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Police Pursuit Danger

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ABSTRACT

High-speed police pursuits continue to be a danger and menace to innocent third parties and police officers, especially those pursuits involving minor criminal offenses or traffic offenses. It should no longer be acceptable that another person die as a result of an unnecessary police pursuit. Law enforcement agencies should re-evaluate and closely examine the value of innocent people being harmed during chases and look within their policies to make strict guidelines in regards to when officers should be allowed to engage in chases. There is an abundant amount of resources that can be used to persuade police agencies to look within their policies to make the real changes that will potentially save lives in their communities. Information used in this paper has come from some of these resources, which include magazine articles, books, and internet sites all specifically commenting on police pursuit dangers. Police administrators must take into account the safety of their officers and the innocent public and put this foremost in their decisions on policy making. The safety of all persons has to be foremost in thoughts of officers, well before the necessity to apprehend a suspect. Dangerous and high speed police pursuits that stem from minor traffic violations or non-violent criminal offenses must come to an end, and pursuits should be strictly limited to violent felony type offenses. This type of restrictive pursuit policy should become the norm, not the exception, for agencies across America.

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INTRODUCTION

Police pursuits have become an outdated and unacceptable method for apprehending some violators of the law. There are countless examples, occurring each day, where innocent civilians are being injured or killed by dangerous and needless police high speed pursuits. The purpose of this paper is to give a simple and common sense approach as to why law enforcement agencies should re-evaluate policies concerning when their officers are allowed to pursue. This paper will hopefully put the emphasis on the value of human life and less on the need to immediately apprehend a person accused of a crime.

Police officers are faced with pursuit scenarios at quickly developing and unexpected times during the course of their work day. These stem from the minor traffic infractions to non-violent, more serious offenses. The officer must be able to make quick decisions based on the suspected or known offense committed by the offender and the guidelines set forth within their agencies policies and procedures. Law enforcement agencies should re-evaluate and closely examine the value of innocent people being harmed during chases and look within their policies to make strict guidelines in regards to when officers should be allowed to engage in chases.

The information used in this paper will hopefully be used to assist law enforcement administrations and police officers to consider the high cost of life when allowing their officers to pursue for minor and non-violent felony offenses. Agencies must begin to aggressively change policies and put a high importance on the innocent people who will be hurt or killed by dangerous pursuits. Unskilled or untrained officers, many of whom are young and inexperienced, must be rigorously trained, both on the

application of pursuit policy and the physical action of being in a pursuit. When deciding policy, administrators must take into consideration the value of life and come to the conclusion that pursuing non-violent suspects and traffic offenders is outdated, irresponsible, and no longer acceptable in today's police work.

POSITION

When discussing the inherent dangers of police pursuits, there would be little disagreement over the deadly implications they could have. The risks associated to the general public or innocent bystanders is too great to continue the routine or common practice still engaged in by many law enforcement agencies across the country. Non-restrictive pursuit policies continue to contribute to the deaths of many innocent people each year. In McCranie (2010), it asserted that many third party person(s) are killed or injured by police pursuing non-violent or mere traffic violation offenders at high speeds. In order to chase suspects who have committed such minor violations, "the police are all too often willing to endanger the rights of the innocent motoring public. Unfortunately, innocent third parties are killed during these dangerous pursuits" (McCranie, 2010, p. 1). This puts the initiating officer in a very difficult position of making split second decisions that could have far reaching and disastrous outcomes. This decision making process must be more and more taken away from the officer and put more into restrictive policies. However, the pursuit can also make the officer a hero, as discussed below in the case of Michael Patrick Moore. The policies the officer works within, his maturity level, physiological effects, training, time of day, road conditions, etc. all play an integral role in his thought process. However, the most significant factor must be the offense known to have been committed by the offender. It must become second nature for the

officer to ask himself whether “the pursuit is more of a danger to the public than the person you are pursuing” (Bias, 2010, p. 5). Restricting chases based on the known offense must become paramount in every agencies ideology when the offense is one of a minor and non-violent nature.

