

LAW ENFORCEMENT MANAGEMENT INSTITUTE

MANAGING LIABILITIES OF VEHICLE PURSUITS

A LEARNING CONTRACT
SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR
MODULE II

BY

A.F. (BILL) BOYD

GARLAND POLICE DEPARTMENT

GARLAND, TEXAS

JULY 1990

#16

TABLE OF CONTENTS

- I. Introduction

- II. Elements Required in a Pursuit Policy
 - A. Authorized Pursuit Vehicles
 - B. Initiating Officer Responsibility
 - C. Dispatcher Responsibility
 - D. Backup Officer Responsibility
 - E. Supervisor Responsibility
 - F. Inter-jurisdictional Agreement
 - G. Deadly Force
 - H. Termination
 - I. Critique

- III. Conclusion

"Five Million Dollars."¹ This and lesser judgements are being entered against cities, agency, and their officers because of injuries incurred to innocent third parties, suspects and passengers in pursued vehicles. High speed vehicle police pursuits present the police administrator with one of his most challenging policy decisions.

Why do drivers attempt to elude officers attempting to stop them? From available data, most of these drivers are not serious felons. Houston Police Department reports 59.1% of its vehicle pursuits originated from class "C" misdemeanor traffic violations.² In a 1987 study, the Metro Dade Police Department, Florida showed 54% of its vehicle pursuits were a result of traffic offenses.³ A 1989 report showed the Garland Police Department reported 67% of its vehicle pursuits originated from traffic violations.⁴ These statistics relate closely with Professor of Criminal Justice, Eric Beckman, of Michigan State University who says "most are in their teens or twenties and panic over minor infractions."⁵

With the increased risk to officers, citizens, and pursued suspects, each police administrator will have to make a policy decision from a "no chase policy" to a "chase them until ----." Considering the risk and potential liability associated with high speed vehicle pursuits, every agency needs a written pursuit policy. The U.S. Court of Appeals for the Seventh Circuit stated a pursuit policy is a discretionary act for which the agency is immune from liability.⁶ However, most experts recommend agencies adopt written policies that establish guidelines and control covering pursuits. Legal commentators point out that the absence of a strong and

convincing policy on pursuits force officers to react intuitively, which may increase unnecessary accidents and liability.⁷ Intuitive behavior by definition is behavior of sheer emotion rather than the logical assessment of the situation. Without a written policy, established practices become the agency policy that will have to be defended in a lawsuit.

There are three types of policy:⁸

1. Judgmental - allowing officers to make all major decisions relating to initiation, tactics and termination.
2. Restrictive - placing certain restrictions on officers' judgement and decisions, and
3. Discouragement - severely cautioning or discouraging any pursuits except in the most extreme situations.

Police agencies are responsible to public safety with regard to policies and procedures. A pursuit policy should define the organization and goals toward the citizens they serve.

One author suggests that a motor vehicle can constitute the deadliest weapon in a police department's arsenal and that "when a police officer engages in a high speed chase in a high powered police car, that vehicle becomes a potential deadly weapon."⁹ A police car in pursuit traveling at 120mph can deliver two million

pounds of energy during a collision. Realistically, a police vehicle in pursuit is a 4,000 pound bullet. Although many police officers will retire without having to fire their weapon in the line of duty, few, if any, will retire and not have been involved in a high speed vehicle pursuit. Once an officer becomes involved in a high speed pursuit, he undergoes certain psychological changes, i.e., increased adrenaline, increased heart rate, cold hands, dry mouth, etc. Frequently, the pursuit itself can become all consuming and safety considerations get little notice.

In most agencies, officers receive training on a regular basis in the use and qualification with their duty weapon. Along with this training, agencies have written restrictive policy on the use of deadly force with respect to weapons. However, few agencies have formal, on-going training on vehicle operations or pursuit driving. With the tremendous liability associated with vehicle pursuits, all agencies need to formulate and provide formal training. Topics to be addressed are:

- A. Pre-pursuit, i.e., tactical driving - dangers associated with high speed pursuits and felony stops.
- B. Pursuits, i.e., evaluating all circumstances of each pursuit.
- C. Post-pursuit, critique to evaluate actions and behavior demonstrated in the pursuit, feedback to officers and administration and areas in which further training is required.

