

**The Bill Blackwood  
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**Police Vehicle Pursuits**

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**An Administrative Research Paper  
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## **ABSTRACT**

The author investigated whether or not it is favorable for a law enforcement agency to have a pursuit policy, allowing officers to terminate pursuits quickly and safely, versus an agency with no pursuit policy. A pursuit policy is a set of written guidelines that assist the officer with decision making. The researcher also examined the importance of including various tactics and equipment into a pursuit policy, allowing police to terminate pursuits when violators decide to flee. The topic researched concerns the liability involved in high-speed vehicle pursuits along with what an agency can do to attempt to eliminate or reduce the liability. This researcher reviewed books, articles and journals regarding effective ways to terminate high speed pursuits while keeping liability to a minimum. In addition to the written material, a survey given to agencies in Texas was distributed in an attempt to investigate the effectiveness of current pursuit policies. The research has found that agencies including a variety of tactics and equipment in their pursuit policies will be better served. This will give officers many options to utilize in order to terminate pursuits safely and quickly before they turn into a lengthy police chase, greatly reducing the amount of liability. In conclusion, the research demonstrates that it is better for an agency to implement and train officers in a variety of tactics and equipment, enabling officers several options to terminate a pursuit quickly while reducing liability.

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## INTRODUCTION

This researcher will investigate various methods and tactics available to agencies when involved in vehicle pursuits, as well as investigate how much liability is involved during a vehicle pursuit involving a fleeing suspect. The research is anticipated to indicate whether it is better for an agency to pursue fleeing vehicles, or implement a no-pursuit policy. This study will demonstrate an advantage to law enforcement, allowing agencies to consider the liability they may face when involved in a high-speed vehicle pursuit. Ideally, reducing the amount of liability will keep agencies out of litigation and therefore allow agencies to implement an effective pursuit policy.

The purpose of this research is to examine the advantages, as well as the disadvantages, of police vehicle pursuits. The research will review several topics to consider when an agency is involved in vehicle pursuits. A look at the different types of liability an agency might be exposed to during vehicle pursuits will be recorded. Further, the research will examine the benefits of training officers in innovative ways to pursue a suspect and suggest how to terminate a pursuit quickly and safely. The researcher will also investigate whether or not it is better for an agency to implement a no-pursuit policy to eliminate certain liabilities. Various inquiries will examine agencies that do not currently have pursuit policies in place. The study will also consider whether or not there is the potential for liability should an agency or officer fail to attempt apprehending a fleeing, potentially dangerous suspect.

The researcher will utilize two major methods of inquiry during the research phase to include: the review of several books and articles explaining police pursuits,

and an examination of the liability agencies are exposed to during pursuits. A survey will be given to local agencies by the researcher in order to investigate agency pursuit policies and examine whether or not they are effective. The researcher will conduct personal interviews, along with a survey in order to further review how agency pursuit policies might be improved. The research conducted will explore the effectiveness of law enforcement pursuit policies and consider how a police agency can be improved by training officers in innovative tactics to terminate chases quickly, with minimal liability.

It is anticipated that the research will show that agencies can implement more effective pursuit policies. The research will demonstrate that training officers in various methods (to terminate pursuits) would be better for the agency than having no pursuit policy in place. This research will allow agencies to identify areas of legal responsibility and agencies can then begin working on eliminating any potentially incurred liability. The findings will illustrate that with the proper training and tactics, an agency can safely pursue fleeing vehicles with minimal liability.

In the past, law enforcement agencies have faced heavy criticism when involved in vehicle pursuits. The research will explore all of the tactics available to officers, as well as investigate “where” and “how” agencies can be held liable during vehicle pursuits. This research will explore all of these areas, allowing agencies to implement effective pursuit policies in order to safely pursue and apprehend potentially dangerous suspects.

