Pursuits, Pursuit Technology, and Pursuit Liability

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Abstract

The intent of this research paper was to determine agency authorization of vehicular pursuits, technology utilized by those agencies and the liabilities stemming from pursuits. The data collected indicates participating agencies allow pursuits yet differ in policy. The agencies utilize various technological assets to assist in apprehension. Litigation amongst the agencies reporting is relatively low, indicating agencies have policy aligned with current laws and high adherence to said policy. The paper suggests agencies ensure they are properly monitoring their officers are adhering to their policy. Agencies also need to be willing to adopt new technology as it becomes available.

Introduction

Law enforcement and pursuits are synonymous. Whether by foot, horse-back, carriage, or motor vehicle, law enforcement officers have always had to chase suspects. The mentality of not letting the bad guy get away and to catch them at any cost is still taught in today's law enforcement academies. New officers revel in the tales of veteran officers who used to chase the suspect until the wheels fell off or they shot out the tires as the suspect drove by. Officers are hampered by the catch at all cost mentality and pursuits often invoke the feeling the suspect is disrespecting their authority.

As technology has improved and motor vehicles become faster and more powerful, the pursuit has become more dangerous to the officer, suspect and innocent bystanders. Agencies need to provide officers with multiple options for dealing with fleeing suspects. Technology continues to improve which provides officers options to be able to slow down, discontinue or stop pursuits, all while limiting liability and aiding in the identification and apprehension of the suspect.

Agencies throughout the United States have attempted to limit their liability by creating "no-pursuit" policies. The question is posed, however, which is more dangerous, letting the suspect remain at large within the community, or chase them at all costs?

Agencies need to be cognizant of liability while drafting policy and while implementing new technology into the apprehension of fleeing vehicles. The Supreme Court of the United States has shaped police pursuit policy through numerous landmark decisions. Even with case law siding with law enforcement, people are being injured or killed and agencies are being sued, resulting in large settlements.

Literature Review

Pursuits

The first documented vehicular pursuit in the United States occurred in St. Louis in 1904. At a blistering speed of 28 miles per hour, the pursuit involved a police wagon which had only been in service for a week. The pursuit began when William Pattison was joy-riding in his vehicle and was observed exceeding the eight mile per hour speed limit. Officers began pursuing Pattison and soon speeds reached 28 miles per hour. (Hughes, 2017)

An excerpt from the July 14, 1904 issue of the St. Louis Post-Dispatch indicated, "the policeman, fearing that they would bump up and hit a cloud if they kept on much longer, called a halt by ringing a bell-an innovation by the way, in the line of auto signals. Mr. Pattison was attracted by the sound and looked back. The policeman bade him halt and he halted. He was placed under arrest." (Hughes, 2017)

Pattison explained to police he felt they wanted to race as they were approaching him very quickly. For his exploits, Pattison was fined $50.00, the equivalent of $1,320.88 in modern money. (Hughes, 2017)

The definition of a vehicular pursuit can be worded many different ways, but the core is as follows, "An active attempt by one or more sworn members to apprehend a suspect operating a motor vehicle while the suspect is trying to avoid capture by using high speed driving or other evasive tactics," as taken from the Okaloosa County Sheriff's Office Policy Manual. (OCSO, 2018)

Further, Okaloosa County policy dictates, "A vehicle pursuit is authorized when the need for immediate apprehension of the suspect outweighs the risk of danger to the public and the sworn members involved in the pursuit. Where immediate apprehension is not possible with reasonable safety, sworn members shall attempt to obtain sufficient information about the suspect vehicle to permit later apprehension. When the risk and danger to bystanders and innocent third parties is high, the vehicle pursuit must be terminated regardless of the heinousness of the offense or the violence associated with the act by the fleeing subject." (OCSO, 2018)

Balancing the want and need to catch offenders with the safety of all who might be involved, including police, innocent bystanders and the suspect has been the driving force behind law enforcement constantly evaluating the need for high-speed vehicle pursuits. (Schultz, 2010)

Technology is a necessary component in the ever-evolving goal to keep law enforcement officers safe. Together with tried and true tactics, you exponentially increase officer safety as well as the safety of the community they serve. This is most evident in the high-speed pursuit. With an ever changing scenario, split second decisions must be made to ensure the safety of the public. (Marcou, 2019)

