

The Bill Blackwood
Law Enforcement Management Institute of Texas

Police Vehicular Pursuits: An Examination of Police Pursuit Policy
At the Lubbock Police Department

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By
Loyd Wayne Bullock

Lubbock Police Department
Lubbock, Texas
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Abstract

The dangers of a police pursuits and their necessity are continually argued in our society. The police position of the need to arrest the violators is continually compared to the need to balance the safety of the public. With this theory in mind a research project was undertaken to examine the current adequacy of the Lubbock Police Department vehicle pursuit policy.

Relevant literature was examined along with the decisions of the courts related to police vehicle pursuits. A one-year study of the police pursuits in the City of Lubbock was conducted to allow further insight into the current standing of the pursuit policy. The main focus was to help determine if the pursuit policy should allow pursuits to continue, be modified, or be disallowed. The number of accidents, injuries, deaths, and damages caused as a result of pursuits were examined as well as the benefits of arrest.

It is hoped that the reader of this material will come to the realization that police pursuits, even though highly dangerous at times, are an inevitable part of police work that cannot easily be disallowed, but can be controlled through supervision. The results of this study are intended to allow the Command staff of the Lubbock Police Department to determine the need for a policy modification. It is recommended that supervision of pursuits be enhanced by the following methods. A formal review and report of each pursuit conducted by the shift commander to include the officers involved in the pursuits and their immediate supervisor, the mandatory completion of the vehicle pursuit form, and mandatory assignment of a field supervisor to each pursuit. These actions are intended to display the serious nature of vehicle pursuits and the commitment of the department to the safety of not only the citizens but also of the officers.

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Introduction

On May 16, 1999 a man died in Lubbock, Texas when the vehicle he was operating collided with a pickup truck fleeing from the police. The tragic accident resulted in the death of the driver of the car and sent his wife and daughter to the hospital in critical condition. The actor who was attempting to elude police officers was treated at a local hospital and later listed in satisfactory condition. The actor was found to be driving under a suspended license and believed to have been under the influence of an intoxicant (Langston, 1999).

Everyday police officers throughout the country are involved in numerous vehicular pursuits. Many of these pursuits end with the only major incident being the arrest of the violator. However, some of these police vehicular pursuits do result in property damage, personal injuries, and even in death. It is these types of pursuits that have developed a highly explosive and controversial issue of whether pursuits are worth the cost and if more restrictive police vehicular pursuit policies should be implemented.

The purpose of this research project is to provide information to assist the command staff of the Lubbock Police Department in determining if the current vehicular pursuit policy needs to be revised to;

1. limit vehicular pursuits only to those offenses which would justify the use of deadly force,
2. eliminate vehicular pursuits altogether,
3. or, enhance supervision and review of vehicular pursuits.

The methods used to gather the information for this research project included several different areas. Information was gathered from numerous law enforcement related literature with pertinent information on police vehicular pursuits. This consisted mainly of journals and articles off of the Internet. An examination of court decisions related to police vehicular pursuits and the liability of the pursuits was undertaken, in order to compare these decisions with current policy. A localized study was conducted, which included a cost-benefit analysis on past vehicle pursuits conducted by Lubbock police offices. This study sought to seek information related to the cost incurred through property damage, personal injuries, and deaths compared to the benefits of arresting the violator. The study examined issues such as the number of pursuits conducted, the number of injuries involved, the number of accidents involved, the number of deaths in the past, and what offenses prompted the pursuits.

It was hypothesized the information gathered in this research paper would show that the probability of arrests resulting from pursuits would be over 75 %. The odds that an injury or property damage incurred during a vehicle pursuit would be between 40 and 50%. The violators would continue their criminal activities in the future

and would be arrested again. The amount of money spent by the City of Lubbock because of the pursuits would be more than the amount of money accessed in fines and punishments against the violators. Finally, the current policy would be within legal guidelines and it should be revised with more restrictions or at the very least enhance supervision and review of vehicular pursuits.

This research will benefit the command staff of the Lubbock Police Department by providing them with information to determine if, and to what extent, the current vehicular pursuit policy needs to be revised. This decision will have a substantial effect upon the way in which Lubbock police officers conduct future vehicular pursuits. This research will also have a direct or indirect effect on area law enforcement agencies. The intended outcome of this research paper is to assist area agencies that pursue a violator into City of Lubbock jurisdiction or where upon a violator flees the City of Lubbock to avoid arrest. The analysis of the pursuit policy will assist the Lubbock Police Department and other police agencies in the review of current policies.

Review of Literature

The controversy over the need or the value of a police pursuit is not a new one. The police departments, the news media, and the public have been choosing sides on the issue for decades. Geoffrey Alpert and Thomas Madden (1994) pointed out that it was in the 1960's that police pursuits became a critical issue for the police and the public. It was during that decade, that two positions became the focus of the police pursuit debate: 1) the benefit of police pursuits or the need to enforce laws and arrest violators; and 2) the risk of police pursuits or the importance of public safety. Alpert and Madden also point out that it was not until the 1980's that emphasis shifted from enforcement of all laws to concerns over the safety of the public and the reducing pursuit-related accidents, including those accidents involving innocent bystanders and even those being pursued. It was further pointed out that it was another decade, the 1990's, before the law enforcement community responded to the need of balancing the safety of the public and the need to enforce laws. Police agencies responded by enhancing leadership and the integration of policies, training, supervision and accountability through the development and implementation of decision-making skills.

The attitudes of all the interested groups continue to develop and over a period of time change. In an article reporting on the public's attitude towards police pursuits, it was reported that in the 1960's 64% of the people surveyed agreed that police should chase, only 33% believed that they should not. The article states a second survey

of public attitudes was acquired in 1991 by the University of Utah for the Salt Lake City Police Department. Data from it showed a marked decrease in the general public support with 28% saying the police should routinely pursue, but 56 % said they should pursue for only forcible felonies, and 8% said not to pursue at all. The article cited that Homant and Kennedy reported in 1994, 76% of the public thought police used good judgment in deciding whether to chase. However, 60% stated that police should chase only to prevent the escape of someone known to be a dangerous criminal. According to MacDonald and Alpert, this data showed that although the public still supported police vehicular pursuits, the trend was moving to chasing for more serious crimes. Citizen support was shown to diminish when the nature of the crime was not as serious and also when more information about the dangers of pursuits are presented (MacDonald and Alpert, 1998).

The general attitude of a large section of the public seems to be moving towards the opinion that police pursuits are an application of deadly force, or should be viewed as such. "... police pursuits may be as harmful to society as the use of a baton or handgun and therefore we should treat pursuit driving as a potential form of deadly force " (Becknell, Mays and Giever, 1999, p. 94). This view does seem to have some merit to it as The Highway Traffic Safety Administration was cited as providing data showing a yearly average death rate of 350 people killed in pursuits compared to an annual average of 412 people killed from police firearms (Avery, 1997). Furthermore, information gathered from the California Peace Officers Standards And Training compares the energy of a bullet to that of a motor vehicle. A 44 magnum 240 grain bullet has about 1,400 foot pounds of energy at the muzzle and travels at about 1,600 feet per second. Whereas, an automobile weighing about 4,000 pounds traveling at 35 M.P.H. will have 171,163 foot pounds of energy and will travel 52.5 feet per second (Alpert and Madden 1994).

