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**Violent Crime Vehicle Pursuit Policy  
for the Terrell Hills Police Department**

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**A Leadership White Paper  
Submitted in Partial Fulfillment  
Required for Graduation from the  
Leadership Command College**

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## **ABSTRACT**

A police pursuit is a dangerous undertaking even under the best of conditions, and engaging in a pursuit in a small, tightly packed, residential community only increases the chance that it will end with tragic consequences. This paper will make the recommendation that the Terrell Hills Police Department modify their current pursuit policy. The change will dictate that police officers engage in pursuits only when they have probable cause to believe that a violent felony has been, or will be, committed by the suspect. Research for this paper was completed by reading numerous professional journals and books dealing with pursuits all over the nation. The research compiled statistics from several studies completed by professional organizations that have reported the need for a change in pursuit policies. The results were used for addressing the need to chase suspects versus the specific characteristics present in the City of Terrell Hills that makes this an extremely dangerous task. The mission of the Terrell Hills Police Department is to protect life and property. The pursuit of non-violent offenders needlessly endangers innocent lives, which is inconsistent with the department's mission. A decision to concentrate on the protection of life must be made.

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## INTRODUCTION

The purpose of this paper is to assert the need for the modification of the current pursuit policy used by the Terrell Hills Police Department. The City of Terrell Hills, which is surrounded by the City of San Antonio, is a small residential community of only two square miles, with a population of 5,019. The research completed in the preparation of this paper was gathered from sources dealing with pursuits across the United States. That information was then analyzed and applied to the specific needs of the City of Terrell Hills police department.

Police pursuits are a dangerous daily occurrence all over the nation. Many lives are lost each year as a result of these chases. The families of the deceased, whether they are officer, suspect, or innocent bystander, have demanded that law enforcement administrators review and change existing pursuit policies. In 2008, the National Traffic Safety Administration released a report that stated 2,956 people were killed in police pursuits during the time period of 2000 to 2007 ("Fatalities in motor vehicle traffic crashes," 2008). Furthermore, a study completed by the International Association of Chiefs of Police (IACP), which researched 7,737 police pursuits, showed that 83.9% of these incidents were initiated due to the suspect committing a misdemeanor or non-violent felony offense (Lum & Fachner, 2008). When Terrell Hills police officers engage in a pursuit, they quickly travel outside the city limits of Terrell Hills due to the small size of the city. With only two or three officers working at any given time, this leaves the city unprotected while the officers engage in a dangerous pursuit of a criminal who may have only committed a misdemeanor or property related felony offense. Due to the risk of losing a life or serious bodily injury to the officer, suspect, and innocent citizens, a

stronger policy must dictate that if a suspect refuses to stop and probable cause has not been established that a violent felony has been committed, the officer must terminate the pursuit, turn off emergency lights, and turn his police vehicle in the opposite direction of the suspect's flight. By following this procedure, officers do not needlessly risk the tragic consequences of a vehicle accident to apprehend a suspect whose crime is of a less serious nature. This procedure also sends a clear signal to the suspect that the officer has terminated the pursuit and the suspect can slow down. This paper will demonstrate that law enforcement officers should engage in high speed vehicle pursuits only when probable cause has been established that the suspect has either committed, or is going to commit, a violent felony offence.

## **POSITION**

The dangers that emerge as a direct result of police pursuits have been heavily researched and studied by police departments across the nation. Research showed that more restrictive pursuit policies greatly reduce the risk of injury and death. The IACP study showed that 83.9% of the 7,737 pursuits studied were initiated after the commission of a misdemeanor or non-violent felony offence (as cited in Lum & Fachner, 2008). Had the agencies involved in these pursuits had a violent felony pursuit policy in place, roughly 6,491 of these pursuits would have been terminated. That is 6,491 times that the officer, suspect, and public would have been protected from possible injury or death by a policy that dictates that the officer terminate the pursuit. John Hill's 2002 study reported that 42% of the people who are injured or killed in police pursuits are innocent third parties (as cited in Schultz, Hudak, & Alpert, 2010). These numbers represent a dramatic reduction in risk faced by the public.