In City of Canton v. Harris¹⁰, the Supreme Court wrote that failure to train officers in a particular duty, where the need for training is obvious and lack of training is likely to result in violation of constitutional rights, can make a municipality liable.

Liability to innocent third parties was established in Biscoe v. Arlington County¹¹. A suspected bank robber being pursued by police struck a pedestrian, Biscoe, after colliding with another vehicle. Biscoe sued as a result of his injuries and was awarded five million dollars. The Supreme Court has applied deadly force to pursuits through Tennessee v. Garner¹², in which the Supreme Court concluded that deadly force may not be used unless the officer has reason to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others. High speed pursuits have frequently been analyzed to the use of deadly force and in Bower v. County of Inyo,¹³ the Supreme Court considered a high speed police chase culminating in the death of the fleeing driver. The police set up a road block which the court ruled a constitutional violation of substantial due process if it was designed as an intentional death trap where the approaching driver does not have a clear option to stop because the road block was concealed around a curve or inadequately illuminated. In a Texas case, Langley v. City of Amarillo,¹⁴ officers in pursuit of motorcycle set up a road block without illuminating the roadblock or giving the pursued vehicle an option to stop. Both the driver and passenger were injured and both received judgements against the city.

City of Canton v. Harris,¹⁵ dealt with a question of liability for inadequate training. Combined with Garner and Bower, the Harris case bears directly on the liability issue. Two passages bring the point home. Considering circumstances in which training might be inadequate to protect constitutional rights the court said "but it may happen that in light of the duties assigned to specific officers or employees the need for more or different training is obvious, and inadequacy so likely to result in the violation of constitutional rights, that the policy maker of the city can reasonably be said to have been deliberately indifferent to the need. The holding states: for example, the city policy makers know a moral certainty that their police officers will be required to arrest fleeing felons. The city has armed its officers with firearms, in part to allow them to accomplish this task.¹⁶ Thus, the need to train officers in the constitutional limitations on the use of deadly force (see Tennessee v. Garner, 471 U.S. 1 (1985)) can be said to be "so obvious," that failure to do so could properly be characterized as "deliberate indifference" to constitutional rights.¹⁷

Training, as brought out by Canton is a very important facet, along with a written pursuit policy. Each agency has to develop an organization philosophy that can be enforced and is acceptable to its officers and the citizens it saves. The officers need to be able to just react when in pursuit due to the training received on the policy. The citizens need to be informed what is expected of them when being stopped for traffic violations. This could possibly reduce some of the pursuits.

The need for written pursuit policy is further established by agencies wishing to be accredited by the Commission of Accreditation for Law Enforcement Agencies, Inc.¹⁸

To be accredited by the commission, the agency has to have a written directive governing pursuits of motor vehicles, to include:

- A. Evaluate the circumstances
- B. Initiate officer responsibilities
- C. Secondary officer responsibilities
- D. Dispatchers responsibility
- E. Supervisors responsibility
- F. Forcible stopping
- G. When to terminate the pursuit
- H. Inter-intra jurisdictional pursuits

Commentary: the agency must balance the necessity for pursuits or apprehension against the probability and severity of damage or injury that may result. When air units are available, they should be used to direct the movement of the initial pursuing units and any other ground units that may be involved.¹⁹

Authorized Pursuit Vehicles:

Texas State law states an emergency Code 3 operation must be conducted within the guidelines of Art 2 Sec. 6701-d sub.secs. 24, 124 and 133, V.T.C.A.²⁰ Code 3 is defined as use of emergency lights and siren for the purpose of giving notice to

motorists/pedestrians that an emergency situation exists. Each agency will have to establish emergency vehicle criteria. For agency protection, only vehicles equipped with emergency lights and siren will initiate or participate in vehicle pursuits. This covers both unmarked and specialized police vehicles. Considering liability, officer and citizen safety, only marked police vehicles equipped overhead emergency lights and siren will actively participate in a continuing vehicle pursuit. All police vehicles will use both emergency lights and siren continuously when in pursuit. All officers must remember that lights and siren do not command the right of way, only request it. If the pursuing unit should have failure of either light or siren, that unit will discontinue the pursuit.