Deadly force is not the only use of force issue that the public has its eye on. The force used by police officers in taking a suspect into custody after the pursuit has ended has created some concerns. There are individuals who perceive that chases increase the adrenaline levels of the police officers and the suspects and that police officers are often out of control after a pursuit resulting in the use of excessive force (Becknell, Mays and Giever, 1999). The perception of excessive force might be skewed somewhat in that the amount of force thought of as reasonable by one officer might not be perceived as reasonable by another officer and most likely not by the suspect. It is therefore advised that an officer other than the primary pursuit officer should take the suspect into custody as the second officer is less likely to use force than the pursuit officer who is already mad at the suspect and pumped up with adrenaline (Alpert, Kenney and Dunham, 1997). This area of concern could also have some validity as the

results of a survey of offenders involved in pursuits showed that 57% reported that police had beaten them after the pursuit. Fifteen of the suspects surveyed described some serious injuries with one injury being described as life threatening. However, only 24% of those surveyed that claimed injury filed a formal report about the incident (Dunham, Alpert, Kenney and Cromwell, 1998). Although the number of these incidents could be inflated or sensationalized by the news media, the perception by a lot of the public is that if you run from the police you will be beaten if they catch you. This might in part explain why some people might be willing to flee from the police, even normal law abiding citizens. MacDonald and Alpert (1998) related data that showed 15% of the registered voters in a survey would be tempted to run from the police if they knew that the police officer would not pursue. This is of interest because these were the civic minded registered voters that are normally not violators of the law yet they stated they would probably be tempted to run from the police. Therefore, officers are faced with one group that would be tempted to run and another group, as described next, which could care less about the law.

A study by the National Institute for Justice examined the violator's views of police pursuits. In the study 53% of 150 jailed suspects that had been involved in pursuits stated that they were willing to flee the police at all cost with 64% of them believing that the police would not even catch them (In the Line..., 1997). Further more a 1998 report showed that 67% of the offenders surveyed would run knowing the police would chase them and 53% of them stated they would run at all cost. The survey did show that there was some concern with safety as 71% were concerned for their own safety and only 63% were concerned for the safety of others (Dunham, Alpert, Kenney and Cromwell, 1998).

Officer's attitudes about pursuits were examined also. The Officers seemed to still hold to the importance of enforcement of laws and arresting criminals. However, there was concern for public safety surfacing in what type of offenses would warrant a pursuit. In a 1994 study by Falcone, Charles and Wells, most officers stated that pursuits were somewhat or absolutely necessary to control crime and maintain order. However, the officers surveyed seemed to be split on what categories of offenses were more important to pursue for (as cited in MacDonald and Alpert 1998). Other officers have claimed that failure to pursue will have a negative effect on safety and order, with 85% advising crime would increase and respect for police officers would decrease if pursuits were not allowed (Charles, Falcone and Wells, 1992). Kent, Washington Police Chief Ed Crawford was Quoted as saying " If tomorrow we all say okay, no more pursuits in the United States, every criminal out there will think he has a free ticket to do anything he wants..." (Ferraiuolo, 1998, P. 1). The opponents of this police view pointed out that this

was an unproven assertion. They felt that police pursuits resulted in an unacceptable amount of injuries and deaths, and that life was too valuable to risk on such an unproven assertion (Crew, Kessler and Fridell, 1994). Alpert and Madden (1994) revealed a characteristic about the police officers themselves that warrants consideration and concern for trainers and supervisors. Officers often become personally involved in the chase forgetting about safety and concentrating only on capturing the bad guy. Most officers admitted the chase became a personal challenge requiring them to win out over the violator, admitting to experiencing a high level of excitement that would often shade their good judgment during the pursuit. Avery (1997) pointed out that a police pursuit was 10 times more likely to end in an accident than to have an officer abandon it.

It is this high level of excitement that the news media capitalizes on. However, it has been questioned just how much of a role the news media has played in changing people's perception and attitude towards pursuits. It has been fairly well taken that the public perception of how a police pursuit is conducted is gained from watching the highly intensified Hollywood police action shows or the roving reporter news accounts. This can somewhat pervert one's perception of a real life police pursuit. As Senese and Lucadamo (1996) point out "the media is much more likely to select and publish those that end in accidents or injury because they sell newspapers, news programs or other media products" (p. 56). Some news media agencies take this task as far as cutting in on local television programs to televise a pursuit in progress and often will stay till the bitter and sometimes tragic end of the chase (Strandberg, 1998). The Fox Television Station's America's Wildest Police Videos has some asking how much of a role these shows play in glorifying police vehicular pursuits. They ask if the media, by airing these programs, gives rise to the serious problem of police officers too eager to chase or suspects too eager to flee because of such shows? (Buck, 1999).

The dangers and the possible negative outcomes of police pursuits, as well as some of the benefits of pursuits, have been revealed in several articles. These articles give us some statistical data to compare the benefits to the cost of pursuits. Some of the areas of concern that have been examined were the number of deaths related to pursuits, the number of injuries, the number of accidents involved, the arrest rates, the reason the pursuit began, and the reason why the suspect fled.

Although the pursuits on television shows seem to last for miles research shows that most pursuits are short lasting only an average of 5 minutes and a distance of about 3.2 miles (Charles, Falcone and Wells, 1992). These pursuits, however brief, occur 50,000 to 500,000 times each year in the United States alone (Senese

and Lucadamo, 1996). Even with the high number of accidents and pursuits though, Alpert and Dunham have been cited as reporting that pursuit driving accounts for less than 5% of all police vehicle accidents (Becknell, Mays and Giever, 1999). Still a 1988 study by the National Highway Traffic Safety Administration determined that 58 officers or 38 % of all of those killed in the line of duty were killed in pursuits (Senese and Lucadamo, 1996). In comparison it was reported that in 1999, 48 officers were killed in auto accidents, 10 died when struck by vehicles, 7 died in motorcycle accidents, 46 were shot to death, 2 were stabbed to death and 1 was beaten to death (Causes of Police Deaths, 2001). Jeff Maceiko, a program director for Solutions to Tragedies of Police Pursuits, has reported that almost 2,500 people nationwide are killed in police pursuits yearly (Goldberg, 1998). This data seems to be somewhat inflated when an examination of other statistics is made. The National Highway Traffic Safety Administration reported that in 1990, there were only 314 police pursuit related fatalities and gave an estimation of 20,000 injuries occurring annually (Charles, Falcone and Wells, 1992). In a 1997 article, police pursuit related fatalities were given for 1993 as 347, and for 1994 as 388 (Kenney and Alpert, 1997). Payne and Fenske (1996) examined 10 pursuit studies that were conducted from the 1960's to the 1990's. They found that on an average 31.5% of the pursuits ended in an accident, 11.3% ended in injuries, and 1% ended in a fatality. Thomas Madden and Geoffrey Alpert (1999) report similar findings and state that a generally accepted estimate is that 40 % of police pursuits will end in accidents and damages, 20% will end in injuries, and 1% will end in a fatality.