Between January 1 and March 31, 2010, four people were killed in the city of Milwaukee, Wisconsin by suspects fleeing police for minor criminal offenses. This prompted the police chief in Milwaukee to aggressively restrict his agencies pursuit policy. Officers of the Milwaukee Police Department may now only engage in pursuit when there is probable cause to believe a violent felony offense has occurred (Garza, 2010).

The overwhelming risk to the general public has made the need for sweeping changes in police pursuit policies to become a necessity. These policy changes must become the norm, not the exception, in the law enforcement community because “to impose the death penalty on an innocent third party in order to apprehend someone who is non-violent makes no sense” (McCranie, 2010, p. 2). It has become paramount that police departments, as well as police officers, put the importance back on the safety of its citizens and not on catching an escaping offender if police are truly there to protect the public.

According to Phillips (2012), 1% of all police related pursuits end in the death of a person and 40% end in crashes. Phillips (2012) went on to say that fewer than 17% of pursuits are initiated for a serious felony. Priano (2008) summarized that, on average, police chases for non-violent crimes kill at least three innocent bystanders every week

in the United States. To many, this is clearly unacceptable and unsustainable to the general public.

The same general purpose behind limiting police pursuits would also protect those officers who are involved. Too many times, young, inexperienced or poorly trained officers are giving chase to suspects for the same minor violations. Priano (2008) reported that from 1994-1998, one police officer was killed every 11 weeks in a pursuit and that by 2010; the figure had changed to one officer killed every six weeks. In Bias (2010), he stated that “emergency vehicle operation is the biggest area of liability in police work and most of the time the area of least training” (p. 6). Alpert (1991) stated that there is a greater likelihood of younger and more inexperienced officers being involved in pursuits with the highest likelihood of negative results. It goes on to say that, “it appears that the aggressiveness of the younger male officers is a characteristic not conducive to efficient and safe pursuits” (p. 57).

Emergency driving has long been an area of police training that is insufficient. Beyond the physical demands and skills needed, there are also the physiological effects on the officer. Departments must “take careful consideration into the physiological effects on the officers including adversely affecting his/her decision making process” (Bias, 2010, p. 8). The mere fact that pursuit training is found to be insufficient in many departments is reason enough to pause when deciding how strict ones policies should be. Vehicles being operated by both police and the criminal suspects are dangerous and deadly weapons. Officers known within an agency to be lacking in training by documentation or known to be deficient by supervisors must be extremely restricted before being allowed to engage in a high speed pursuit. There must be comprehensive

reviews of officer training records and limitations put on those who do not possess the skill level, maturity level, or training to participate in such a dangerous scenario. The life saved may not be an innocent person, but the officer himself.

In addition to the obvious worth of saving innocent lives, departments must decide where a vehicle chase lies within their use of force guideline and force continuum. A pursuit is just as dangerous as the use of a firearm in the course of routine police work. In Bias (2010), he stated, "pursuit driving is an expertise, just like the use of a firearm; if that expertise is not continually updated, the officer's abilities will diminish with time" (p. 9). Documented yearly training for police officers should become more of the norm for agencies. Not only will it increase officer skill, but it will help reduce liability situations for the department. Should an officer engage in a dangerous pursuit for a minor infraction, and death or serious bodily injury occur, the department could face real negligent liability issues stemming from their lack training requirement.

As previously mentioned, statistics have shown that four out of ten police pursuits end in some type of collision. Regardless of the details within that 40%, it can be argued that officers are "rolling the dice" with each pursuit. Agencies would not be so reckless with their firearm or impact weapon use of force policies. Officers are not allowed to use an impact weapon on a suspect who has committed a minor crime and is only offering verbal or passive resistance, but an officer is allowed to use a deadly weapon (vehicle) for the same instance. Department administrators should look at a patrol car as a potential deadly weapon; one that should be only put into the hands of a mature, trained, and competent officer. Failure to do so has led to deaths of innocent people and will continue to lead to more. With a higher standard of training, both in the

physical and physiological aspects of pursuit driving, the chance of overall pursuits decreases since better, more informed decisions by officers can be made. As stated in Becknell (1999), "the training provided can allow officers to drive with more control, maintain appropriate speeds during the pursuit, and make appropriate decisions on when to call off the pursuit" (p. 108).