## REVIEW OF LITERATURE

One of the most debated issues in law enforcement today is high-speed vehicle pursuits. With vehicle pursuits on the increase, many agencies are re-examining their pursuit policies due to possible lawsuits incurred when citizens are injured during vehicle pursuits. (Sharp, 2003). Should agencies pursue fleeing suspects or should they have no-pursuit policies in place? Would a no-pursuit policy protect an agency from all liability? What are the drawbacks to an agency having a no-pursuit policy? Will the agency face liability for not attempting to pursue and apprehend a possible dangerous subject? There are advantages as well as disadvantages of vehicle pursuits. With information regarding the aforementioned questions, individual agencies can decide whether or not they should allow officers to pursue fleeing vehicles or execute a no-pursuit policy. The research will answer these and several other questions pertaining to vehicle pursuits. An agency can effectively pursue a fleeing suspect in a vehicle while protecting themselves from liability. In order to pursue a fleeing vehicle, while keeping liability to a minimum, there are several things that should be considered. The first and most important question is: Does the risk of the pursuit outweigh the advantages of apprehending the suspect? If an officer who is involved in a pursuit answers yes to this question, then it is time to terminate the pursuit. The question regarding who will accept the liability should be on the mind of all officers. When a pursuit goes wrong, there is no one rule of who will accept the liability, normally it is the agency. However, individual officers can be held liable for negligence as well. (Schultz,1979). When something goes wrong during a pursuit officers can be held liable for one poor decision that they made in a split second while under stress. With the

decision to pursue a fleeing vehicle will come three liability factors. (Beach & Morris & Smith 1993). The liability that an officer or an agency can face is divided into three categories. These three areas of liability are direct liability, vicarious liability and municipal liability. Direct liability is when a police officer's actions directly caused injury or death to another. Vicarious liability is when a supervisor can be held liable when he fails to properly supervise officers. Municipal liability means the agency can be held liable when the policy that the officer was following was the basis for the injury or death. (Beach & Morris & Smith 1993).

The advantages of having a pursuit policy will allow officers to pursue and apprehend suspects while keeping liability to a minimum. Agencies that decide to have a strict no-pursuit policy will have to confront two possible situations. First, if the citizen knows that the police will not pursue them, there is no reason for them to stop and face the consequences of a citation. It has been said that the citizens must respect the fact that if they flee in a vehicle they will be pursued. (Schultz, 1979). Schultz adds that citizens must be aware that they will be caught and the penalty for fleeing will be much worse than the initial stop. When citizens fear no repercussions for fleeing then an agency's number of pursuits will be on the increase. (Schultz, 1979). We all understand that if a fleeing suspect or a negligent officer injures an innocent party, the agency can be held liable. If the agency does not pursue a dangerous suspect and an innocent party is injured, the agency can still be held liable. (Daniels, 2003).

One important aspect of any agency's pursuit policy is training the officers with the tactics and equipment that is currently available in each agency's policy to reduce liability. In Fagan vs. Vineland, the Appeals Court stated a municipality could be liable

under section 1983 and the Fourth Amendment for failure to train it's officers in vehicle pursuits. (Pipes & Pape,2001). This researcher believes agencies do not spend enough time training officers in the areas of direct, vicarious and municipal liability. Each one of these liability factors should be running through the police officer's mind, as well as the supervisor's mind, when the decision is made to pursue a fleeing vehicle. Even though court precedent states that the officers have no duty to terminate a pursuit, the officers must still take into consideration whether or not this pursuit will expose another to injury or death. (Alpert & Fridell, 1992).

There are several areas agencies can examine to improve their pursuit policy in order to reduce liability. For example, it is important for an agency to look at their necessary and unnecessary past pursuits. By looking at the pursuits and conducting frequent training, many pursuits could be terminated or handled differently. (Hill 1982 - 2002). Annual training for officers in pursuit driving would be favorable and could be accomplished with hands-on pursuit driving, as well as classroom instruction. The officers should practice with driving the patrol unit at high speeds in order to get the feel of how the vehicle reacts. (Schultz, 1979). Along with the hands on training I think it is equally important for officers to have classroom training on decision making during pursuits. This would be particularly important since many new recruit officers are inexperienced in several aspects of the job, and are also inexperienced drivers as well. (Bosarge, 1991). During pursuit training, officers should be re-assured that it is okay to terminate a pursuit if there is a risk of injury or death. (Sharp, 2003). Agencies should also train officers regarding pursuit fixation, involving officers who become fixated on arresting the suspect during a vehicle pursuit. Often, officers involved in pursuits tend