Given the percentage of damage, injury, or death associated with pursuits, one has to examine why the pursuits occur and how successful they are. Becknell, Mays and Giever (1999) cited material showing that 77.8% of police pursuits ended in an arrest. Charles, Falcone and Wells (1992) reported that 52-63% of the pursuits began over a traffic violation and that only 9-30% of the pursuits began because of a felony crime. One article gave the reasons why some of the suspects decided to flee the police. The top reason for flight was given as being in a stolen car, 32%. Driving with a suspended license and running from the scene of a crime tied at 27%. Being under the influence tied with being afraid that the police were going to beat them at 21% (Dunham, Alpert, Kenney and Cromwell, 1998). This is in line with findings generally supporting that most pursuits start for traffic offenses, most do not involve accidents and most end in arrest (Crew, Fridell and Pursell, 1995).

Even with all these impressive numbers, it is reported that there are no reliable nationwide figures on how many pursuits occur each year, why they are initiated or the end result (Sweeney, 1997). This is based upon the belief that a large number of pursuits are never reported. Macdonald and Alpert (1998) cited a study that showed

35% of the officers examined had been in a pursuit and had never reported it. There are various reasons for not reporting a pursuit. One reason is a lack of interest in reporting. Kenney and Alpert (1997) observed that only 31% of the agencies studied systematically maintained pursuit statistics or information. This is not only a problem for researchers but can actually work against the agencies. When all pursuits are not reported the statistics are skewed during research. The statistics of negative outcomes; accidents, injuries, and fatalities appear higher than they really should be (Payne and Fenske, 1996). These unfavorable statistics could become a problem in civil actions.

It has been pointed out that over 30,000 civil actions are filed against police officers each year with 4-8% resulting in unfavorable verdicts against the police and an average jury award of about \$2 million. This figure does not even consider the out-of-court settlements which reach into the 100's of millions of dollars and account for approximately half of all the cases filed (Oconnor, 2000). There are some States that will hold officers liable for ordinary negligence while some have extended absolute immunity and others extend qualified immunity provided that the officers conduct is not grossly negligent. The State of Texas relieves officers from personal liability, but it still holds the government employer liable under respondeat superior (Kennedy, 1996). Thus, it is the police agency that is at risk in the lawsuits and the administration should look closer at this area of liability and determine what measures need to be taken.

The attitudes, perceptions and statistical data on pursuits should be a major concern for the law enforcement community in regards to liability issues. In a civil trial, where the agency and the officer are being sued for actions taken or not taken during a pursuit, the jury pool will consist of ordinary citizens. The information that these groups have received in the past about pursuits, whether sensationalized or straightforward, good or bad, will form their perception of how pursuits are conducted and how the police should conduct them. According to an article from the North Carolina Westleyan College, there are two ways to sue the police:

1. the case can be filed in State Court as a tort law claim. Most people prefer this method since money awards can only settle torts and the standard of proof is preponderance of the evidence.
2. or, the case can be filed in Federal Court as a violation of Title 42 of the United States code, Sec 1983. This is commonly referred to as a civil rights claim and basically charges that someone has had their Constitutional rights violated.

Two elements have to be simultaneously present under federal liability law; first the person has to be acting under the color of law and second, the violation of a constitutional right has to have occurred (Oconnor, 2000). Therefore as pointed out, since every person working as a criminal justice practitioner acts under the color of state law,

each of those individuals are subject to liability under section 1983 (Williams, 2000). O'Connor (2000) states that claims related to police pursuits will typically involve reckless or negligent operation of a motor vehicle and usually fall within the strict liability area. Strict liability claims are where the injury or damage is severe and it was reasonably certain that the harm could have been foreseen. In addition the law dispenses with the need to prove the intent of the actor or their mental state. Pursuits will often also fall under wrongful death. However, it is noted that the courts have ruled here that the totality of the circumstances must be looked at, especially the reason why the police came into contact with the suspect in the first place.

Before June 1998, courts usually only held an employer responsible for the acts or admissions of their employees under one of two theories, respondeat superior and the theory that the employer knew or should have known of the employees negligent conduct. However, on June 24, 1998, the Wisconsin Supreme Court in Miller V. Wal-Mart Stores, Inc., established the tort claim of negligent supervision and in Doyle V. Engelke the court advised that the insurance companies have to defend employers in such cases (Fenner, 2000). In Miller V. Wal-Mart (1998) the court advised that it would be the plaintiff's duty to show that the employer has a duty of care to the defendant and that the employer did not meet that duty. The plaintiff must show that the act or omission of the employee was a cause of the injury and that the act or omission of the employer was a cause of the wrongful act of the employee. The court further stated that the act or omission did not even have to be a tort, only the act or omission had to be contrary to a basic well defined public policy evidenced by existing statutory law. In the case Jackson v. T & N Van Service (2000), the court cites the three items required to establish a negligent supervision claim. The employer needed to know or had reason to know of the unfitness, incompetence, or dangerous characteristics of the employee. The employer could have reasonably foreseen that these characteristics created a risk of harm to another. And last, the employer's negligence and the employee's characteristics or unfitness proximately caused the injury.

It was noted in the State of Utah's Supervisor's Liability Management Reference Manual, (2000) that the first line supervisor is often going to be named in the law suit in order to pull the agency into the suit and to get at the deep pockets, the money, of the state. It further notes that the employee is not usually the primary target of the lawsuit since he or she does not possess enough wealth necessary to make him an attractive target. Therefore; when there is alleged negligence on the part of an employee, the focus of the lawsuit is going to shift away from the employee and focus on the supervisor. Phillip Perry (1997) has pointed out that claims for negligent supervision have increased rapidly, and that it is an area that is not easily monitored or controlled. He gives the example of one

supervisor noticing trouble concerning an employee and then another supervisor later on sees another area of trouble with the same employee in a different area. Perry points out that a pattern may have been established within the job place, but there is no one person that is aware of the pattern if the supervisors are not communicating, so things slide. This creates the problem of whether you did or did not know about the problem or the developing pattern. Negligent supervision does not even require the act of the employee to be a tort because the focus is not on the employee. As Fenner (2000) states " ...the tort of negligent supervision actually focuses on the tortious, negligent, conduct of the employer in failing to supervise the employee so as to prohibit the wrongful conduct from occurring in the first instance" (p. 3).

