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The Effects of Police Pursuits and our Public's Perception.  
Should Law Enforcement have more restrictive policies?

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## **ABSTRACT**

The practice of pursuing criminal offenders has been a duty of law enforcement since the beginning. Criminals eluding the grasp of justice fled initially on horses. As technology progressed so did the criminals means of escape. The evolution of technology currently has criminals using a ton of metal racing through populated streets. The criminals reasons for evading law enforcement remains the same, however the results of pursuing an offender have changed with grave consequences. Police agencies across America are charged with protecting and serving the general public. In doing so, officers must pursue offenders who attempt to elude law enforcement officials. Law officers and their agencies have to calculate whether the necessity of apprehending an offender outweighs the consequences of a pursuit.

Death, liability judgments and deterioration of public support are some of the effects when pursuing a fleeing suspect goes astray. It is the responsibility of law enforcement officials to craft policies and procedures ensuring their diligence and pursuit of justice does not cross the thin blue line of negligence. In the absence of responsible policies, there are too many unfortunate funerals for uninvolved individuals, millions of dollars of liability judgments levied and a deterioration of the publics support for law enforcement.

Research concluded the majority of police officers understand the dangers associated with pursuing offenders in the twenty-first century. Officers and the public both agreed there should be restrictions on when to pursue a fleeing offender and when the consequences outweigh the benefits.

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## Introduction

Sixteen thousand accidents, eight thousand injuries and four hundred deaths are some of the results of police pursuits according to a survey from Richard Morgan (2000), who is a sociology professor at Mount Holyoke College. Does the risk to the community outweigh the risk associated with pursuing a suspect? There are varying opinions from "chase them all" to relatives asking for restrictive policies as they mourn children who gave their life upon the altar of justice after becoming victims of police pursuits. Police officers pursue offenders daily, ranging from traffic violations to capitol felonies. Death, injury and millions of dollars in damages are some of the outcomes of police pursuits. After examining the physical and monetary effects of pursuits this inquiry prompted a controversial question "Is there a need for more restrictive pursuit policies?" The answer is probably yes, however the average criminal, misdemeanor or felon, cannot have a free get out of jail pass just because they fled from an officer. The decision has been a hard call by police administrators and the families of our victims. It's the difference between civility and mayhem, somewhere there has to be a compromise.

Several sources have been identified to document and investigate various aspects of police pursuits. Initially, information was identified that emphasized the physical effects of police pursuits, such as the loss and injury of officers and innocent victims. Richard Morgan (2000) documented a prime example as to the physical effects of hot pursuits on January 31, 2000. Morgan identified a police pursuit that ended with the death of two teenagers and three others being seriously injured. This devastating event was initiated when a zealous officer pursued the offender's vehicle for running a traffic light. Did this situation warrant the death of two youths and the injury of three others? What must be determined is whether this pursuit was

justified, or whether the officer created a greater risk to the community by pursuing for a minor traffic infraction.

Secondly, documentation on the monetary effects of police pursuits has been reviewed, including but not limited to articles, texts and government reports. It is inconceivable that agencies, large or small, continue becoming plaintiffs in civil tort's resulting from police pursuits. The judgments being levied against law enforcement in the pursuit of justice have proven to be very expensive, imagine the idea of placing a value on a life, parent, or a child. Some victims have been involved in police actions directly and others indirectly, merely just out with their families. After reviewing the preliminary monetary claims paid resulting from police pursuits, the same question has to be asked, did the reason for pursuing a suspect create a greater risk to the community than the violator posed and could this have been prevented with a restrictive pursuit policy?

Finally, after researching the different effects of police pursuits, it was obvious that something was wrong. A police officer being sworn to protect and serve in some instances created a greater risk to society by pursuing misdemeanor offenders. While examining the plethora of data on police pursuits, an interesting study was availed. The United States Department of Justice organized a Pursuit Management Task Force (1998) to research and address various issues surrounding police pursuits. One of the methods used was a public survey administered to over 1,600 individuals. The public's survey was compared to a similar survey sent to 1,085 police officers that work the streets. The results from these two surveys were quite interesting especially when looking at the comparison of the responses submitted by both of the groups. It is agreed that pursuing fleeing offenders affects lives, how the public perceives law enforcement, and the budgets of Federal, State, and local agencies. Ultimately, what must be

determined is how to come up with or create acceptable pursuit policies. The policy must specify who is responsible and to what extent the police department and individual officer should be held liable. A factor that must be taken into consideration when creating this policy is to what extent the public will support law enforcement in their pursuit of justice in civil and criminal courts.