Many items must be considered prior to, during and after a pursuit. Every traffic stop could potentially become a pursuit, so assessing each stop and being prepared for it to escalate is essential. Prior to a traffic stop, every officer should have sound knowledge of what their agency's pursuit policy allows and if a pursuit occurs, knowing when they would be required to terminate or be permitted to continue. Practical training in emergency vehicle operations and available technology needs to be a part of routine

training curriculum. Officers should always wear their body armor and utilize their safety belt when operating a vehicle. Another good rule of thumb is to always obtain the tag number of the vehicle which they are attempting to stop prior to activating their emergency equipment. (Marcou, 2019)

During the pursuit the only law that cannot be broken is the law of physics, therefore, officers need to be aware of their driving ability and the capability of their vehicle. Officers need to be careful to not put themselves in a position that is above their skill level that would put them in danger. Officers' number one priority should be to ensure they go home at the end of the night, by driving with "due care." (Marcou, 2019)

After the suspect begins to flee, officers need to know that they should terminate the pursuit if they are ordered to do so by their commander. Officers should also not pursue if they know the pursuit does not fall within policy guidelines or if the conditions make it unsafe. After terminating the pursuit or not engaging in the pursuit officers should notify their communication center, turn off their emergency equipment (if engaged), pull over, and then potentially resume patrol in the suspects last known direction. If available, utilize tracking technology to track the fleeing vehicle without endangering the public. If pursuits are allowed, ask one question, "Am I pursuing them because they are dangerous, or are they dangerous because I am pursuing them?" (Marcou, 2019)

Pursuit Technology

Pursuit Intervention Technique

Once a pursuit has begun, the ultimate goal should be to end it as quickly and safely as possible. The Precision Immobilization Technique (PIT) is one method to assist in the termination of the high speed pursuits. The PIT was developed in the early 1980's by Bill Scott Raceway in West Virginia. Fairfax County Police Department went on to perfect the PIT and introduce it to the law enforcement community in the mid to late 1980's. (Tortorell, 2017)

Performing the PIT involves utilizing the front quarter panel of the patrol vehicle, placed precisely against the rear quarter panel of the suspect vehicle, then utilizing lateral force, steering input and acceleration, causing the suspect vehicle to spin 180 degrees. The PIT maneuver can be cost prohibitive as it requires extensive training and frequent retraining. The maneuver also tends to damage training vehicles as well as patrol vehicles when used in service. (Dees, 2017)

Many critics of the PIT consider it to be lethal use of force. As such, many agencies restrict its use to below 35 mph to reduce the risk of significant injury. Modern vehicles, since around 2012, are equipped with electronic stability control (ESC), which may render the PIT less effective. (Mann, 2021)

In a 2015 study, the Portland Police Bureau concluded there was a higher likelihood of secondary impacts with vehicles equipped with ESC and less consistent results. (Burleson, 2015)

The Federal Law Enforcement Training Facility (FLETC) continued Portland Police Bureau's study in 2017 and came to similar conclusions. They further concluded that increased steering input, more acceleration and additional braking will be necessary to perform a PIT on vehicles equipped with ESC. (Tortorell, 2017)

StarChase

Developed in 2006, StarChase utilizes a self-adhering GPS tracker, shot from a special launcher installed on the front of a patrol vehicle, to stick to the rear of a subject vehicle at the onset of a pursuit. The idea being a pursuit can be terminated and the subject vehicle tracked remotely until it comes to rest. Officers can then move in to effect arrest with reduced risk to the public. (Dees, 2017)

Each unit costs approximately $5,000, resulting in a relatively expensive program to outfit a fleet. Milwaukee Police Department (MPD) implemented StarChase in 2015 on less than two percent of their fleet. In 2019, MPD discontinued use of the product after offenders learned about the technology and began removing the trackers from their vehicles. Weather conditions also made it difficult for the trackers to adhere to the subject vehicle. In the four years MPD employed StarChase, they deployed it 236 times, with 149 darts successfully sticking to the offender vehicle. MPD made 50 arrests utilizing StarChase. They considered the program a success, however discontinued using the devices due to it being cost-prohibitive. (I-Team, 2019)