Several court rulings have dealt more directly with the liability issues of police vehicular pursuits. Since police pursuits are viewed by some as a use of force, that issue will be looked at first. In Tennessee v. Garner (1985) the U.S. Supreme court stated that deadly force could not be justified to prevent escape when the suspect posed no immediate threat of death or serious bodily injury to the officer or others. The Court also stated that deadly force was justified when the officer believed the suspect posed a threat of serious harm to the officer or others, including offenses where the suspect caused or threatened serious bodily harm. The Court also stated some type of warning should be given when it was feasible. In Graham v. Connor (1989) the U.S. Supreme Court states that the reasonableness of the force used must be judged from the perspective of a reasonable officer at the scene not 20/20 hindsight. The facts and circumstances surrounding the incident, including the seriousness of the crime, if the suspect posed an immediate threat to the safety of the officers or others, and if the suspect was actively resisting or attempting to elude must be considered. The Court stated that claims of excessive force were to fall under the protection of the Fourth Amendment. The United States Court of Appeals, Sixth Circuit, in Galas v. McKee (1986) has linked high speed police pursuits to the use of deadly force advising that such chases are no different than the use of a firearm to apprehend the fleeing suspects. However, the court also stated that the use of a high speed chase to apprehend a traffic violator was not unreasonable. The U. S. Court of Appeals, Seventh Circuit took a different view in Mays v. City of East St. Louis, Illinois (1997) stating that the automobile on someone's back was somewhat different than a bullet in the back, leading one to believe they did not view pursuits as deadly as the other courts. The use of roadblocks in pursuits were examined by the Court of Appeals of Texas, Amarillo, in City of Amarillo v. Langley (1983). The court stated in this case that the roadblock should be constructed to allow the suspect to see it and allow time to stop. The officers should give some warning such as the use of emergency lights or signals, and

that failure to do so could result in a violation of due process. The U.S. Supreme Court in Brower v. Inyo County (1989) echoed the opinion that the suspect must be able to see the roadblock and given a chance to stop. The Court further stated here that a seizure would occur when there is a government termination of the suspect's freedom of movement intentionally applied. Thus, if a police unit pulls beside the suspect and strikes his car with the police car causing a wreck, then a seizure has occurred. This would encompass ramming the suspect to end the chase. In Reese v. Anderson (1991) the court stated that the use of force to stop the vehicle might be reasonable at times in a pursuit, but may become unreasonable at other times during the pursuit. The circumstances will determine such. The courts determined that for an officers conduct to be liable in pursuits, it has to shock the conscious. However, what shocks the conscious seems to be left to the courts and there does not seem to be a clear definition of what shocks the conscious. In Temkin v. Frederick County Commissioners (1991) the U. S. Court of Appeals, Fourth Circuit stated that a pursuit where the officer chased a \$17 gas theft suspect over 10 miles at speeds over 100 M.P.H., violated policy by not maintaining radio contact with a supervisor, and ending in hitting a third parties car at 60 M.P.H, did not shock the conscious. The same ruling was given in Evans v. Avery (1996) by the U.S. Court of Appeals, for The First Circuit, where officers chased a suspicious subject into a known area of heavy vehicle and pedestrian traffic in a residential area hitting a 10 year old female pedestrian. However, in Williams V. Denver, City and County (1996) the court ruled that an officer that responded to a non-emergency call by speeding without the use of emergency equipment, ran a red light in violation of state law and did not use due caution when entering the intersection, causing a wreck with an innocent person, did shock the conscious. The use of the warning signals, emergency lights and siren, was addressed by the courts in West Virginia v. Fidelity Gas and Casualty Co. of New York (1967). Here the court ruled that an officer met the conditions of due regard if he activated the emergency equipment (Becknell, Mays and Giever, 1999). In Thornton v. Shore (1983) the Supreme Court of Kansas ruled that an officer needed to operate his vehicle in compliance to state statute, using warning equipment, and exercise due care for the safety of all persons.

Under the Texas Transportation Code section 554.156 3(b), the operator of an emergency vehicle has a duty to drive with due care and regard for the safety of others using the highway. Section 546.001 authorizes the operator of an emergency vehicle to disregard the transportation code and park, stand, proceed past red lights and stop signs after slowing as necessary for safe operation. Exceeding the maximum speed limit is allowed as long as the operator does not endanger life or property. Regulations concerning direction of movement and turning can

also be disregarded. Section 546.002 applies 546.001 only when going to an emergency call or pursuing an actual or suspected violator of the law. Section 546.003 states that the operator shall, at his discretion and in accord to local government and department policies, use audible or visual signals. Section 546.004 allows an officer to operate the vehicle without using audible or visual signals when responding to an emergency or pursuing a suspected violator when he believes the actor might destroy evidence of a felony or end a suspected felony before the officer has grounds for an arrest, or if the actor will evade arrest or identification of him or his vehicle. Non-use of emergency equipment is also allowed if the traffic conditions are such that lights and sirens could cause an accident when traffic tries to yield, or if it would unreasonably extend the pursuit. Section 546.005 advises that the chapter does not relieve the officer from the duty to operate the vehicle with regard to the safety of all, or the consequences of reckless disregard for the safety of others. Section 547.702 2(b) however, states the operator shall use the siren, whistle, or bell when necessary to warn people of the emergency vehicles approach (Texas Criminal Law and Motor Vehicle Handbook, 2000).

The safety of others is further examined in the Texas Supreme Court decision in Travis v. City of Mesquite (1992). The court held that initiation or continuation of a pursuit could be negligent when there is a higher risk of injury to innocent third parties making it unreasonable in relation to the need to arrest the suspect. Further, all persons involved in the chase whose negligent conduct contributed to the injury were liable. The U.S. Court of Appeals, Tenth Circuit, expounded on the officers reckless conduct in Medina v. Denver (1992). The court ruled that reckless intent does not require an intent to do a particular harm, just the awareness of a known or obvious risk that is highly probable to cause serious harm if the actor proceeded in conscious and unreasonable disregard, going back to the shocks the conscious doctrine. Along these lines the courts are questioning pursuits for minor violations ending in injuries. In Groves v. United States Of America and in Brown v. City of Pinellas Park (as cited in Becknell, Mays And Giever, 1999) the courts are of the opinion that the risk of life can not be allowed to apprehend a suspect for just running a red light. Therefore, officers are back to what's reasonable. The courts in Lancaster v. Chambers (1994), and in Wadewitz v. Montgomery (1997) stated that an officer would act in good faith if another reasonable and prudent officer under the same conditions would believe the need to immediately apprehend clearly out weighted the risk to the public.