to become fixated on arresting the suspect, and they concentrate on this above all else. When this occurs, officers take chances they normally wouldn't and officers may continue the pursuit when the pursuit should have been discontinued. (Schultz, 1979). Subsequently, agencies should train officers in all possible tactics and equipment to terminate pursuits quickly. The more options you give officers to safely end pursuits quickly will lessen the chance of the pursuit becoming dangerous. Statistics show that when a pursuit is initiated, the chance of an accident is approximately 40% with a 20% chance of injury and a 1% chance of death. (Eisenberg, 1999). There are a variety of methods available to officers who are involved in a high-speed vehicle pursuit. As with each tactic available, there is a time and a place to use each tactic. This would be an important area of training since it is imperative that the officer use the right tactic for the task at hand. These same tactics (that an officer might use to terminate a pursuit quickly and safely) could also be a source of great liability. For example, it would be unfavorable for an officer to use the tire deflation system on a motorcycle or in the curve of a roadway where a vehicle could lose control and strike an object or another vehicle. In order for officers to know "when" and "where" to use each tactic, they should be trained and re-trained annually on each tactic and its proper uses. A strong written pursuit policy, including the various tactics along with training records, will help keep liability to a minimum.

One of the tactics officers should be trained in is the P.I.T. (Patrol Intervention Tactic) maneuver, as well as the utilization of tire deflation systems, more commonly known as spike strips. The P.I.T maneuver is more than simply ramming the suspect vehicle. A police officer who is adequately trained in the P.I.T maneuver will be able to

drive up behind the suspect vehicle and align the front corner of the patrol unit's bumper to the rear corner of the suspect's vehicle on the opposite side. Then by accelerating and turning the steering wheel, the officer can spin the suspect vehicle to a stop. The P.I.T maneuver works best when the suspect is attempting to turn. There are limitations to the P.I.T maneuver as well as certain situations where you would not use this technique.

The tire deflation system, more commonly known as spike strips, will allow the gradual release of air from the suspect's tires as he or she drives over the spikes. The gradual release of air from the suspect's tires will keep the suspect's tires from blowing out and allow the suspect to bring his/her vehicle to a slow, controlled stop. The officer must be trained in the tire deflation system, which allows for the deployment of the spike strip in front of the suspect vehicle. The officer must then pull the spikes back before the pursuing police vehicles run over the strips.

Another tactic that is currently being re-examined is the rolling roadblock, which should not be confused with a stationary roadblock. There are two different types of roadblocks that have been utilized by police. The first is the stationary roadblock, which was addressed in *Brower vs. County of Inyo*, where the court stated a roadblock is a seizure and that such a seizure must be reasonable under the Fourth Amendment. (Connor & Post, 2002). Since the courts ruled the stationary roadblock as an unreasonable seizure, it has lost its use in today's law enforcement. The other type of roadblock is known as the rolling roadblock. The rolling roadblock is achieved by strategically placing three patrol units around the suspect vehicle to prevent the suspect vehicle from changing directions. One unit will move in front of the suspect vehicle

while one unit pulls along side of the suspect vehicle the remaining unit will move to the rear of the suspect vehicle. Once all three units are in position around the suspect's vehicle, the units will slow down together forcing the suspect vehicle to a stop. There is an officer safety problem with this technique, as the driver of the patrol unit in front and to the side of the suspect vehicle are placing themselves in a hazardous position.

Therefore, some police administrators believe this technique should not be taught or approved. (Connor & Post, 2003). There is no "one" perfect tactic to end every vehicle pursuit quickly and safely. The tactic that works well on one pursuit may be completely wrong to use on another pursuit. Since every pursuit situation is different, there will be many underlying factors officers must consider before using certain techniques. Before using any pursuit termination, officers must be aware of traffic conditions, the nature of the suspect's violation and whether or not there would be a risk of injury or death to citizens as well as to the suspect. With liability in mind, agencies should train their officers with hands-on driving, as well as classroom instruction in all of the available tactics within their policy. Thorough training will give officers the decision making ability to decide which tactic will best handle each situation. Officers will be more effective at terminating vehicle pursuits quickly when they are properly trained in the use of several different tactics. When officers are better trained with different tactics, they will be more efficient in handling vehicle pursuits, which will in turn lower liability.

## **METHODOLOGY**

The purpose of this research paper is to examine the advantages as well as the disadvantages of high-speed vehicle pursuits. The research will prove that agencies can engage in vehicle pursuits, while keeping liability to a minimum. This author

believes that the findings of this research will allow agencies to implement effective pursuit policies, which will allow officers to terminate pursuits quickly and safely.

