	Total	Year	Occupant Of Police Vehicle	Occupant of Chased vehicle	Occupant Of Other Vehicle	Non – Occupant	Total
0	15	3	1	19	1998	2	201	105	14	322
0	22	0	0	22	1999	3	212	99	5	319
0	20	4	2	26	2000	7	190	103	10	310
0	23	3	4	30	2001	4	223	121	22	370
1	14	13	0	28	2002	6	248	121	11	386
0	25	9	0	34	2003	6	229	106	13	354
2	25	9	1	37	2004	9	214	108	12	343
0	32	6	1	39	2005	5	234	104	16	359
0	32	4	3	39	2006	3	271	125	11	410
0	34	8	2	44	2007	9	296	98	21	424
0	21	7	3	31	2008	5	235	77	17	334

(National Highway Traffic Safety Administration, 2008)