According to a 2017 National Institute of Justice field test, when compared to the success rate of stop sticks and the PIT, which have a success rate of 72%, StarChase has provided an 85% success rate in apprehension. Another benefit of StarChase is its ability to share information with other jurisdictions. (Neitzel, 2021)

Air Support

Police aircraft are invaluable, especially when equipped with Forward Looking Infrared technology (FLIR). At the onset of a pursuit, if an aircraft is available, it can track an offender allowing patrol units to back off. Once the vehicle comes to rest, the aircraft can direct ground units in to effect arrest. Exorbitant costs of operating and maintaining aircraft makes this technology cost prohibitive for all but the largest agencies. Use of unmanned aircraft could become feasible in the not too distant future. (Dees, 2017)

Tire Spikes

Tire deflation devices have been around since the early 1990's. Many variations are available, but all utilize some form of hollow spike attached to strips, which are placed into the path of the subject vehicle. The hollow spike(s) break off in the tire and cause the tire to slowly deflate. The deploying officer then pulls the spike strip out of the roadway allowing pursuing officers to continue without running over the strip. Recent years have seen suspects actively driving at the deploying officer in an effort to avoid the device. Five law enforcement officers were killed in 2011 while deploying spike strips. (Dees, 2017)

Arresting Mat

An arresting mat combines tire spikes with a heavy-duty fabric mat, similar to the fabric used in ballistic vets. The spikes are embedded into the front edge of the mat. When deployed, the spikes penetrate the tire, the vehicle's momentum causes the mat to

wrap around the tire, causing it to stop turning. The vehicle is stopped as if the driver had applied maximum force to the brakes. Several foreign militaries as well as the U.S. Army have begun use of these devices at checkpoints.(Dees, 2017)

The Grappler

Made of a y-shaped bracket with fabric netting stretched between the arms, the Grappler is similar to the arresting mat. The bracket is mounted to the front of a patrol vehicle and folds out of the way when not deployed. Once deployed, the netting rides a few inches above the ground. Maneuvered into place by the deploying officer, the netting wraps around the rear wheels of the vehicle, causing them to become wrapped and immobile. The netting is secured to the deploying vehicle via a tether, adding additional stopping power. (Dees, 2017)

Use of the Grappler against front wheel drive vehicles is not as effective, only stopping the rear wheels and not incapacitating the drive line. The manufacturer indicates the use of the tether will be necessary to stop front wheel drive vehicles. Of concern is the requirement of the deploying vehicle to get within inches of the subject vehicle. Sudden braking by the subject could end in catastrophic results. No agencies have successfully deployed the Grappler. (Dees, 2017)

PursuitAlert

A more recent technology has been developed utilizing cellular devices most people already own to alert them of a high-speed pursuit in their vicinity. Developed by former undersheriff, now CEO, Tim Morgan, the mobile app will give drivers advanced warning. A low cost alternative to other options, PursuitAlert is installed in Mobile Computer Terminals in patrol vehicles and an application is downloaded by motorists. When activated, it alerts all phones in the area which have downloaded the PursuitAlert application. It can also be utilized to alert users of active shooter incidents and other hazards. (Staff, 2020)

OnStar

With 20% of pursuits emanating from suspected stolen vehicles, services such as OnStar can be of tremendous assistance to law enforcement. Vehicles equipped with OnStar offer two advantages to law enforcement. First, OnStar can utilize up to the minute GPS data to locate a stolen vehicle and direct law enforcement to the area to locate the vehicle. Second, if the vehicle is equipped with OnStar's Stolen Vehicle Slowdown (SVS), law enforcement can contact OnStar and have them disable the vehicle. Once the request is made, an OnStar operator activates the SVS and the vehicle is slowed to between 3 and 5 miles per hour. The driver still has use of the brakes and steering, thus maintaining safe control of the vehicle. (Neitzel, 2021)

FAAC Training Simulator

Driving training is typically conducted on a closed track and is just that, driving training. It is difficult to introduce real-world scenarios and fully evaluate how an officer will react when presented with different decision-making criteria. Fully-immersive training simulators such as the FAAC LE-1000 provide agencies the opportunity to practice driving skills and determine officer's mind-sets when driving in emotionally charged situations. Simulators can also incorporate use-of-force technology to train proper de-escalation techniques, a necessary component to the end of every pursuit. (Neitzel, 2021)