The ultimate question is do the majority of police pursuits create a greater risk to the public compared to the offense of the violator; so, should there be more restrictive police pursuit policies? This is a highly controversial topic where people have differences of opinion on when they feel a police officer should be allowed to pursue suspects.

## Literature Review

Police have been pursuing offenders since the beginning. In the old west, lawbreakers fled from justice by mounting a horse and riding out of town. The apprehension of fleeing outlaws was accomplished by forming a posse, and the old west version of a pursuit was on. Times have changed, but human nature apparently has not. Criminals are still trying to avoid apprehension by fleeing from law enforcement officials. Different however from the old west criminals they now use a ton of metal, racing through populated areas or streets, instead of galloping horses. The motive behind their flight may remain the same, however the affects of society have changed dramatically. Chasing criminals has become a deadly business.

Pursuits affect the lives of pursuing officers, innocent third parties the suspect(s) being pursued (Crew, 1995). Officers are charged with an oath of office to "serve and protect" society. In the controversy, a question has been formulated asking to what extent does an officer "serve" to a point where he or she quits "protecting" by placing the citizenry in dangerous situations, such as those presented by police pursuits. Pursuit driving has come under close scrutiny as publicity over accidents, injuries, and death. The results of such incidents have shocked the public, according to author G. Alpert (1988). Opinions on when a law enforcement officer should or should not pursue is a highly controversial issue. A prime example occurred when the Taunton Police Department initiated a police pursuit after a vehicle disregarded a traffic control light. In this particular case the officer chased the suspect's vehicle through an intersection. The results, both teenagers inside the vehicle were killed (Moran, 2000). Was this chase justified? Did the suspect's actions justify the use of deadly force? The Taunton officer also placed himself in a dangerous situation when he pursued the misdemeanor through the intersection. A recent Justice Department research (Moran, 2000) showed that forty percent of all police pursuits end in

crashes and accidents, twenty percent in injuries and one percent in death. The justice report also stated that fifty percent of all pursuits end in injury and or death, within the first two minutes. The dilemma of high-speed pursuits is deciding whether the potential of not pursuing a fleeing suspect outweighs the risks associated with initiating a pursuit to apprehend, with no guarantee of success. However, what is clear is that two young teenagers would be alive today, instead of their lives being equivalent to someone disregarding a traffic light, if the Taunton Police Department would have had more of a restrictive pursuit policy.

Police administrators across the country are faced with police pursuits and how to draft a policy that allows officers to apprehend criminals and not cross issues of contributory negligence. A study conducted by the World-Herald (2000) identified that 60 percent of police pursuits result from traffic violations. Understandably, just because they are initiated from a traffic violation does not usually mean there is not a higher grade offense, which is usually the reason why suspects decide to evade apprehension. The California Highway Patrol identified where seventy percent of their pursuits involve felonies and serious misdemeanors. It was noted that even though the end result was a higher grade offense the majority of their pursuits were initiated from traffic violations (Hannigan, 1992). This makes it difficult for law enforcement to determine when the cost outweighs the benefit of a pursuit. It is understood that police pursuits affect lives physically and economically. A report by Dave Schofield (1988) re-affirms that the law requires all police officers to operate their vehicles with a due regard for the safety of others while pursuing offenders. As professional law enforcement officers a more restrictive pursuit policy would save lives and families.

A restrictive policy does not mean don't pursue, but instead establishes guidelines on when and when not to chase a fleeing suspect. John Olson (2000) identified a pursuit engaged by



the City of Nebraska. The officer attempted to stop a fleeing vehicle for initial traffic violations. During the pursuit mitigating factor such as; traffic, time of day, and the driving ability of the suspect lead to the decision to discontinue the pursuit. The officer responded reasonably and responsibly while performing his duties as a police officer. The physical affects of pursuits are just one aspect of the analysis of police pursuits. Other issues are the monetary effects and how the public perceives the actions of law enforcement officers when chases turn deadly.