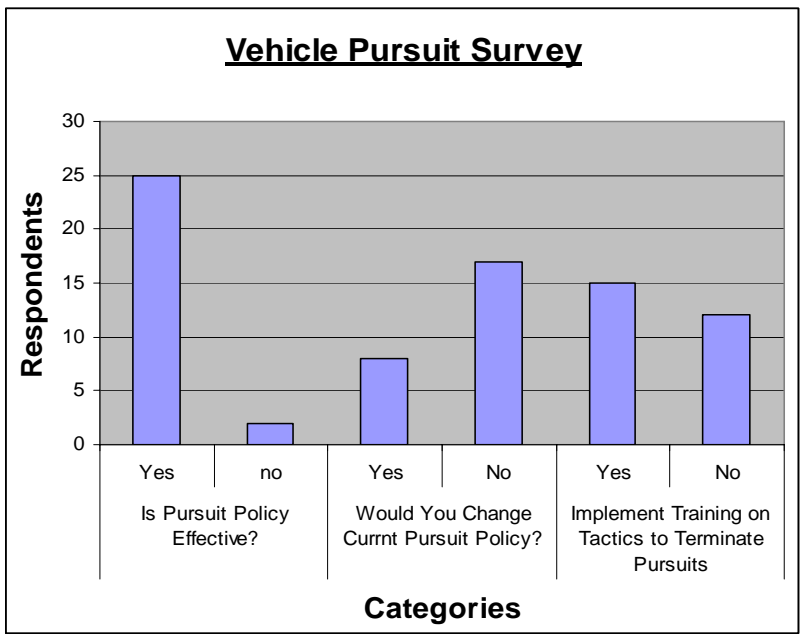
Research will demonstrate that in order to reduce liability, agencies need to spend more time training officers in vehicle pursuits. The research will also illustrate that agencies should implement various tactics and equipment into their pursuit policy in order to terminate pursuits quickly and safely.

The methodology that will be used for this study will consist of a one page survey addressed to 27 certified Texas Peace Officers from various agencies within the State of Texas. This survey is an open-ended questionnaire asking yes or no responses to the questions. If the respondent answers a question in the negative, then he or she will be asked to explain. The survey will first address whether or not an agency has a formal pursuit policy in place. Secondly, the effectiveness of the pursuit policy will be addresses, answered and then analyzed. Thirdly, the survey will ask whether the officer would like to implement different tactics in his or her particular agency.

## **FINDINGS**

A survey of police officers along with the review of several books and articles was conducted while gathering this research. A survey of 27 police officers from different agencies in Texas was conducted while gathering information for this research. The 27 officers surveyed for this research are employed by agencies, which ranged in sizes from departments with four officers to departments with over 150 officers. Officers were asked several questions in reference to their agencies pursuit policy. Officers were asked if their agency had a pursuit policy and whether they felt the policy was effective. Out of 27 officers surveyed, 25 officers stated their pursuit policy was

effective. Out of 25 officers that stated their pursuit policy was effective, 8 officers stated there were things they would change about their pursuit policy. The research confirmed that 13 officers stated that their agency had not adequately trained them in vehicle pursuits. A graph below illustrates that even though officers feel their agencies pursuit policy is effective, officers would like to receive more training.



The survey revealed that 51% of the officers stated they would like their agency to train them in various tactics and equipment, which would allow them to terminate pursuits quickly and safely. The research showed that officers are not receiving adequate training in vehicle pursuits, which leaves agencies open for liability.

This research was conducted in order to show that agencies could implement, or improve their current pursuit policy while reducing the liability. Through the research conducted by this author, agencies must consider several factors in order to have an effective pursuit policy. Unfortunately, there is no single, identifiable solution to the dilemma regarding whether or not to pursue fleeing vehicles or have a no-pursuit policy.

Whether an agency is re-examining their current pursuit policy or implementing a pursuit policy for the first time, there are several areas that must be addressed.

The first area of focus is training. Ideally, officer's should be trained in the pursuit policy and fully understand all of the tactics and equipment listed within a pursuit policy. Officers should be trained in making good decisions regarding when it is appropriate to initiate a pursuit. Research has shown that most pursuits are necessary, and that some pursuits could be handled by other methods. If an officer is making a traffic stop on a known offender and the subject refuses to stop, a pursuit is usually initiated. Since the officer knows the suspect and a vehicle pursuit may be too dangerous, the officer could terminate and seek an arrest warrant for the offense of fleeing. With the arrest warrant, the officer can pick the suspect up on a later date under possible controlled conditions without the risk of a vehicle pursuit. Without the proper training, even the best policies in the world can be ineffective. The research will show that, in addition to the initial training, officers must have periodic training at least annually. Agencies must train their officers with hands-on driving, as well as classroom instruction on liability. The investigation revealed that an agency as well as individual officers could be held liable in many different ways. Through classroom training, officers will be aware that they can be held liable for any decision that is made during a vehicle pursuit. The officers not only need to know the agencies pursuit policy, but should also be trained in decision-making when it pertains to vehicle pursuits. One of the foremost questions that should be addressed is when to continue or terminate a pursuit. Officers may feel they must arrest the suspect and should be told during training sessions that it is okay to discontinue a pursuit if there are danger signs. Through this type of classroom training,