Pursuit Liability

Crashes stemming from pursuits have killed an average of 355 people annually from 1996 to 2015. In the four-year period between 2014-2018, pursuits resulted in the death of over 2,000 people. Between 2014 and 2017 it is estimated nearly 300 innocent bystanders were killed as a result of crashes stemming from pursuits. In 2017 there was a 22% increase over 2013 data, with 416 people killed as a result of police pursuits. (Perez, 2020)

The National Highway and Traffic Safety Association (NHTSA) has no established guidelines on reporting of police pursuits, therefore making clear numbers impossible to come by. Further hindrance comes from states that do not collect statewide data on police pursuits involving crashes. There are no apparent plans or guidelines to rectify the inaccurate data being collected. (Perez, 2020)

Five U.S. Supreme Court (SCOTUS) cases have laid ground work for many current pursuit policies:

Tennessee v. Garner (1985); SCOTUS ruled "the Fourth Amendment prohibits the use of deadly force to prevent the escape of any fleeing suspected felon unless the suspect poses a "significant threat" to the officer or the community and other means have been exhausted." (Pursuit Response, 2017)

Graham v. Connor (1989); Graham filed a civil rights lawsuit against several City of Charlotte police officers, as well as the City of Charlotte. Graham accused the officers of unlawful restraint and excessive force. SCOTUS expounded on its *Garner* decision, adding three criteria to determine reasonableness in use of force; severity of the crime, does the suspect pose an immediate threat and is the suspect resisting arrest or fleeing. (Pursuit Response, 2017)

Brower v. County of Inyo (1989); The suspect was killed after crashing his stolen vehicle into a police roadblock. SCOTUS determined a roadblock constitutes a seizure per the Fourth Amendment. Ultimately this decision led many law enforcement agencies to quit using stationary roadblocks. (Pursuit Response, 2017)

Scott v. Harris (2007); The plaintiff sued after a deputy utilized a PIT maneuver, causing him to crash and ultimately become paralyzed. Lower courts ruled the deputy's actions constituted deadly force. SCOTUS disagreed and indicated the deputy's actions were reasonable, that the suspect "posed an actual and imminent threat" to the public and officers involved. (Pursuit Response, 2017)

Plumhoff v. Rickard (2014); SCOTUS ruled the Fourth Amendment allows for the use of deadly force to stop reckless drivers and the threat they pose to the public. (Pursuit Response, 2017)

There were two fatalities of innocent bystanders in less than ten months in 2013 as a result of police pursuits. A 56-year-old woman was killed as she drove to a funeral as a law enforcement vehicle pursuing a fleeing vehicle ran a red light and crashed into her car. Ten months later, an off-duty Chicago Police Officer was killed as he drove home from working a late shift. A vehicle fleeing law enforcement crashed into his vehicle killing him. Lawsuits were filed in both cases and as a result Chicago and Calumet Park will pay the families nearly $13 million. (Gorner, 2018)

In October 2020, Karon Hylton-Brown was killed after he fled from law enforcement on his moped and struck a van. The pursuit began as officers tried to stop Hylton-Brown for a helmet violation. The pursuit violated Metropolitan Police Department's (MPD's) "no chase" policy. In 2003 MPD instituted policy which forbade pursuits for any crime less than a felony. As a result of Hylton-Brown's death, Washington D.C. Council members introduced a bill, the Law Enforcement Vehicular Pursuit Reform Act, which prevents officers from pursuing vehicles unless the occupants are suspected of committing a violent crime, or if the pursuit would not cause death and bodily injury. Also necessary would be the determination the pursuit was necessary to prevent harm to others. The bill also prohibits roadblocks and vehicle ramming. (Collins, 2021)

While criminal liability cannot be ruled out, administrators and policymakers must consider it. Federal law violations would most likely occur under Title 18 U.S. Code Section 242, Criminal Liability for Deprivation of Civil Rights and Title 18 U.S. Code Section 245, Violation of Federally Protected Activities. Depending on the circumstances of the case, state laws may see officers charged with official misconduct. (Hicks, 2007)