Pipes and Pape (2001) wrote, "Based upon the characteristics of the particular agency, the area it encompasses, and the people it serves, chief executive officers may desire to restrict pursuits to cases in which the offender has been involved in serious offences" (p. 21). This quotation brings to light three specific problems Terrell Hills police officers face when pursuing suspects. Due to the size of the city, there is great probability that the pursuit will travel into the surrounding City of San Antonio. While officers are legally able to continue the pursuit, the act of doing so increases the risk of an accident or injury. The officer would be traveling outside of his normal patrol area, which presents an additional risk because of the probability of the officer being unfamiliar with the streets. In 2004, an IACP report studied 2,239 pursuits and stated that 447 of those pursuits ended in collision (as cited in Nichols, 2004). This unfamiliarity with the area greatly increases the risk that the officer may have an accident.

The second problem is the characteristics of the city. Terrell Hills is primarily a residential city with narrow, tree lined streets and very few sidewalks. The city is known for the large number of people who are attracted to these streets to bike, walk, and jog at all hours of the day. Due to the added risk of an abnormal amount of pedestrians, a violent felony pursuit policy is needed to help reduce the chance of a vehicle and pedestrian accident.

Lastly, the issues of radio communication must be addressed. Terrell Hills' police officers have the ability to communicate via police radio to officers in the San Antonio Police Department in the event of a pursuit traveling into this jurisdiction. When doing so, officers lose contact with the dispatcher because of the need to change

frequencies. This causes confusion and can be dangerous for the officer in the pursuit. If the officer does not change frequencies and simply allows the dispatcher to relay information to the San Antonio police officers, the time lapse in the information relay causes dangerous conditions as well.

A more restrictive violent felony pursuit policy that reduces injury and death will also reduce the number of civil suits filed against police departments. Officers must weigh the risk of injury and death against the importance of apprehending the suspect who has chosen to flee from the officer. Reasonableness is a frequent word used by courts around the country when dealing with cases involving the decisions made by police officers. Administrators must decide for themselves if it is reasonable to engage in an extremely dangerous high speed pursuit with a suspect who has committed a non-violent offense. While it may be legal to do so, the instant that the officer's decision results in a tragic incident, his decision is subject to intense scrutiny.

In a recent Supreme Court case, *Scott v. Harris*, an officer's decision to ram a fleeing vehicle, which resulted in serious bodily injury to the suspect, was ruled reasonable because the court viewed the force used as deadly force, and the suspect posed a threat to the public because of his reckless flight from police (2007). This suspect was being pursued for a speeding violation. This case was decided with one justice dissenting. Justice John Paul Stevens (*Scott v. Harris*, 2007) wrote, "His refusal to stop and subsequent flight was a serious offense that merited severe punishment. It was not, however, a capital offense, or even an offense that justified the use of deadly force rather than an abandonment of the chase" (*Scott v. Harris*, 2007, p. 24).

The Texas Penal Code states that even if deadly force is justified, the statute does not abolish or impair any remedy for the conduct that is available in a civil suit. The fact that the court ruled in favor of the officer does not diminish the fact that policy dictating the termination of this pursuit would have protected the suspect from serious bodily injury and the department from civil litigation. The Supreme Court refused to give a ruling requiring the police to terminate a pursuit when suspects drive in a manner that puts other people's lives in danger; they felt this would be granting permission for every criminal to drive recklessly in the future (*Scott v. Harris*, 2007). The Supreme Court viewed *Scott v. Harris* (2007) as an officer making an intentional decision to use deadly force. An officer's inadvertent behavior can also be scrutinized, and claims of negligence require a lesser degree of foresight of danger (Hicks, 2007). It is common knowledge that pursuits happen on a daily basis; therefore, they must be planned for. Policy that dictates to the officer what behavior is acceptable in a pursuit will help protect the department from civil litigation. Police administrators must determine by policy what a reasonable response should be to a non-violent felony pursuit "based upon the characteristics of the particular agency, the area it encompasses, and the people it serves" (Pipes & Pape, 2001, p. 21). When the need to pursue non-violent offenders is considered, using the specific characteristics, area, and people in the City of Terrell Hills as factors in the decision, the decision to pursue these non-violent offenders is unreasonable.