officers can address the pursuit fixation element. Research demonstrated that pursuit fixation occurs during a pursuit when the officers are fixated on making an arrest above all else, including safety. Officers who are fixated on arresting the fleeing suspect may ignore some important danger signs and can put citizens and themselves in danger in an attempt to apprehend the fleeing suspect. The analysis showed that when officers ignore danger signs then accidents usually follow, making this an extremely important issue since this is usually where the liability issue will arise. The pursuit fixation problem increases and becomes stronger the longer a pursuit continues. Therefore, the faster an officer can terminate a pursuit the better it is for the agency as well as the officer. In addition to classroom training, officers should have actual hands-on pursuit driving training annually. This will not only assist the young inexperienced officers, who are often inexperienced drivers, but it will also give officers the opportunity to experience how their particular patrol unit handles at high speeds. Pursuit driving can be mastered through repetition and the more practice an officer has, the more proficient he or she will become.

The other area that must be addressed is the use of specialized tactics and equipment to terminate pursuits quickly. The researcher discovered that there are several tactics that are available to agencies, allowing them to quickly and safely terminate pursuits. Agencies should include as many tactics as possible in their pursuit policy in order to allow officers several options to utilize in different situations. When an agency implements various types of tactics in their pursuit policy, it will allow officers more ways to terminate the pursuit, and in return, lower the risk of liability. Along with the addition of several tactics, there must be adequate training on each specific tactic.

One important liability factor is the lack of training offered, especially when an officer uses a tactic to terminate a pursuit without receiving proper training, sometimes resulting in injury or death. Unfortunately, many of the results of this research confirm that most officers do not receive proper training on vehicle pursuits. This author also found that agencies do not have a variety of tactics to use during vehicle pursuits. Most agencies have, at the most, one tactic available to officers under their current pursuit policy. If the situation is one where that particular tactic cannot be used, then the officers are out of options quickly. If an agency has several tactics written in their pursuit policy, the officers will have other options to terminate the pursuit safely.

This research demonstrated that most agencies utilize the use of the tire deflation system or spike strips. However, if that is the only tactic or equipment an agency has, then they are adversely limited. When a pursuit cannot be terminated with the use of spike strips, the officer then has two choices. Officers can either continue to pursue and risk an accident or injury, or they can discontinue the pursuit. This author has discovered that a large number of agencies have not included such tactics as the P.I.T maneuver known as the Patrol Intervention Tactic or the rolling roadblock into their policy. It is this author's belief that agencies refrain from implementing such maneuvers like the patrol intervention tactic and the rolling roadblock because the public perceives the maneuvers as too aggressive. Ideally, the rolling roadblock would be a last resort tactic since this tactic places officers in dangerous positions.

This author has discovered that the P.I.T maneuver is a viable option for agencies to use to terminate a pursuit. Agencies that choose to implement the P.I.T maneuver will be able to terminate a vehicle pursuit quickly, and thereby eliminating a



lengthy pursuit while reducing liability. Agencies are always better served when they can terminate a pursuit quickly to eliminate liability. There are two drawbacks to this tactic, one is that it requires a lot of training and agencies will run the risk of vehicle damage. Although the damage to patrol vehicles has been minimal, most of the damage to patrol units can be eliminated all together by equipping patrol units with full protective bumper guards. These bumper guards are constructed of steel and will adequately protect the bumpers of patrol units when they utilize the P.I.T maneuver.

This study revealed that agencies with a no-pursuit policy could face many problems. If an agency chooses to have a no-pursuit policy, they will see a rise in the number of pursuits. For instance, officers initiating traffic stops might find that citizens will not stop for a citation if they know the officer will not pursue them. The author believes it is extremely important for citizens to know that if they decide to flee from a police officer, they will face harsh punishments.