Some jurisdictions have created immunity from liability for officers who are operating police vehicles in emergency condition, specifically while pursuing fleeing suspects. (Hicks, 2007)

Criminal violations against officers may not be the norm, but civil liability presents a much higher likelihood. Civil claims may be brought in either federal or state court. The most common federal claim in police liability is filed under 42 U.S.C. 1983, Deprivation of Civil Rights. (Hicks, 2007)

In state court, cases may be brought for either, intentional behavior or negligent behavior. In negligence tort, an officer's mind-set need not apply. Legal duty, breach of duty, causation and damage are the elements required to prove negligence. The reasonableness standard typically applies in the determination of negligence. (Hicks, 2007)

Methods

The purpose of this research was to determine whether law enforcement agencies of similar size to the Okaloosa Sheriff's Office allow vehicle pursuits, and if they do, are officers provided specific guidelines on what offenses justify a pursuit and are they provided training in pursuit tactics. In addition, the agencies were asked if they utilize any

available pursuit technologies and if they track pursuits which resulted in injuries/death, officer discipline or litigation as a result of a pursuit.

Data was gathered through surveys disseminated to 53 Law Enforcement agencies throughout the state of Florida who employ between 150 to 450 law enforcement officers. Surveys were provided to each agency's accreditation section to provide one single source of information from each agency. Agencies were not asked to identify themselves in the survey in an effort to gather factual data. Survey questions were designed to determine if each agency allowed pursuits and if so, do they have a specific policy governing pursuits. Further, did the agency utilize any pursuit technology assets.

Questions were also asked to determine what training and retraining was available to officers and how many pursuits the agencies were involved in over the past five years. Lastly, questions were asked if any pursuits resulted in litigation within the last five years or if any pursuits resulted in officer discipline.

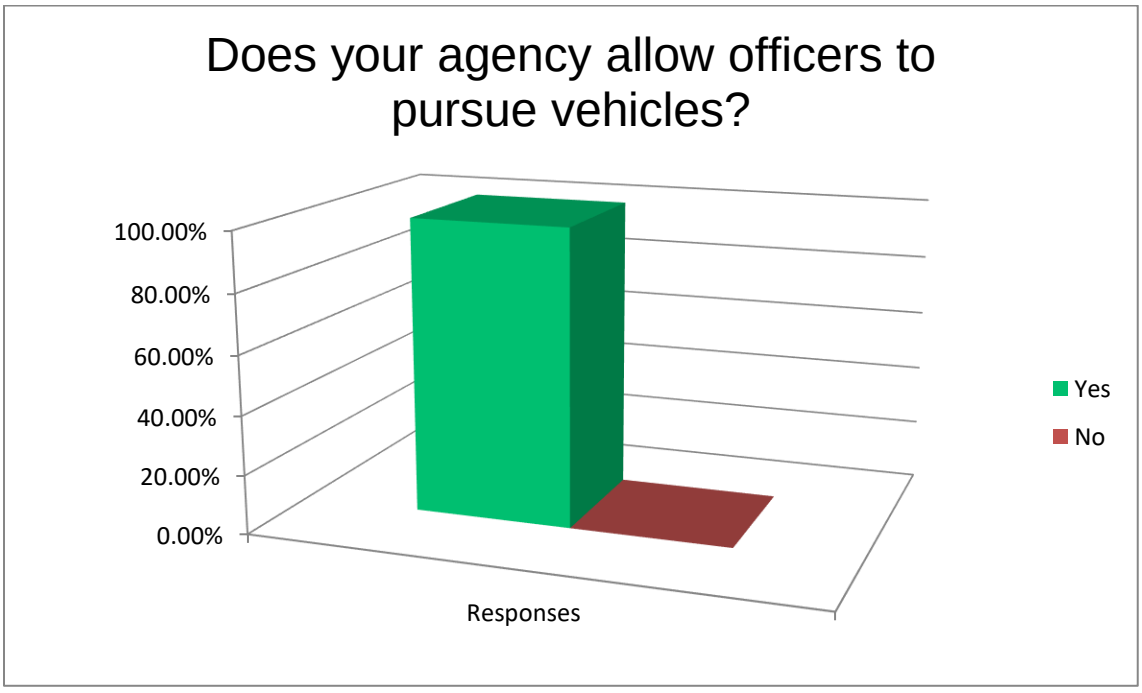
The data collected presented a weakness wherein surveyed agencies were hesitant to disclose injuries as well as litigation because of pursuits.