To combat these liabilities some agencies have looked towards training. The U.S. Supreme Court in City of Canton, Ohio v. Harris (1989) stated that failure to train in the relevant aspects of a subject amounts to deliberate

indifference to the rights of the person that the police come into contact with, making them liable. The U.S. District Court, N.D. Indiana, Fort Wayne Division, in Frye v. Akron (1991) cited the deliberate indifference rule but added that training should include instructions on constitutional, statutory, and department policy limits on the officers authority. Monell v. Department of Social Services (1978) has stated that local government is liable where the action was caused by implementation or execution of a policy statement, ordinance regulation, decision or custom officially adopted and promulgated by it's officials. The court asks basically if there was a policy or custom that when implemented or executed created a tort violation causing the injury to the party. The policy then becomes the focus. In Payne v. Perris (1993) the court states policy should be more than broad based language instructing officers to use their best judgement. Policy should contain objective criteria that guide officers and supervisors in determining when to pursue and when to terminate the chase. Several court cases address this area. Weiner v. San Diego (1991), Colvin v. Gardena (1992), Berman v. Daly City (1993) and Fagan v. Vineland (1994), all list specific criteria that not only the officer, but the supervisor, should consider in determining when to pursue or to terminate the chase. These include the nature of the original violation, the likelihood of apprehension, the danger created by the pursuit, vehicle and pedestrian traffic, the type of area the pursuit is in, the officers familiarity of the area, weather and road conditions, officers driving skills and the condition of his vehicle, the distance traveled, the speeds reached, the safety of all concerned, and supervision.

One of the most common ways of dealing with police administrative concerns is making a policy to cover the concerns and give employees direction. Wells and Falcone (1992) observed that although policies need to address problem areas they also need to be constructive and provide true guidance to the officers. They pointed out that although 79% of the policies they examined had conditions for terminating a pursuit, these were phrased too broadly in terms of discretionary judgment, and provided too few specifics to actually guide the officers. They also found that half of the departments did not even have a clear definition of what did constitute a pursuit. Kevin Kennedy (1996) presented a most impressive definition in a study for the Michigan Law Revision Commission. "Vehicular pursuit shall mean an active attempt by a law enforcement officer operating a motor vehicle to apprehend one or more occupants of another motor vehicle, when the driver of the fleeing vehicle is or should be aware of such attempt and is resisting apprehension by maintaining or increasing his/her speed, ignoring the officer, or attempting to elude the officer while driving at speeds in excess of those reasonable and proper under the conditions" (p. 13).

Becknell, Mays and Giever (1999) identified 3 types of policies typically used in regards to police

pursuits. The first type of policy is a judgmental policy. This type of policy allows officers to make all major decisions relating to the initiation of the pursuit, tactics used during the pursuit, and when to terminate the pursuit. A second kind of policy is a restrictive policy. This policy allows pursuits but does so by placing certain restrictions on officers judgments and decisions. The third kind of policy identified was a discouragement policy. This policy will severely caution against or discourage any pursuit, except in the most extreme situations. The types of pursuit policies that law enforcement agencies have varies with the local characteristics of the community and the departments. However, as Kenney and Alpert (1997) have pointed out, most agencies that have updated their pursuit policies have made them more restrictive. This appears to be a nationwide trend as more and more departments are seen going to more restrictive pursuit policies. A trend that Laura Goldberg (1998) points out is fueled in part by the damaging awards in lawsuits against the police. Falcone and Wells (1999) confirm this trend, noting that while some departments may develop such policy restrictions from a public safety perspective, the major driving force behind such policies for most agencies is to avoid litigation. Some researchers, such as Becknell, Mays and Giever (1999) believe that when policies become more restrictive, when more training is provided, and systematic evaluations of all pursuits are conducted, that the rates of pursuits will drop as well as the negative outcomes. Crew, Kessler and Fridell (1994) follow this same theory. They believe that accident and injury rates can be reduced by either of two policy adoptions. A pursuit review process strengthening monitoring of police pursuits, or a restrictive pursuit policy. They note that a combination of the two produces a particularly strong effect. The types of policy restrictions have been shown to have a measurable effect on the number of pursuits conducted. Donna Rogers (1997) reported that the Metro-Dade Police Department went to a violent felony only pursuit policy in 1992. The number of pursuits dropped by 82% the following year. In contrast, Omaha went to amore permissive pursuit policy in 1993 that allowed pursuits for crimes not previously allowed. Omaha's pursuit numbers shot up 600 %. However, these results are not true for all agencies. MacDonald and Alpert (1998) found that some areas that went to violent felony only pursuits were reported to have no change in the amount of crime, and there was also no change in the number of people who tried to elude police. Charles, Falcone and Wells (1992) found that formal pursuit policies and formal training did not appear to reduce the number of pursuits. They found the opposite. It seemed that departments with formal policies and training reported slightly higher numbers of pursuits. They best sum up the problem by commenting "...the issue then becomes not so much if pursuits should or should not be allowed, because there will be circumstances where police are required to pursue, rather it concerns the conditions and the

manner in which pursuits should be authorized and how they can be conducted with the greatest margin of safety” (p. 4).

The conditions and circumstances in which pursuits are, or should be conducted, has been examined by some researchers and departments. In an article by Geoffrey Alpert (1998), he identified four factors that police officers and supervisors used to determine whether to continue or terminate a pursuit; the known violation that prompted the pursuit, the area the pursuit was in, the traffic conditions, and the weather conditions. He reported that police officers felt that the nature of the original offense was the most important factor in determining to continue pursuit. Both the officers and their supervisors felt that the need to arrest was the most important factor in deciding to start the pursuit. They also both listed traffic condition as the most important risk factor in determining to terminate the pursuit. A violent felony was seen as the most important offense that would justify continuing even a risky pursuit. It has further been suggested that supervisors, and officers, be trained in identifying certain characteristic of pursuits that would help in making the decision of continuing the pursuit or calling it off. Madden and Alpert (1999) composed an article where officers examine the characteristics of the pursuit in order to develop a decision calculus. Officers would consider the “odds” of possible outcomes in a pursuit based on what is known about certain characteristics of pursuits. This would assist in determining whether to pursue or not. The characteristics of the pursuit such as area, commercial versus residential, speed, number of cars involved, and reason for the pursuit are considered against the known odds of accidents occurring with certain characteristics present. Crew and Hart (1999) developed a theme of using ratios and probabilities dealing with the characteristics to create a pursuit trade off ratio. Factors affecting the outcome of pursuits such as the reason for the pursuit and the time of day are examined. If the benefits of the pursuit outweigh the risk of the pursuit, then the pursuit is thought to be worth the risk. They show however, that some pursuits are less beneficial than others. Both of these theories are believed to be able to assist the officers and supervisors in identifying when a pursuit is too risky and needs to be terminated.