Unmarked police vehicles equipped with emergency lights and siren, specialized marked vehicles equipped with lights and siren, such as jeeps, blazers, motorcycles and K-9 units may initiate a vehicle but will discontinue active participation when an appropriate marked unit takes up the pursuit. The initiating unit, if an unmarked or specialized unit, may proceed to the termination point, but will continue at normal vehicle operation.

Any police vehicle having prisoners, witnesses, suspects, or complainants will not engage in vehicle pursuits. Officers who have knowledge that their vehicle has any mechanical problems which makes their vehicle unsafe at pursuit speeds shall not initiate or participate in a vehicle pursuit.

Unless directed by the supervisor in charge, there will not be more than three (3) units actively involved in a pursuit. These three units will be the initiating or lead unit, the back-up officer and supervisor in charge. If the supervisor is unable to actively participate or be back-up, the supervisor may direct another unit be dispatched as the third unit.

Initiating Officer Responsibility

The initiating officer on a pursuit has to evaluate the facts and circumstances and have an articulate reason why he should continue the pursuit. Some areas which should be addressed are:

- A. The nature of the offense or suspected offense committed by the offender.
- B. Roadway.
- C. Weather and traffic conditions at the time.
- D. Direction of travel, i.e., toward or away from densely populated areas, through school zones.

The initiating officer has the responsibility to avoid injury or damage to innocent third party and has supreme priority to that of the suspect being pursued, to access if the risks and hazards outweigh the necessity of continuing, the officer shall terminate or cancel the pursuit.

Once initiating a pursuit, the officer has the responsibility of notifying the dispatcher they are in pursuit. He should give the dispatcher his:

- A. Location
- B. Direction of travel
- C. A description of the suspect vehicle, i.e., color, make, model and license number if available
- D. Number and description of occupants, the offense the vehicle/suspects are suspected
- E. Any special hazards such as the suspect vehicle is driving without headlights, the speed of the vehicle or is running vehicles off roadway.

The primary officer has the responsibility of complying with Sec. 6701-d, Subsec. 24 and 133.²¹ Statutory requirements and reasonable safety considerations require the continuous use of emergency lights and siren. Should the emergency equipment fail during the course of the pursuit, the officer should immediately disengage the pursuit. To maintain a safe distance behind the pursued vehicle to allow the officer to observe the suspect vehicle and safely negotiate any sudden turns to avoid colliding with the suspect vehicle or causing the pursued vehicle to collide with some other vehicle or object. If pursuing a motorcycle, the officer has to be aware of the possibility of striking the driver/passenger of the motorcycle if the driver loses control or the passenger falls or attempts abandonment.

Should the pursued vehicle begin traveling the wrong way on a one-way divided roadway, the police will not follow the vehicle, but should take a parallel course in the legal lanes of travel in an attempt to warn approaching traffic of the danger. In this circumstance, the officer's responsibility shifts from apprehension to protection of others by taking every possible action to warn approaching traffic or discontinuing the pursuit.

Pursuing squads will not attempt to pass or pull along side of the pursued vehicle in an attempt to form a "rolling roadblock" on a high speed pursuit. Some agencies find it an acceptable practice to allow this type maneuver where the pursued vehicle is not exceeding the posted speed limit nor taking evasive maneuvers in an attempt to evade officers. The driver knows the police are attempting to stop him, but he just refuses to stop. Each agency will have to address this issue on an individual basis. Officers will not hold at a standstill, stop or slow any vehicle operated and occupied by innocent third parties for the purpose of retarding or stopping the movement of a pursued vehicle.

Each agency will have to address the issue of allowing officers to pursue motorcycles as they present a more complex problem than four wheel vehicles. Policies should be adopted specifying under what conditions motorcycles will be pursued, such as motorcycles are not pursued unless the driver or occupant were involved in an serious crime such as class "A" misdemeanor or felony. As in all

pursuits, the officer should not initiate a pursuit until he considers the dangers to himself and to the general public.