Results

The survey was sent to 53 law enforcement agencies of similar size to the Okaloosa County Sheriff's Office. Twenty-three agencies responded for a response rate of 43.39%. Some agencies chose to skip questions within the survey

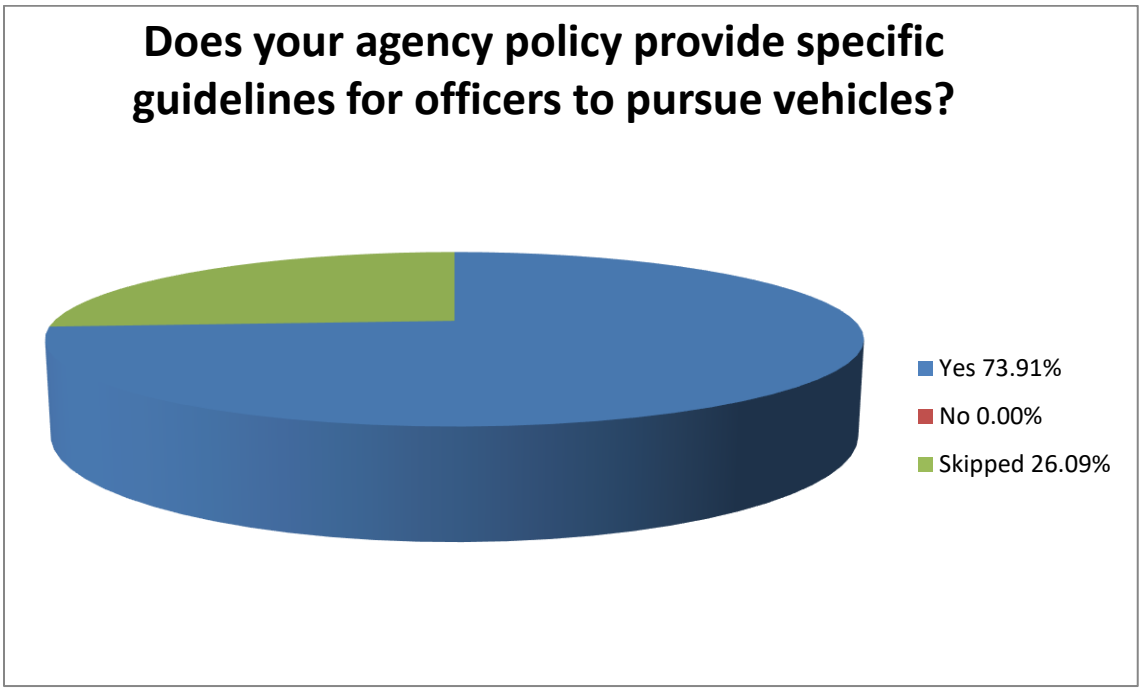
The first question inquired if agencies allowed their officers to pursue vehicles. All respondent agencies (100%) responded yes, pursuits were allowed.

TABLE 1: Are Pursuits Allowed?



The second question asked if their agency policy provided specific guidelines for officers to pursue vehicles. Seventeen agencies (73.9%) responded yes, 0 responded no and 6 (26.1%) skipped the question.