Research also looked at training of the officers in several areas to lessen the number of pursuits. Most suggest not only training in the mechanics of the vehicle pursuit, but also in the policies and liabilities associated with the chase. Charles, Falcone and Wells (1992) reported that both the police officers and their supervisors generally do not know their department’s pursuit policy and procedure. Rogers (1997) has noted that veteran officers seem to become unmindful or forgetful of pursuit policies after being on the job for a period of time. These two

seem to make a case for continuing education and training of veteran officers. Wells and Falcone (1992) pointed out that there has been a striking lack of training for officers, especially in legal issues and in decision making. Suffolk County, New York addresses this lack of training by including a lecture segment in pursuit training that basically deals with County policies, pursuit policies, and civil liability along with the physical principles of driving the car. It is here that they attempt to get officers to concentrate on the important issue of liability (Rogers, 1997). Sweeney (1997) mirrors this theory reporting the need for continuing training in policies and legal issues but also adds the need for reporting and reviewing the vehicle pursuits. This is an over looked area that is in need of attention for obvious reasons. However, as Dennis Kenney of the Police Executive Research Forum states, " Teaching officers how to drive is an important goal in police training. Teaching them decision making during the pursuit is not" (Fossum, 1997, p. 64).

Supervision and review of pursuits is another area researchers have looked at to possibly lessen the negative outcomes of some pursuits. Senese and Lucadamo (1996) suggest training supervisors in monitoring and overseeing activities in pursuits as well as in the traditional pursuit training. Fossum (1997) points out that police supervisors have not historically taken a leadership role in police vehicle pursuits and that they often let dangerous pursuits continue despite when common sense would dictate calling it off. He advises that it is up to the patrol supervisors armed with a workable, defensible pursuit policy that is aggressively applied by them, to counter the negative impressions of police vehicular pursuits. There is another quality that a supervisor brings into a chase, as is relayed by Sweeney (1997). He believes supervisory control of a pursuit will allow a third party not emotionally involved to guard against what he identified as pursuit fixation, where the pursuing officer could throw caution to the winds. The supervisor monitoring the chase could use calm reasoning in his decisions. A supervisory review of pursuits has been mentioned several times in police literature. This suggestion goes beyond a casual interview held after the pursuit ends. Fossum (1997) suggests that a patrol supervisor should review each pursuit with the officer. The purpose is to use the review as learning tool, pointing out areas of concern and also areas of good work. This review process is believed to show that the department and its supervisors are serious about pursuits and the dangers they can pose. Many, even courts, have looked upon the use of police vehicles to pursue suspects as an application of deadly force. It would seem outrageous for a department not to review a use of deadly force incident where an officer fired his weapon. Yet, many agencies fail to review the pursuits that their officers engage in even though these pursuits are viewed by many as a use or potential use of deadly force. It was found in one study that 89% of

the agencies surveyed had some type of follow-up on their pursuits. However, 33% of these were reviews that resulted only in an informal talk with the officer. Another 47% of the agencies only required a short report describing the pursuit. Less than half of the agencies, 46%, had a formal supervisory review in place. Some of the agencies, 8%, required an internal affairs investigation. These were usually conducted only when there were negative outcomes involved with the pursuit (Kenney and Alpert, 1997).

Methodology

The question that is the subject of this research is, does the current pursuit policy of the Lubbock Police Department need to be revised to limit pursuits to violent felonies only, eliminate pursuits altogether, or enhance supervision and review of the pursuits? It is hypothesized that this research will show that police pursuits are a necessary function of law enforcement and that enhanced supervision and a review process will strengthen the current policy. The method of inquiry of this research paper was first to examine the available literature concerning police pursuits. A local study of the Lubbock Police Department pursuits occurring in 1999 was then conducted. This study examined what initiated the chase, why the actor ran, how the chase ended, the custody status, pre and post contact with police and judicial sentences. It also examined the number of accidents, injuries, property damage, and fatalities involved, with a look at the cost of these categories. Pursuit data was obtained from the pursuit forms filed with the Lubbock Police Department and maintained by the safety office. However, during the initial stages of the study it was discovered that a number of pursuits had not been properly reported. This required a manual search of crime reports filed for auto theft and unauthorized use of a motor vehicle, evading, driving while intoxicated and driving while license suspended. This encompassed approximately 1,390 reports. An interview was conducted with a driving instructor for the Lubbock Police Department for information on current training. A second interview involved a representative from Crawford and Company, an insurance firm that assists in handling claims against the City of Lubbock. Information was also obtained from the Insurance Information Institute concerning cost of accident claims. The information obtained from 1999 Lubbock study was used to compare with averages of previous studies in the above listed categories, to examine post contact with Lubbock Police, and to compare the cost incurred during the pursuit against the judicial sentencing. Judicial sentencing information was obtained through the cooperation of the City of Lubbock District Attorney's Office. An examination of court decisions related to police pursuits was conducted with advice received from the Lubbock Police Department Legal Advisor, The City of

Lubbock Attorney's Office, several private practice attorneys, and research conducted at the Lubbock County Law Library.

Findings

One of the main considerations of this research was to examine the court cases associated with police pursuits and to compare their decisions with current pursuit policy. The courts state that officers should drive with due care and regard for the safety of all. The current policy expresses this concern throughout, advising officers of this duty and also the need to balance the safety of life and property against the need for apprehension. The courts have also stated that specific guidelines need to be given to officers in considering to pursue and in terminating the chase. Current policy instructs the officer to consider the seriousness of the offense, the extent to which the offender may later be identified if not captured, the possible destination of the actor, the ability to arrest the actor without use of a pursuit, the likelihood of being armed or resisting, the potential harm to others or property based on weather, road conditions, time of day, pedestrian and traffic conditions, and available escape routes. The policy prohibits driving the wrong way against traffic, and prohibits pursuits if the possible harm to persons or property outweighs the harm threatened by escape of the actor. Pursuit is prohibited when the identification and arrest of the actor can be made by other means, or when a civilian is in the police vehicle. The designation of the primary pursuit unit and its duty in regards to the pursuit is addressed as well as the number of vehicles that can be involved in a pursuit. The policy also gives specific guidelines of when to terminate the pursuit. The courts have instructed that roadblocks must be able to be seen and the actor be given a chance to stop. Current policy advises the same construction as the court and also takes into consideration the safety of the public. The courts were concerned about the use of excessive force during pursuits. Lubbock policy provides for the use of certain actions only when the use of deadly force would be warranted. The use of the emergency equipment has been addressed by requiring its use during pursuits. The courts have also expressed the concern of pursuits for minor offenses such as traffic violations. The Lubbock police policy instructs the officer to consider this fact in determining to pursue and also in discontinuing the chase. Thus, the current Lubbock Police Department pursuit policy addresses the concerns of the courts in these regards to police pursuits. The courts have also indicated the need for proper training. This area is addressed by the training of officers in tactical police driving under the National Academy for Professional Driving program. In an interview with Officer James Altgelt, on April 22, 2001, it was advised that the students received instruction on pursuit and

emergency driving and on department policy.