The initiating officer, along with all squads involved in the pursuit, should roll up the windows on their vehicles. This reduces background noise from the siren and wind, lessening the possibility of confusion on information given by pursuing units to dispatcher.

Although the initiating and participating officers are legally engaged in the pursuit and complying with state law, they are neither relieved of their duty to drive with due regard for the safety of all other persons, nor protected from consequences of any reckless disregard for their safety. He must exercise that degree of care which a reasonable prudent man in the discharge of similar duties and under like circumstances would use. It is understood that the officers' ability to control other motorists by the nature of existing circumstances is limited, but it is his duty to avoid contributing to the danger already created by the pursued suspect to avoid being arrested. The suspect may take dangerous chances, regardless of the extenuating circumstances, the pursuing officer shall not duplicate the hazards. In apprehension of the suspect, the officer must be aware of the public's reaction. The officer must operate his vehicle in a manner which shows consideration for his safety, safety for the suspect being pursued, and above all, safety for all third party citizens who may be encountered.

Dispatcher Responsibilities:

The dispatcher, when notified by officer in the field that he's engaging in a vehicle pursuit, has to clear the primary radio channel for emergency communications, and move other communications to another channel, assign the closest unit as back-up and obtain information from the initiating officer:

- A. Location
- B. Direction of travel
- C. Vehicle description
- D. License if available
- E. Number of occupants and description
- F. Notify patrol supervisor a pursuit is in progress
- G. Assign the supervisor as third unit.

The communications supervisor should assist the dispatcher in responding to any request made by officers or needed assistance by dispatcher.

Communications personnel should record all times, descriptions, locations, violations, i.e., red lights, speed, etc. If license number is given, it should be run for stolen and registration. This information should be given to the units in pursuit. When the pursuit is going to enter another jurisdiction, the dispatcher should notify that agency. Thereby coordinating their efforts.

Back-up Officer Responsibility:

The back-up officer is under the same requirements to drive with due care with respect to state statutes governing emergency vehicles as the primary officer. The back-up officer should give the radio communication concerning the pursuit. This will allow the primary officer to focus his attention primarily on the pursued vehicle and surrounding conditions. The back-up officer should not take control of the pursuit unless told to do so by the initiating officer or supervisor in charge. The back-up officer may take control of the pursuit if primary officer becomes disabled, has equipment failure or is unable to keep up with pursued vehicles. In the event that another officer becomes better positioned to provide cover for the pursuing unit, then that unit shall become the primary assisting unit and the former assisting unit will cease active involvement in the pursuit and return to normal operation.

Specialized units such as K-9 units should be assigned to pursuits, but respond in a non-emergency status to locations within the city unless requested to continue out of city by the supervisor in charge. These units would facilitate the apprehension of the pursued suspect in the event he flees his vehicle on foot. The supervisor will be the third unit actively involved in the pursuit. If the supervisor is unable to be actively involved in the pursuit, a third patrol unit will be dispatched. However, the supervisor will continue to the termination of the pursuit. The supervisor will have the option to respond code 3 at his discretion, but will notify dispatch the code he's responding.

Units in surrounding areas not actively involved should concentrate on covering the streets parallel to the pursuit, thus creating a "boxing in" effect which will, hopefully, if not capture, at least discourage the suspect from continuing the pursuit. This technique is also advantageous in the event the suspect is able to elude the pursuing officer, or in case the suspect abandons his vehicle and flees on foot. When pursuing suspects who have abandoned their vehicles and fled on foot, the pursuing officers should give dispatch their location, remove the keys from their vehicle, check the suspect vehicle for additional suspects, and remove his ignition key before pursuing the suspect on foot.

Supervisor Responsibility:

The notified supervisor from the information received from the initiating officer will make the decision to allow the pursuit to continue or terminate it. The supervisor must be able to articulate the reason(s) for allowing the pursuit to continue. Changing circumstances, weather, traffic or other facts available which show a clear and unreasonable danger to innocent third parties, the supervisor will terminate the pursuit.