COUNTER POSITION

The disagreement and passion within the law enforcement community on this topic is evident whenever this topic is discussed. No one would disagree that agencies should have a policy governing pursuits. How far those guidelines reach is at the core of the issue. Those who believe that law enforcement officers should pursue violators under most circumstances sometimes use the following justifications for their actions.

Many in law enforcement will argue that the violator is fleeing police for a reason. There is too much of a risk to simply fail to pursue and attempt to ascertain why this person is fleeing in such a dangerous and reckless manner. It is the role of law enforcement to bring these people to justice, and it is worth the risk to make sure that a larger and more violent crime or felony has not been committed. In Payne (1994), this means a basic failure by police to perform basic public servant functions. Failure to pursue would allow not only traffic violators, but felons as well, to elude police by simply fleeing at high speeds when an attempt to stop them is made by police. This failure to act by police "seems to be consistent with one of the purposes of law enforcement and strikes at the basic mission of police" (Payne, 1994, p.121).

Another negative result of more stringent policies may be the loss of large drug, money, and property seizures. Individuals transporting narcotics and/or cash can

simply make the choice to flee in lieu of being stopped by police. Failure to pursue and apprehend such criminals could have drastic effects on the amount of narcotics that reach our streets. It could also result in the loss of seized property such as vehicles or cash. The same argument can be said for stolen property or persons who may have committed a burglary or other crimes. It is indisputable that a suspect fleeing a police officer attempting to stop and detain him is fleeing for a reason. It is true that there are times where an officer is not aware of the reason for the suspect fleeing, and it is later learned the crime was much greater than the minor traffic violation originally observed.

On the morning of February 26, 1994, Michael Patrick Moore burglarized the home of Christa Bentley in Copperas Cove, Texas. After 2:00 a.m., Moore entered the home and began gathering items to steal from the home. Christa Bentley woke up during the burglary and was attacked by Moore. Moore repeatedly stabbed Bentley before shooting her with a pistol. She died within seconds of being attacked. Moore fled the home after the crime and was subsequently seen by a Copperas Cove Police Officer speeding and driving without his headlights. The officer did not know the brutal and vicious crime that Moore had committed just moments before. The only information known to the officer was the minor traffic violations committed by Moore. When the officer attempted to make a traffic stop, Moore fled from the officer. For the next 20 minutes, a dangerous and high speed chase ensued, one that undoubtedly put the public at risk. Moore subsequently fled on foot from his vehicle and was arrested shortly thereafter. After his arrest, the murder of Christa Bentley was discovered and Moore confessed to the crime. He was later convicted of Capital Murder and received the death penalty. He was put to death in 2002 (*Moore v. Johnson*, 2000).

This case illustrates a strong counterpoint to a restrictive chase policy. This brutal murder of an innocent person may have gone unsolved had this officer not engaged in the pursuit and stayed with it, even for a simple, on its face, minor traffic violation. His dedication and tenacity lead him to taking a vicious murderer off the street. T. Ward, the daughter of Christa Bentley, believes that police pursuits are a vital and critical role of law enforcement. Had the Copperas Cove officer failed to give chase for what he only knew to be minor traffic violations, then the person who murdered her mother may have escaped and never have been identified. Ward stated, "if they had not chased him and he got away, the thought makes me physically ill". Ward also believes that "from the perspective of safety, pursuits may not always be worth it". Ward does not, after 17 years, really have a strong position when it comes to the perspective of restrictive police policies; however, Ward believes that if Moore had not been chased and arrested that night, "the case may have very well gone unsolved because of the circumstances of the case and the investigation" (T. Ward, personal communication, April 7, 2011).

While the Moore case illustrates what can be argued as the very reason police chases are necessary and worth the risk, the odds that the person being pursued just committed a violent murder are extremely slim. There is no question that a person known to have committed a violent crime, or who is a substantial risk to society should he be allowed to escape, be pursued. However, the risk that innocent people are subjected to by high speed chases are simply no longer worth the risk.