## **COUNTER POSITION**

Opponents of the violent felony pursuit policy claim that many violent criminals are apprehended after they commit misdemeanor offenses and are apprehended on



routine traffic stops. In fact, the serial killer Ted Bundy was apprehended twice after police officers observed Bundy commit minor offences and then chased Bundy during short pursuits. On one occasion, which occurred on August 16, 1975, a Utah police officer spotted a suspicious tan Volkswagen Beetle driving past him, and when the officer put on his lights to get a better view of the Volkswagen's license plate, Bundy turned off his lights and began speeding away. The officer pursued the vehicle as it ran two stop signs and the vehicle eventually pulled over. After a search of the vehicle revealed evidence that possibly linked Bundy to multiple murders, Bundy was arrested. In 1977, Bundy escaped from jail but was again arrested in 1978 by a Florida police officer after committing a misdemeanor offense and then leading the officer on a pursuit (Bell, n.d.).

Recently, the Milwaukee Police Department changed its pursuit policy to require an officer have probable cause to believe that a violent felony has occurred prior to chasing a vehicle. This change came after four young people were killed in three separate incidents involving police pursuits of non-violent offenders. All four of the youths killed were innocent third parties who got caught in the path of the fleeing vehicle. This decision drew criticism from Alderman Bob Donovan and the Milwaukee Police Association. Donovan stated, "So now, if a burglary suspect or drug dealer jumps in a vehicle and refuses to stop for a patrol car, he'll be able to take off and get away because the crime was not a violent felony" (as cited in Garza, 2010, p. 1). The Milwaukee Police Association (n.d.) posted on its website that "For every fleeing vehicle operator that is not timely apprehended, and/or apprehended at all, what additional safety/security risk (s) the public has been exposed to?" (para. 4).

While there is some truth to this claim, administrators must weigh the risk of endangering the lives of the public versus apprehending a suspect who has only committed a minor offence. In the case of the Milwaukee pursuits, administrators from that department are now forced to justify, to the families of the deceased, the reasonableness of the policy in place that allowed for the risks to be taken for capturing these non-violent offenders. Officers should concentrate on gathering as much identifying information as possible about the suspect and vehicle and then utilize technological resources in an attempt to gain the identity of the suspect. Depending on the situation, officers can concentrate on searching the crime scene or interviewing witnesses who might hold information about the fleeing suspect. In the event of a routine traffic stop with no identifying information, the officers will have to accept the policy and let the suspect drive away. This is a burden that has to be accepted to ensure that lives are not needlessly placed in danger. When the statement made by Alderman Donovan is posed to the chief executive officer of the Terrell Hills Police Department, it must be answered by comparing the need to capture a burglar in this city with the risk involved in completing that task. If the same goal can be achieved using advanced investigative techniques to gather information about the suspect and then apprehend him at a later time, this is a more reasonable alternative. Neither option is guaranteed to result in the capture of the suspect, but the second option is much safer.

Another common complaint about the violent felony pursuit policy is the claim that suspects continue to drive recklessly and endanger the public even after the police have stopped chasing. The researchers of a 2010 study interviewed officers and suspects to ask about their perceptions of how long a suspect would continue to drive

recklessly after the police terminated the pursuit (Schultz, Hudak, & Alpert, 2010). The study interviewed 1,377 officers and cadets, and from the interviews, the officers reported being involved in 10,384 pursuits. Schultz, Hudak, and Alpert (2010) stated that out of these pursuits, 277 of them ended with a vehicle accident after the police had terminated the pursuit. This information lends a small bit of credibility to the claim that suspects continue to drive recklessly after the police have stopped chasing them. Schultz, Hudak, and Alpert (2010) stated that after completing the interviews, the most common answer to how long a suspect would continue to drive recklessly was one and a half to two blocks in the city and two and a half to four miles in rural areas. According to Schultz, Hudak, and Alpert (2010), 75% of the suspects interviewed expressed the desire to slow down after the police terminated the pursuit. Members of the Airborne Law Enforcement Association were also presented with the question of how long it took for a suspect to cease driving recklessly after ground units terminated their pursuit of the vehicle, and the response indicated most suspects would slow after 90 seconds (Schultz, Hudak, & Alpert, 2010).