If the supervisor in control is actively involved as one of the three units, he may request a second supervisor assume control of the pursuit as control supervisor. It is advisable for agencies to place responsibility for supervising and terminating a pursuit on supervisory personnel not directly involved in the pursuit. In the event a patrol supervisor cannot be located to take control of the pursuit, a supervisor from

another division should be notified. The supervisor in control of the pursuit has the authority to request additional units to operate code 3 if he deems it necessary; these may be marked, unmarked or specialized vehicles. The supervisor will request helicopter assistance from outside agencies if not available in theirs.

The in-charge supervisor will go to the scene where the pursuit ended and take control in all cases where the suspect is apprehended, or if injuries to the suspect or officers occur, death or property occurred as a result or in the course of the pursuit.

Inter-Jurisdictional Agreement:

All agencies in adjoining and surrounding areas should draft and enter into a inter-jurisdictional pursuit policy. This policy will give guidelines and protection for both officers and citizens because all agencies will be operating by one set of rules. If no inter-jurisdictional policy exists, each agency will have to address other agencies pursuits within their jurisdiction. When notified a pursuit is entering your city, officers should not consider this as a request for assistance. The notifying agency should request assistance before the assisting agency becomes involved. Unless specifically requested by the originating agency and approval by your department supervisor, all assisting squads will discontinue the pursuit when it leaves their city. The assisting agency should take control of the pursuit only when the originating agency request so or becomes disabled and is unable to continue.

When entering into a inter-jurisdictional pursuit policy some of the areas to be addressed are:

- A. Before entering another jurisdiction, the pursuing agency will notify the assisting agency the following information: location entering city, description of the vehicle and occupants, the reason or offense suspect/occupants suspected, and if any assistance is requested in the pursuit.
- B. The initiating agency will have control and be responsible for the pursuit. The assisting agency will not participate unless requested to do so.
- C. There will be no more than three units from the combined jurisdictions involved.
- D. During a pursuit involving more than one agency the following practices are prohibited, roadblocks, ramming, forcing pursued vehicle off the roadway, and shooting at pursued vehicle (except to protect against the use of lawful deadly force).
- E. The initiating agency is responsible for the arraignment of arrested persons, disposition of arrested persons vehicle and any passengers, coordination of all reports, citations and criminal charges.
- F. As a matter of professional courtesy, a supervisor from the local agency where the pursuit is terminated will respond to the location so he may be informed of pertinent information regarding the pursuit.

Deadly Force:

Deadly force has been applied to vehicle pursuits by the Supreme Court in Tennessee v. Garner,²² the shooting of a fleeing suspect, and Bower v. County of Ingo,²³ the unlawful use of a road block. In vehicle pursuits, weapons should be covered by the same policy in place for the use of deadly force. Road blocks may be used, but they require close supervision. They cannot be set as an "intentional death trap" by not allowing the pursued vehicle sufficient time to safely stop. They have to be sufficiently illuminated and not placed over the crest of a hill and have sufficient warning to prevent innocent third parties from being involved in the road block. Road blocks should only be utilized with proper approval from a supervisor and only when continued pursuit clearly jeopardizes human life and public interest requires immediate apprehension and all other efforts to apprehend has failed.

Firing at a fleeing or stolen vehicle is a prohibited practice unless driver/occupant of the vehicle is using or attempting to use unlawful deadly force on an officer or other person. At no time will officers place themselves in a position behind a road block in the possible line of the on-coming fleeing vehicle. Suspects attempting to drive around/through a police road block does not constitute use of deadly force toward officers.

Bumping or ramming should be used only under the same restrictions as road blocks. During the pursuit, no spotlight will be aimed and used so that the high intensity

part of the beam will strike the windshield or any window, mirror or occupant of the pursued vehicle by either a pursuing or stationary unit.