This author has identified several areas of liability that is involved with vehicle pursuits. Research conducted into pursuit liability shows that there is no set rule regarding who will assume the liability for negligence during a vehicle pursuit. Agencies, as well as each individual officer involved in a pursuit, can be held liable. The findings of this research (regarding areas of liability during vehicle pursuits) will allow agencies to address these areas through training and work on reducing or eliminating such liabilities. Subsequently, this researcher found that most of the liability can be eliminated through training. Agencies should train officers in the classroom on pursuit topics and decision-making as well as with hands-on pursuit driving.

This author has discovered that agencies will be better served if they include a variety of tactics and equipment in their pursuit policies. This will give officers many options to use to safely terminate pursuits quickly, while greatly reducing liability. Along with the use of specialized tactics and equipment, agencies must periodically train officers so they will be proficient in the use of these tactics found in their pursuit policy.

In conclusion, the analysis proves that the aforementioned areas must be addressed and allowed to exist together for an effective pursuit policy. Agencies should not concentrate solely on pursuit driving training without addressing some classroom training. Tactics, equipment and proper training must be combined together to form an effective pursuit policy. Additionally, the tactics or equipment within a pursuit policy can do more harm than good if the officers are not adequately trained regarding the proper use of each piece of equipment and tactic.

## **DISCUSSION/CONCLUSION**

The purpose of this research was to investigate whether it is better for an agency to engage in vehicle pursuits or choose to have a no-pursuit policy. The research examined what an agency should do in order to have an effective pursuit policy, which will ultimately allow officers to pursue vehicles while reducing the amount of liability involved. This author intended to prove that properly training officers in various tactics and equipment (to terminate pursuits quickly and safely), will allow agencies to develop effective pursuit policies, while reducing liability. This researcher believes that if agencies will implement certain tactics and make use of appropriate pursuit equipment, officers will be able to effectively terminate pursuits quickly, while eliminating certain liabilities.

In this author's opinion, the findings discussed in this research have supported the fact that if agencies would utilize a variety of tactics and equipment in their pursuit policy, they will then be able to reduce the amount of liability involved during pursuits. This author was unable to find sufficient research material on the patrol intervention tactic and the rolling roadblock since the maneuvers are not widely used by agencies. This researcher was unable to locate adequate information actually showing that using the patrol intervention tactic as well as the rolling roadblock will reduce the liability involved in vehicle pursuits. Subsequently, this researcher believes this study will be relevant to law enforcement since it will allow agencies to consider implementing a variety of tactics and equipment into their current pursuit policy. Moreover, this research will assist agencies in implementing an effective pursuit policy as well as assist agencies in deciding whether to engage in vehicle pursuits or to implement a no pursuit policy.

## REFERENCES

- Alpert, G., & Fridell, L. (1992). *Police vehicles and firearms: implements of deadly force*. Chicago: Prospect Heights.
- Alpert, G., & Kenney, D., & Dunham, R., & Smith, W. (2000). *Police pursuits: what we know*. Washington, DC: Police Executive Research Forum.
- Beach, R., & Morris, E., & Smith, W. (1993). *Emergency vehicle operations: a line officers guide*. Tulsa: Pecos Press.
- Bosarge, B. (1991). Crime control digest: young officers, inexperienced at driving, creating liability training problems for police. *Crime Control Digest*, 25(49), 2-4.
- Connor, G. (2003). Wrong paradigm. *Law and Order*, 51(7), 64-66.
- Connor, G., & Post, G. (2002). Re-examining pursuit related roadblocks. *Law and Order*, 50(5), 22.
- Daniels, W., & Spartley, L. (2003). Lawsuit defense. *Law and Order*, 51(6), 54-59.
- Eisenberg, C. (1999). Pursuit management. *Law and Order*, 47(3), 73-77.
- Hill, J. (1982-2002). High speed police pursuits: dangers, dynamics, and risk. Reduction, *F.B.I. Law Enforcement Bulletin*, 71(7), 14-17.
- Pipes, C., & Pape, D. (2001). Police pursuits and civil liability. *F.B.I Law Enforcement Bulletin*, 70(7), 16-21.
- Schultz, D. (1979). *Police pursuit driving handbook*. Houston: Gulf Publishing.
- Sharp, A. (2003). The dynamics of vehicle chases in real life. *Law and Order*, 51(7), 68-74.

Yates, T. (2004). Law enforcement pursuits: managing the risks. *Women Police*, 38(4), 10-11.