In 2007, police chases in the state of California resulted in the death of one police officer and five innocent people (Rose, 2009). The value of these six people cannot be understated when it comes to developing a policy restricting pursuits. In Hill

2002, police pursuit records revealed that the majority of pursuits involve a stop for a traffic violation. Further, it stated that one person dies every day as a result of police pursuits . Hill (2002) goes on to state that from the period of 1994 to 1998, 42% of all people killed nationwide in high speed police chases were innocent third parties, and 1 in every 100 police chases ended in fatalities. Since that time, the number of police chases has only increased, not decreased (Hill, 2002). While the cases like Michael Moore will happen, the greater responsibility for police departments is figuring out how best to protect its citizens, and the single death of one innocent party must make all agencies look deep within to see how these tragedies will be avoided.

Another point of view regarding the necessity for pursuits is the possibility of a rise in crime. If a person committing a crime is aware that he may very well escape arrest by initiating pursuits with police, then some argue there is a very real chance there could be a rise in overall crime. McCranie (2010) stated that restrictive pursuit policies do not encourage crime and this has been proven time and again to be a myth. Agencies, such as Milwaukee, who have restricted their policies have just not seen such increase in crime or flight cases. Further, a potential rise in crime numbers still does not justify such dangerous actions to apprehend those breaking the law.

The Orlando, Florida, Police Chief Michael McCoy said in 2005, in regards to a more restrictive policy for his agency, "I'll basically boil it down to you as saying if you can't shoot 'em, don't chase 'em" (Lagorio, 2005, para. 9). The city of Orlando made the decision that the majority of crimes did not warrant such dangerous chases, especially when the officer's adrenalin levels were elevated. Captain Paul Rooney of the Orlando Police Department echoed those sentiments, stating that the officer's adrenaline levels

has his focus on catching the suspect and usually the officers attention would not be on pedestrians or school buses dropping off children (Lagorio, 2005).

Unfortunately, these are the tough decisions that police administrators must look deep within to make. There are growing numbers of police agencies that have finally chosen to make the tough decisions to restrict their officers during pursuit scenarios to save lives. While it may be conceivable that overall crime numbers may increase and certain drug and property seizures may decrease, one has to weigh the risk of a human life versus the reward.

RECOMMENDATION

Dangerous police pursuits will continue to be an extreme danger and disservice to the communities that police patrol. The routine pursuing of violators for known minor offenses and some felony offenses should come to an end. The risks to innocent people overshadow the need to make a drug arrest or charge a person with other minor crimes. The extreme cases, such as Michael Patrick Moore, are very infrequent and do not justify the risk. A person's life is not worth the cost of two deadly weapons traveling at reckless and high speeds to unknown, unsuspecting, and instant ends.

It is time that agencies make the tough decisions and mirror the policies of other departments who have severely restricted their pursuit policy. Police administrators must reach the conclusion that the safety of the public is a top priority and take the progressive steps to make this happen. Police agencies should limit them to cases involving violent felonies and only when the public would be in more danger if the offender be allowed to escape. The position of not sending the message to violators that they will not be pursued should no longer be a valid reason to support old police

pursuit policies. Law enforcement agencies should re-evaluate the value of innocent people being harmed during chases and look within their policies to make strict guidelines in regards to when officers should be allowed to engage in chases. Kennedy (1994) went on to state that “pursuits must be a last resort to prevent escape when there is probable cause of a dangerous felony. There is a clear statement that the policy is to avoid pursuits” (p. 430).

The lives of police officers, their family members, and the public at large are simply not worth any amount of drugs, money, property, or non-violent felony crimes that may go unsolved. Phillips (2012) stated, “please remember that when the suspect flees it is you, the police officer, that we depend upon to make the critical life and death decisions that affect you, the public and even the fleeing suspect” (para. 1). What the acceptable level of danger is involving pursuits is, of course, a value judgment for those instituting or revisiting their policies. An innocent third person losing their life over decisions to pursue for minor violations of the law should not be a standard that any law enforcement agency chooses to accept.

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