Termination:

Any officer involved in a pursuit shall terminate involvement when the pursuit has been terminated by the supervisor in charge. The pursuit should be terminated when the suspect's identity has been established and apprehension can be accomplished later and immediate apprehension is no longer necessary. Officers involved in a pursuit should not take it as a personal challenge and they must apprehend the fleeing suspect to keep from "losing face." There is no disgrace or loss of esteem for an officer terminating a pursuit when they feel the risk involved outweighs the possible benefits.

In addition to terminating the pursuit when the danger to others outweigh the consequences for continuing the pursuit, the officers have responsibility to terminate the pursuit when losing communications with the dispatching agency. When pursuing units lose sight of the pursued vehicle, continuously for 15 seconds or more, officers should reduce code, however, may remain in the area looking for the pursued vehicle.

Critique:

The critique following a vehicle pursuit can provide very useful information to the agency in several ways. The critique should be completed by the supervisor in charge of the pursuit as soon as practical after the termination of the pursuit. All officers actively involved in the pursuit should attend. This is an informal meeting where all aspects of the pursuit are discussed. This meeting is to identify any mistakes which were made, where better decisions and tactics may have been made and possibly identify any areas in which additional training may be needed.

The critique is a tool which may assist in identifying officers who may "bait chases" by their traffic stopping procedure. Valuable statistics for the agency can be obtained from this form. A critique should be completed on every pursuit, whether there is an apprehension, termination, or suspect escapes. These statistics and records could be of benefit in defending the agency should a lawsuit arise as a result of a pursuit. All critiques should be reviewed and approved by the Patrol Division director.

Some areas which need to be included in the critique are:

- A. Weather conditions at the time (clear, rain, foggy, etc.).
- B. Traffic conditions (high, medium or heavy).
- C. The type of roadway (residential, major freeway, divided or undivided and number of lanes).
- D. Location.

- E. Time the pursuit began.
- F. The reason the officer initiated pursuit.
- G. The reason the suspect fled, if known.
- H. The supervisor and time notified; approval given for continuing.
- I. The squad initiating the pursuit (district, car number, marked or unmarked).
- J. Officer's name, age and years of service.
- K. The back-up officers should contain the same information as primary officer.
- L. A force used section covering road blocks (ramming, bumping, firearms and others, whether they are acceptable or prohibited practices)
- M. Termination of pursuit (either listing possibilities or fill in the blank).
- N. Any damage to vehicles or property damage.
- O. Time the pursuit ended and length of pursuit.
- P. If the pursuit entered another jurisdiction and if so where.
- Q. The driver's name, age and arrest and identification numbers; a drivers license record, criminal history and arrest report should also be attached to the critique.
- R. The make, model, year, license number, and color of the suspect vehicle.
- S. A short narrative and spaces for approval by director.

Conclusion:

High speed police pursuits are inherently dangerous and possibly the most dangerous of all ordinary police activity. Although not required, a pursuit policy is one of the most important policies an agency can have. This policy should be carefully written so the officers will be able to remember the order, knowing the parameters of acceptable behavior. Accountability should be stressed on all officers and supervisors involved to keep in proper perspective the relative danger to innocent third parties and to terminate the pursuit when this danger outweighs the possible benefit of immediate apprehension of the suspect.

All officers involved with training will hopefully be able to not take the pursuit as a personal challenge. Former Houston police chief, Lee Brown, in stating his philosophy said,

"If an officer is put in a position of having to decide to pursue a suspect in a fleeing vehicle, he/she must consider the serious risk involved. Remember, the criminals will continue to be out there in the future and they can be found and arrested by other means. So if you decide to chase based on the risk involved, you will not be subject to criticism. However, if you decide that you should chase, we will support you and offer acceptable operating procedures to assist you. The safety and well-being of our officers and the public we serve is the first and foremost priority in our minds, and we will continue to work toward that end with you."²⁴

The most important reason for an effective pursuit policy is not the minimization of liability, but to protect life and property - the basic police mission.