Another main focus of this research was to conduct a pursuit study of the Lubbock Police Department. The study examined police vehicle pursuits from January to December of 1999. Some highlights of the study's findings will be addressed here but a more complete listing can be found in tables one through eight in the appendices. The most common reason for initiating a pursuit was found to be the traffic offense of speeding, accounting for 29% of the pursuits. Fleeing a crime scene came in second at 18%. The reason found later for the actor fleeing was most commonly being intoxicated, ranking at 30% of the pursuits. The second most common category for fleeing police, at 23 %, was the suspect had outstanding warrants and wanted to avoid arrest.

There were six categories found to exist in the termination of the pursuits. The highest-ranking category at 63% was that the suspect stopped and surrendered. The second highest category at 23% was the pursuit ended in a traffic accident. The amount of contact that the actors had with the Lubbock police before and after the pursuit incident was also examined. It was found that 60% of the actors that fled from the police had been arrested in the past in Lubbock and that 45% of those involved went on with criminal activity and were arrested later again after the pursuit incident. It was also learned that of those individuals that had fled in pursuits, 13% had attempted to elude the police in the past. There was a comparison made between the information presented earlier in this paper from literature resources and the 1999 pursuit study. The 1999 study showed that 23% of the pursuits ended in an accident. This was compared to the average of 40% given earlier, showing the accident rate to be almost half of the average. Property damage was shown in the 1999 study to be at 31%. This is compared to the literature average given earlier at 40%. The injury rate in the 1999 study was ranked at only 8% showing a large difference from the average of 20% from literature. The fatality rate was equal with the given average ranking at 1%. There was 1 accident in 1999 involving 1 fatality resulting from a police vehicle pursuit and was described in the opening of this paper.

From the research conducted for this paper, it was found that only two other police pursuit traffic fatalities have occurred. On February 28, 1972 the Lubbock Avalanche Journal newspaper reported that three people were killed when a vehicle being pursued for running a red light collided with their car as they attempted a turn through an intersection (Morgan, 1972). The other fatality occurred in 1987 when an officer attempted to stop a motorcycle for improper registration. The driver of the motorcycle attempted to flee resulting in the motorcycle hitting a pothole, becoming airborne, and colliding with a tree killing the driver of the motorcycle and injuring the

passenger. The motorcycle turned out to have been stolen by the driver (Lubbock Avalanche Journal, 1987). It should be especially noted that of the 91 pursuits in the 1999 study, 62% of them were found to have ended in no injuries or damage. A cost benefit analysis was conducted on the 91 pursuits from 1999 and the results are listed in table 7. The analysis shows that the pursuit costs in injuries, property damage and death came to an estimated figure of \$662,251. These figure are based on the averages paid per insurance claims on injuries, property damage and death obtained from the Insurance Information Institute(2001). The Insurance Information Institute Insurance fact book for 2001 listed the average claim for injuries in 1999 at \$9,624 and for property damage at \$2,291. The 1999 average claim payment for a death was listed as \$541,472 (Boxold, 2000). The analysis showed that the actors involved in pursuits resulting in accidents, injuries, or property damage received an average jail sentence of 2.14 years, or a probation sentence averaging 6.3 years. The one fatality resulted in a 20 year prison term. There was no fines or restitution imposed on the cases examined. It was also discovered that the City of Lubbock did not incur a monetary loss from civil claims resulting from the 1999 police pursuits as of April 2001. This information was gained from interview on April 22, 2001 with a representative of the Crawford & Company agency that assist in handling City of Lubbock claims.

Discussion

The problem to be addressed in this study was to identify if the current City of Lubbock Police Department vehicle pursuit policy needs to be revised to limit pursuits to felonies only, eliminate them completely, or enhance supervision and review of the pursuits. It was hypothesized that a study of the pursuits conducted by City of Lubbock police officers would show an arrest rate of over 75%. That property damage incurred from pursuits would occur in between 40 and 50% of cases. That those violators would later on continue their criminal activity and be arrested again. That the monetary loss of the City of Lubbock due to civil claims would be more than the amount of fines and punishment dealt to the offenders. It was also hypothesized that the current police pursuit policy would be within legal guidelines, but could be strengthened by enhanced supervision and a formal review process.

The hypothesis that pursuits would end in over 75% of the subjects being captured was correct. The arrest rate for the 1999 study was 91%. Property damage was lower than expected with the study showing a damage rate of 31%. The theory that the actors would repeat criminal behavior in the future also proved somewhat correct as 45% were arrested again. The hypothesis that the city would suffer an economic loss was disproved as the

City of Lubbock did not incur any civil loss from the pursuits in the 1999 study as of April, 2001.

The information presented in this research shows that the current vehicle pursuit policy of the City of Lubbock Police Department conforms with the court decisions in regards to pursuits and with several theories in the literature. However, this policy can be strengthened. The current policy while assigning some supervisory duties to a pursuit situation could be enhanced in this area. A review of court decisions and literature has shown a strong tendency toward supervisory monitoring of police pursuits in order to reduce some of the negative effects. There has also been a call for a more formalized review of police pursuits by supervisory personnel in order to enhance reporting, supervision, and compliance with policies. Currently there is no formal review by supervisors in place. There is also no formal requirement that a pursuit report be filed, although it is "custom" to file a pursuit form after each vehicle pursuit. Many police vehicle pursuits go unreported in agencies for various reasons. In many cases the officers are preoccupied with the arrest reports and paper work resulting from the pursuit that they fail to file the report, a mere oversight. A formalized review of each police vehicle pursuit by a supervisor assigned to monitor the pursuit would assist in strengthening this area. The supervisor could arrange to meet the officers involved in the pursuit immediately after the termination of the pursuit and after securing the suspect. The supervisor would be able to review the video tapes of the pursuits from the police vehicles mobile video system with the officers, using this opportunity not only to see that policy was followed, but also as a training aid to assist the officers in their performance and would also have a great opportunity to recognize the good work of the officers and make appropriate comments and actions upon this as Fossum suggested. This would also bring into the arena, a third party that would be able to see that all reports and forms are filed. Making the pursuit report form and a supervisory report form mandatory would insure that these forms are filed. The literature indicates as does some of the court decisions, that vehicle pursuits are going to occur, and are in some cases, a necessary part of police work. Authors on the subject believe that a stronger role played by the supervisory personnel of a department will not only increase the strength of the pursuit policies, but will also perhaps decrease some of the more dangerous and unneeded pursuits.