Civil courts order millions of dollars to be paid annually resulting from police pursuits. Some say that it's the cost of doing business and "catching the bad guy." To what extent is a vehicular pursuit justified when it causes injury or the use of deadly force. Understanding the necessity of some pursuits a cost/benefit ratio has to be formulated drawing a line determining where the cost of apprehension outweighs the potential consequences of a vehicular pursuit. Forty percent of all police pursuits end in a crash, twenty percent involve personal injury, and one percent result in death (Justice Research, 1998). Some courts have held departments and pursuing officers liable when a police chase turns deadly as shown in two news headlines "Officer may have to share blame for fatal car crash" (Maloney, 2000) and "Officer confronts a bleak future in the aftermath of a chase" (Hampel, 2000). Such was the case when the City of Omaha was ordered to pay 123,000 to a woman who was a passenger in a vehicle being chased by the Omaha police. The pursuit ended when the suspect vehicle collided with a house. A Douglas County judge stated that the city was responsible for injuries to any injured third party. Even though the injured third party in this case was a passenger in the suspect vehicle, the judge held she was innocent and should be compensated by the city for her damages (Brunknow, 2000). A. Brunknow with The Omaha World Herald (2000) also said the growing trend of pursuing officer being held responsible for innocent third parties in pursuits, which includes non-

driving passengers. Another fatality resulted from a police pursuit when a 16 year old fleeing suspect crashed his vehicle into an innocent third person's car. The un-involved motorist was killed in the collision and the juvenile was treated and released at a nearby hospital (Smith, 2000). Both of the aforementioned pursuit situations are only a couple examples of consequences of a pursuit and the financial burden they may impose. According to Ron Denly (2000) sixty percent of all suspects who evade the police escape. Are the consequences worth the risk?

However, it is not clear how judges and juries are deciding the negligence issues in police pursuits. In Houston, Texas officers chased a stolen truck into an intersection. The stolen vehicle collided with another car and killed the three occupants inside. State District Judge John Coselli found the officers were not negligent and the driver of the stolen truck was solely responsible (Murphy, 2000). Court decisions have varied and seem to be leaning towards a more responsible approach for police when pursuing suspects. In 1994, 10 people died in law enforcement chases in the Houston area. Harris County District Attorney J. Holmes stated "How many people have to die before the citizens of Houston decide enough is enough?" Holmes also stated "The juries just aren't ready to find police departments responsible. That day will come, but apparently not right now" (Murphy, 2000). Holmes' statements are very true. If law enforcement officers don't regulate pursuits within their own agencies, the public will draw the line. Just as Marti Sentes expressed her displeasure when a police chase killed her 17 year old son, who was an innocent third person (Huntley, 2001). Pursuing officers and departments will be held responsible for contributory negligence. When society draws the line the stakes will be costly if departments don't heed the warning. Law enforcement officials must to craft policies that are accepted by society and limit negligence issues for their agency, or face the citizenry as a panel of jurors.

An important aspect of police pursuits is how the public perceives the actions of law enforcement officers when a vehicular pursuit ends with an apprehension or it turns deadly. The United States Department of Justice (2000) formed a task force to look into police pursuits. Their report was comprehensive as to all aspects of pursuits, which included how the public and line officers feel about them. In gathering their data, surveys were sent to 1,600 persons and 1,085 line law enforcement officers. Once the surveys were returned, the commission followed up with several hundred phone interviews. In the survey, the public was asked to identify one of four different policy types that best describes how they feel law enforcement officers should pursue fleeing suspects. The four different policy choices and their respective definitions are as follows:

1. **Discretionary** – It should provide broad guidelines but most decisions regarding a pursuit should be at the discretion of the officer involved.
2. **Limited** – Should place certain restrictions on the officer's judgment, such as forbidding pursuits of a juvenile, traffic offender, or property offender.
3. **Restrictive** – Pursuits should be restricted/prohibited by clearly defining circumstances where risk on non-pursuit outweigh the risk of pursuit.
4. **Prohibited** – Pursuits should not be allowed in any circumstances.