Schultz, Hudak, and Alpert's (2010) research showed that while there are incidents where suspects continue to drive recklessly after the police have ceased to chase them, the majority have a tendency to slow down and attempt to blend in after realizing they are no longer being pursued. To make sure a clear signal is given to the suspect that the officer is giving up the chase, a pursuit policy should direct the officer to shut off the vehicle's emergency lights and then turn the police vehicle in the opposite direction of the suspect's flight. This action is the best possible effort on the part of the

officer to communicate to the suspect that he no longer needs to drive recklessly to evade the officer.

## **RECOMMENDATION**

Upon the completion of this paper, the research compiled demonstrates a need to modify the pursuit policy of the Terrell Hills Police Department. Officers should only engage in vehicle pursuits if they have probable cause to believe a violent crime has been committed. Studies have shown that out of 7,737 pursuits examined, 83.9% were initiated because of non violent offenses (Lum & Fachner, 2008). The fact that 42% of people injured or killed in police pursuits are innocent third parties necessitates the need for a change of police pursuit policy (Schultz, Hudak, & Alpert, 2010). After careful analysis of the research data, it is clear that because of the special characteristics of the City of Terrell Hills, this policy change will protect the lives of the citizens and reduce the risk of civil liability. The reasonableness of chasing a misdemeanor or non violent felony offender at high speeds through the pedestrian crowded streets of a small city is too difficult to justify to the family of an accident victim caused by the chase.

The main complaints against the violent felony pursuit policy are that violent offenders who commit non-violent offenses will escape from police, and once police stop chasing offenders, they will continue to drive recklessly and harm the public. Research has shown that while violent offenders have been apprehended after misdemeanor-initiated pursuits, the risk experienced by the public when pursuing every non-violent offender far outweighs the reward of catching a few violent ones (Bell, n.d.; Lum & Fachner, 2008; Schultz, Hudak, & Alpert, 2010). Furthermore, a study has shown that most suspects intend to slow down and drive less recklessly to blend in with

the public after the police terminate pursuit (Schultz, Hudak, & Alpert, 2010). This proves it is more reasonable to stop chasing someone for a traffic violation and allow them to escape and slow down rather than pushing the offender to drive more recklessly (Schultz, Hudak, & Alpert, 2010). The fact that police helicopter pilots reported that most suspects slow down approximately 90 seconds after ground units discontinued their pursuit further refutes the claim to the contrary (Schultz, Hudak, & Alpert, 2010).

This researcher recommends that this paper and the accompanying PowerPoint presentation be presented at the next meeting of the Terrell Hills Police Department's Citizen Review Board. Upon its favorable review, this paper should then be submitted to the Terrell Hills police chief for approval. If approved, section 605.001, Initiating and Directing Pursuit of the Terrell Hills Police Department's Policy and Procedure Manual, should be amended to reflect the position of this paper. After the amendment of the policy and procedure manual, it is recommended that shift sergeants be tasked with ensuring the officers assigned to them are trained to adhere to the policy. Patrol sergeants should be empowered with the ability to command the termination of any pursuit that violates the amended pursuit policy and then immediately recommend discipline for any officer that violates this policy. Decisions made by police officers that affect the safety of the public should be governed by supervisors who have the ability to override this discretion.

Every police department in the country should review and change its current pursuit policy if it allows for the high speed pursuit of non-violent offenders. Whether the area is rural or urban, officers who engage in these types of chases are needlessly

endangering human life. Law enforcement administrators should be proactive in requiring a change of their department's pursuit policy before a tragedy forces it.

It is also recommended that the entire law enforcement community become united in the demand for technology that would safely stop a fleeing vehicle. Until the technology is available to make the pursuit of all offenders safe, only the most violent offenders should be pursued. Chief executive officers from all of the major metropolitan cities in the country should band together in a unified request to companies, such as Microsoft, Texas Instruments, Northrop Grumman, and the major car manufacturers, for the production of a system or device that is capable of stopping a fleeing vehicle's engine. This system should be widely distributed to all law enforcement agencies.

Law enforcement officers are empowered by the public with the authority to chase and capture criminals. This authority comes with a great responsibility to protect the public, not only from criminals, but from poor decisions made by law enforcement officers. This policy will ensure that officers only engage in this very dangerous process to capture the most violent offenders. The bond of trust between law enforcement officers and the public must be protected with sound decisions and policy.

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