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APPENDICES

TABLE 1**ORIGINAL VIOLATIONS FOR VEHICLE PURSUITS
IN THE CITY OF LUBBOCK IN 1999**

ORIGINAL VIOLATION	TOTALS	PERCENT
SPEEDING	26	29
FLEEING CRIME SCENE	16	18
RECKLESS DRIVING	10	11
RAN RED LIGHT	9	10
RAN STOP SIGN	7	8
REPORTED STOLEN VEHICLE	4	4
DRIVING WITHOUT VEHICLE LIGHTS ON	3	3
NO SIGNAL OF INTENT	3	3
DRIVING ON THE WRONG SIDE OF ROAD	2	2
EXPIRED MVI/REGISTRATION	2	2
REPORTED SUICIDIAL SUBJECT	2	2
NOT WEARING SEAT BELT	1	1
DRIVING WRONG WAY ON ONE WAY	1	1
KNOWN FUGITIVE	1	1
NO TAIL LIGHTS ON VEHICLE	1	1
SUSPICIOUS VEHICLE	1	1
ASSISTING OTHER AGENCY	1	1
UNKNOWN TRAFFIC VIOLATION	1	1
TOTALS/ PERCENTS ARE ROUNDED UP.	91	100%

TABLE 2**THE REASON FOUND FOR SUSPECT FLEEING POLICE
In 1999**

REASON	TOTALS	PERCENT
INTOXICATED	27	30
OUTSTANDING WARRANTS	21	23
IN A STOLEN VEHICLE	11	12
ESCAPED-UNKNOWN	11	12
INVOLVED IN A CRIME	8	9
LICENSE SUSPENDED	5	6
SCARED OF CONSEQUENCES	3	3
HAD DRUGS IN THE VEHICLE	2	2
SUICIDIAL SUBJECT	1	1
MEDICAL CONDITION	1	1
DID NOT WANT CITATION	1	1
TOTALS	91	100%

Note: Percents are rounded off.

TABLE 3
1999
REASONS THE PURSUITS WERE TERMINATED

<u>REASON PURSUIT WAS TERMINATED</u>	<u>TOTALS</u>	<u>PERCENT</u>
SUSPECT STOPPED	57	63
INVOLVED IN AN ACCIDENT	21	23
SUSPECT ESCAPED	8	9
VEHICLES TIRES BLEW OUT	3	3
OFFICER USED TIRE SPIKES	1	1
VEHICLE CAUGHT ON FIRE	1	1
TOTALS/ PERCENTS ARE ROUNDED OFF	91	100%

TABLE 4
THE CUSTODY STATUS OF THE 91 SUSPECTS
INVOLVED IN THE 1999 LUBBOCK POLICE VEHICLE PURSUITS

<u>STATUS</u>	<u>TOTALS</u>	<u>PERCENT</u>
TAKEN INTO CUSTODY	83	91
ESCAPED BUT LATER IDENTIFIED	4	4
ESCAPED AND NOT IDENTIFIED	4	4

Note: Four of the people taken into custody were subsequently released to the hospital. One was injured in a prior vehicle accident, one was injured in a vehicle accident during the chase, one was a mental commitment, and one was a diabetic medical condition.

TABLE 5
THE TYPE OF CONTACT THE 91 SUSPECTS HAD WITH THE LUBBOCK POLICE
BEFORE AND AFTER THE 1999 POLICE VEHICLE PURSUITS, UP TO DEC. 2000

<u>TYPE OF CONTACT</u>	<u>TOTALS</u> Numbers from 91 suspects	<u>PERCENT</u>
HAD PREVIOUS ARREST RECORD	55	60
ARRESTED AGAIN AFTER PURSUIT INCIDENT	41	45
HAD PREVIOUS EVADING ARREST	12	13
EVADED POLICE AFTER PURSUIT INCIDENT	2	2
NO ARREST BEFORE PURSUIT BUT ARRESTED LATER	15	16
NO ARREST AFTER PURSUIT BUT WAS ARRESTED PRIOR	27	30
NO ARREST BEFORE OR AFTER THE PURSUIT	17	19
HAD PREVIOUS ARREST AND WAS ARRESTED LATER ALSO	28	31
ESCAPED- UNKNOWN ARREST RECORD	4	4

TABLE 6

ACCIDENTS, INJURIES, PROPERTY DAMAGES,
AND FATALITIES FOR THE 91 VEHICLE PURSUIT CASES OF 1999

	<u>NUMBER INVOLVED</u>	<u>PERCENT</u>
PURSUIT RESULTING IN TRAFFIC ACCIDENTS	21	23
PURSUIT RESULTING IN PROPERTY DAMAGES	28	31
PURSUIT RESULTING IN INJURIES	7	8
PURSUIT RESULTING IN A FATALITY	1	1
POLICE VEHICLE DAMAGED	0	0
SUSPECT VEHICLE DAMAGED	27	30
OTHER PEOPLE'S PROPERTY DAMAGED	17	19
OFFICERS INJURED	0	0
SUSPECT INJURED	5	5.5
OTHER PEOPLE BEING INJURED	2	2
PURSUIT NOT INVOLVING INJURY/DAMAGES	62	68

TABLE 7

COST BENEFIT ANALYSIS FOR 1999 LUBBOCK POLICE VEHICLE PURSUITS

	<u>\$ amount</u>
PROPERTY DAMAGE	53,404
PERSONAL INJURIES	67,375
DEATH	541,472
<u>CUSTODY STATUS</u>	<u>number</u>
TAKEN INTO CUSTODY	83
BOOKED INTO JAIL	79
RELEASED TO HOSPITAL	4
ESCAPED	8

COURT SENTENCES

11 JAIL TERMS AVERAGING 2.14 YEARS
ONE 20 YEAR JAIL TERM
6 PROBATIONS AVERAGING 6.33 YEARS
6 CASES PENDING
1 NOT AVAILABLE- JUVENILE

FINES / RESTITUTION

NONE

MONITARY LOSS FOR CITY OF LUBBOCK
FROM CIVIL CLAIMS AS OF DEC 2000

NONE

Note: Figures are based in part on information from the following sources.
Boxold. (2000)
Insurance Information Institute. (2001)

TABLE 8
91 pursuit cases of 1999
Comparison of Lubbock Police pursuit statistics and literature statistics

<u>LITERATURE STATISTICS</u>		<u>LUBBOCK POLICE STATISTICS</u>
PURSUIITS ENDING IN ACCIDENTS	40%	23%
PURSUIITS ENDING IN INJURIES	20%	8%
PURSUIITS ENDING IN FATALITIES	1%	1%
PURSUIITS ENDING IN ARREST	77.80%	91%
PURSUIITS BEGINNING AS TRAFFIC VIOLATION	52-63%	71.50%
PURSUIITS BEGINNING BECAUSE OF FELONY	9-30%	5%
<u>REASON FOR FLIGHT</u>		
BEING IN A STOLEN CAR	32%	12%
SUSPENDED LICENSE	27%	5.50%
FLEEING CRIME SCENE	27%	9%
INTOXICATED	21%	30%
AFRAID	21%	3%

Information based in part on the below resources:

Becknell, C., Mays, G. and Giever, D. (1999)
Charles, M., Falcone, D. and Wells, E. (1992)
Dunham, R., Alpert, G., Kenney, D. and Cromwell, P. (1998)
Madden, T. and Alpert, G. (1999)