Analyzing the information received it showed 52% of the public surveyed preferred the discretionary form of regulating pursuits, 24% preferred limited, 20% chose restrictive, and 4% thought pursuits should be prohibited. It was quite interesting to learn that the majority of the public was supportive of police pursuing offenders. However, combining policy choices number two (Limited) and number three (Restrictive) 44% of the surveyed public felt there should be some type of restrictions on pursuits. The same survey asked the public if they felt pursuits are a necessary tool in crime fighting; 71% of those surveyed felt pursuing offenders was necessary.

When asked about judging pursuit information 81% believed pursuits should be judged on a case-by-case basis. This information was very interesting to understand the mindset of the community we are serving, protecting, and who are acting as our jurors in civil and criminal courts.

The Justice Department survey sent to approximately 1,085 line police officers, 97% of the officers said they have been through pursuit training with their agency, 52% said they have been in fewer than 10 pursuits during the course of their career. In 2001, according to the Texas Commission on Law Enforcement Standards and Education they have approximately sixty four thousand certified peace officers for the State of Texas. Imagine if the trend continues in the direction identified as the average. If each police officer fulfills their pursuit average, think of how many opportunities for a disaster exist. On the other hand, with more restrictive pursuit policies, think of how many lives and families may be spared. The officers were also posed with several questions regarding how and when police pursuits should be justified. The table below identifies the responses compared to responses from the public surveyed with the same information.

Table 1: Comparison of opinion between police and public

Statement	Public Agree	Officer Agree	Public Disagree	Officer Disagree
Pursuit is a necessary tool in crime fighting.	71.0%	90.7%	10.5%	3.3%
Pursuit is best only when the risk of non-pursuit outweighs the risk of pursuit.	59.4%	69.3%	10.3%	11.7%
Pursuits are individual events and should be handled on a case-by-case basis.	81.1%	85.3%	6.6%	8.5%
The officer involved in a pursuit should have the authority to make all decisions	49.7%	44.6%	26.6%	41.0%
The supervisor of the officer involved in a pursuit should have the authority to make [all]* decisions regarding the pursuit.	39.2%	87.4%	35.3%	6.3%
* The word "all" was omitted on the officer's survey. Although this certainly impacts the responses, the dissimilarity was nonetheless distinctive.				

It was interesting analyzing the survey results where the majority of officers and the public felt that pursuits are necessary for law enforcement. However, the majority of both groups surveyed believed that officers should only pursue a vehicle only when the risk of non-pursuit outweighs the risk of pursuit. It is clear from the responses that pursuits are necessary and they should have some restrictions applied. Another interesting statistic was that 41.0% of the officers felt they should not have the authority to pursue and make all decisions. While 87.4% of the officers thought a supervisor should monitor and make decisions regarding a pursuit. The officers seemed to be more attuned to the dangers of pursuits and not wanting to make the decisions on pursuits and instead passing the liability to their supervisor. The public was more inclined to limit pursuits based on safety considerations.

The information learned clearly shows that both the public and line police officers understand the safety concerns of pursuits and they both favor restrictive pursuit policies. The

line police officers went further to illustrate their understanding of the safety concerns by saying they wanted a supervisor to assume responsibility on pursuit decisions, just in case something goes astray. Police administrators across the country have heard the cry from their officers and citizens with concerns on police pursuits.

It is understood that police pursuits affect society in many different ways. Criminals have continued to evade police officers since the beginning. It is time for law enforcement officials to review their policies and consider the cost/benefit ratio when considering when to pursue a fleeing vehicle. When is a police officer justified in using his vehicle as a deadly weapon, which is actually what the police vehicle turns into in a chase, according to G. Alpert (1986) in an article in Justice Quarterly. It's clear from the analyzed material in this report that the public is currently supportive of the need to pursue fleeing suspects. However, if police administrators do not draft policies where officers are prohibited in crossing the thin blue line of negligence it may further erode the public's support of officers and/or departments in their pursuit of justice.