NOTES

1. Biscoe v. Arlington County et al 438 2d: 1352, (DC Cir. 1984).
2. James O'Keefe, High Speed Pursuits in Houston, The Police Chief, July 1989, pp. 32-40.
3. Geoffrey P. Alpert & Roger G. Dunham, Policing Hot pursuits: The Discovery of Aleatory Elements, The Journal of Criminal Law & Criminology, Vol. 80, No. 2, 1989 p. 407.
4. Garland Police Department, Analysis of Patrol Pursuits 1989, January 1990.
5. Erik Beckman, A Report to Law Enforcement on Factors in Police Pursuits, (Michigan: Michigan State University. 185), pp. 1-27.
6. Dodge v. Stine, 739 F 2d 1279 (7th Cir. 1984).
7. Daniel L. Schofield, Legal Issues of Pursuit Driving FBI Law Enforcement Bulletin, May 1988, pp. 23-29.
8. Geoffrey P. Alpert, Risk Management Seminar: Pursuit Driving Litigation, Liability and Policy, Presented to: Municipal Legal Studies Center, Southwestern Law Enforcement Institute, Southwest Legal Foundation, Richardson, Texas, November 1989.
9. Schofield, pp. 23-29.
10. City of Canton v. Harris, 109 S. Ct. 1197 (February 28, 1989).
11. Supra, Note 1.
12. Tennessee v. Garner, 472 U.S., 105 Sct. 1694, 85 L. Ed. 2d1 (1985).
13. Bower v. County of Inyo, 169 S. Ct. 1378 (March 21, 1989).
14. Langley v. City of Amarillo, 651 S.W. 2nd 906 (Tex-App. 7th Dist. 1983), pp. 906-918.
15. Supra, Note 9.
16. Supra, Note 9.
17. Supra, Note 11.

18. Commission on Accreditation for Law Enforcement Agencies, Inc., Standards for Law Enforcement Agencies 2nd Ed. May 1987, p. 41.5 Sec. 41.2.8.
19. Ibid p. 41.5.
20. Tex. Rev. Civ. Stat. Ann. Art 6701-d, Sec. 24, 124, and 133.
21. Ibid, 20, Sec. 24 and Sec. 133.
22. Supra, Note 11.
23. Supra, Note 12.
24. Houston Police Department, Message From Chief Lee P. Brown, Loc. Cit.

CASES SITED

Biscoe v. Arlington County et al 438 2d: 1352, (DC Cir. 1984).

Bower v. County of Inyo, 169 S. Ct. 1378 (March 21, 1989).

City of Canton v. Harris, 109 S. Ct. 1197 (February 28, 1989).

Dodge v. Stine, 739 F 2d 1279 (7th Cir. 1984).

Langley v. City of Amarillo, 651 S.W. 2nd 906 (Tex-App. 7th Dist. 1983), pp. 906-918.

Tennessee v. Garner, 472 U.S., 105 Sct. 1694, 85 L. Ed. 2d1 (1985).

SELECTED BIBLIOGRAPHY

- Alpert, Geoffrey P. & Roger G. Dunham, Policing Hot pursuits: The Discovery of Aleatory Elements, *The Journal of Criminal Law & Criminology*, Vol. 80, No. 2, 1989 p. 407.
- Alpert, Geoffrey P., Risk Management Seminar: Pursuit Driving Litigation, Liability and Policy, Presented to: Municipal Legal Studies Center, Southwestern Law Enforcement Institute, Southwest Legal Foundation, Richardson, Texas, November 1989.
- Beckman, Erik, A Report to Law Enforcement on Factors in Police Pursuits, (Michigan: Michigan State University. 185), pp. 1-27.
- O'Keefe, James, High Speed Pursuits in Houston, *The Police Chief*, July 1989, pp. 32-40.
- Schofield, Daniel L., Legal Issues of Pursuit Driving *FBI Law Enforcement Bulletin*, May 1988, pp. 23-29.
- Commission on Accreditation for Law Enforcement Agencies, Inc., Standards for Law Enforcement Agencies 2nd Ed. May 1987, p. 41.5 Sec. 41.2.8.
- Garland Police Department, Analysis of Patrol Pursuits 1989, January 1990.
- Houston Police Department, Message From Chief Lee P. Brown, Loc. Cit.
- Tex. Rev. Civ. Stat. Ann. Art 6701-d, Sec. 24, 124, and 133.