## **Methodology**

Police officers have been charged with law enforcement since the beginning of time. Initially, pursuing a suspect was not as deadly as it has become today. This research has focused on the effects of police pursuits and the public's perception. Some will be in support of officers in catching the bad guy and others will cry for more restrictive pursuit policies. In gathering the information an extensive research was completed in the library of the Sam Houston State University and the Internet. Numerous sources were identified to gather information on this controversial issue. While reviewing the information a Federal Department of Justice report was identified. In 1998 the Justice Department formed the Pursuit Management Task Force (P.M.T.F.). The P.M.T.F. researched all aspects of police pursuits, the public and officer perceptions, and new technologies on vehicle stopping techniques. The report information is current and seems to be very comprehensive.

It is believed that upon examination of the information it will show that the public is not completely supportive of police officers pursuing offenders when the consequences turn deadly. The public will be supportive of police pursuing in certain situations and under certain restrictions. However, they will be holding officers and departments liable for negligence if their actions and/or policies are not reasonable and prudent.

## Findings

Criminals have been running from the law since the beginning of time. However, the consequences of pursuits have become more deadly. Research does not support a hypothesis that criminals are evading law enforcement officers less than in the past. On the contrary, criminals are evading apprehension at a steadily increasing rate. Different from forming a posse and mounting a horse, we now strap ourselves into a ton of metal and travel at high speeds in many various situations. Although criminal behavior has not changed professional law enforcement officers must change and evaluate our policies. We must police ourselves with department policies on when and when not to pursue fleeing suspects. If more restrictive pursuit policies were adopted by law enforcement administrators lives would be saved, financial burdens on law enforcement agencies would be reduced, and the public's support for law enforcement would be enhanced.

Research provided information that sixty percent of all police pursuits result from a traffic violation. Forty percent end in a crash, twenty percent end in personal injury, and one percent end in death. By the raw statistics the odds might not appear as deadly as other statistics suggest. Compare the number of police officers just in the State of Texas. A survey within this research identified that officers averaged 10 police pursuits within their career. Do the math with just the numbers for Texas and then look at the 21 percent of pursuits that end in injury and/or death, then consider the big picture across America. Is this just the cost of justice, or can law enforcement manage themselves with reasonable policies to limit the consequences of police pursuits?

A reasonable pursuit policy, must be within guidelines the community will support. Law enforcement has enjoyed a supportive public for some time in the pursuit of criminals. This



report identified a Justice Department panel that was enabled to identify a multitude of facets of police pursuits. In the report a survey was conducted with hundreds of citizens and line law enforcement officers. The data revealed fifty two percent of the public preferred a discretionary form of pursuits, which are pursuits guided by broad policies and administered at the discretion of the pursuing officer. Forty four percent of those surveyed preferred a limited or more restrictive form of pursuits. The remaining four percent felt pursuits should be completely prohibited. The same survey showed that seventy one percent of the public agreed that police pursuits are a necessary tool in crime fighting. It was rather interesting to see the concern displayed by law enforcement officers as to the dangers of pursuits. Forty one percent of the officers surveyed believed they should not have the authority to pursue and make all the decisions in the chase. Eighty seven percent felt that a supervisor should monitor and make decisions on when to continue or discontinue a pursuit, which indicates a desire to shift both responsibility and liability from themselves. It is clear from the material identified in this report that the public is currently supportive of the need to pursue fleeing suspects. However, if police administrators do not craft policies where officers are prohibited in crossing the thin blue line of negligence it may further erode public support that inevitably becomes fodder for criminal and civil court dockets.

## Conclusion

The information has been presented and is clear, however the acceptable practice of pursuing criminals is not. Criminals cannot get a free pass to just evade law officers at their whim, just because policies prohibit pursuits. On the other hand, agencies need to move away from a discretionary broad based pursuit policy. The public and law enforcement officers have spoken with their survey results. They both understand the necessity of pursuits as a crime fighting tool. The public's strongest statistical point was that it was close to being a split decision ranging from a discretionary pursuit style verse a more limited and restrictive pursuit style. The officers surveyed really drove the liability importance home when eighty seven percent of them felt a supervisor should monitor and make pursuit decisions. Everyone understands the importance of pursuits and not enabling police officers while protecting our communities, but there is a need for pursuit restrictions.

Police officers and administrators need to examine their role to society and determine on a case-by-case basis whether the risk of pursuing outweighs the consequences of not pursuing. Some say it's the difference between civility and mayhem. Others say it's the difference between life versus death and responsibility versus irresponsibility.

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