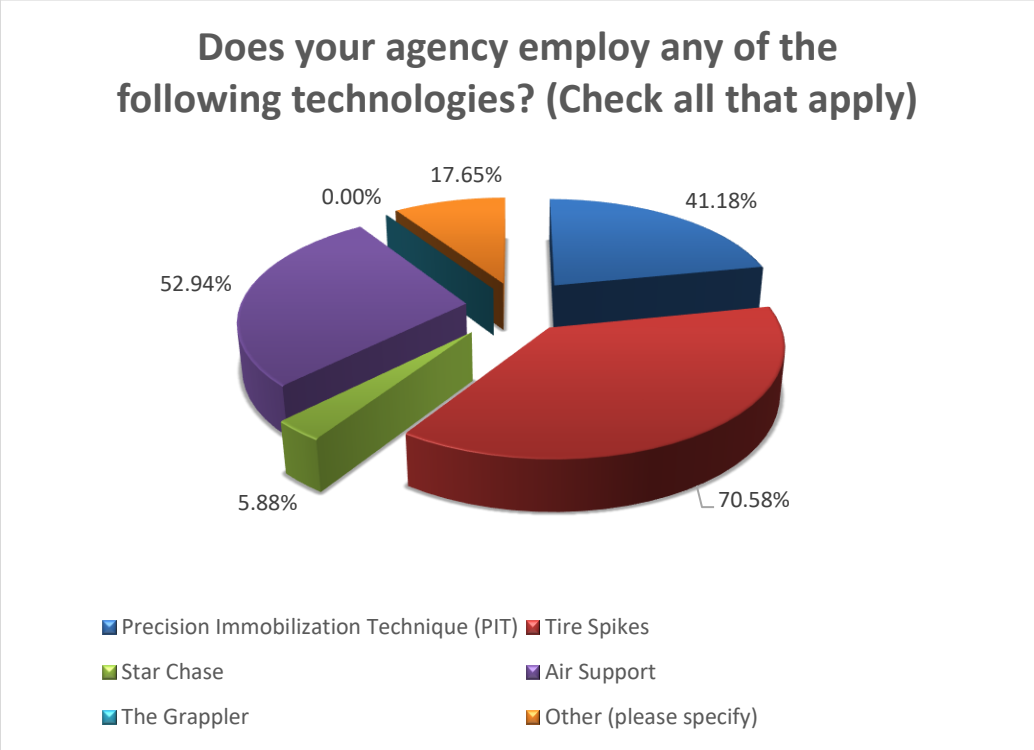
TABLE 2: Pursuit Policies Provided



The third question sought to determine if agencies employed any pursuit ending technologies. Seventeen agencies (73.9%) responded and 6 agencies (26.1%) skipped the question. The following results were obtained.

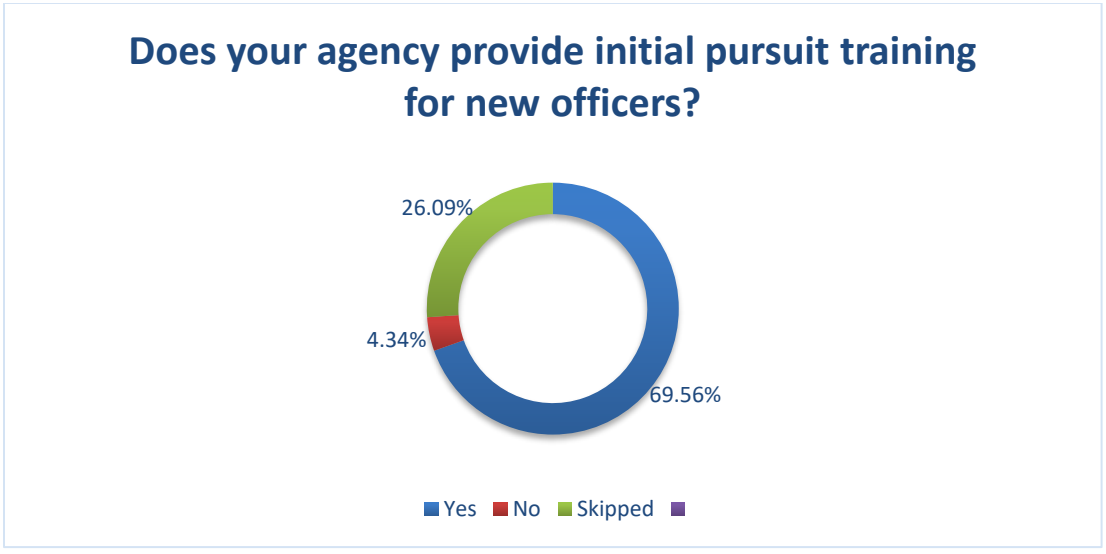
- 7 responded they utilized the Precision Immobilization Technique (PIT).
- 12 indicated they utilized Tire Spikes.
- 1 indicated they utilized Star Chase.
- 9 indicated they use Air Support.
- 0 utilize The Grappler.
- 3 indicated they utilized other means, with one indicating air when available, one indicating no and one indicating they can request air support from the sheriff's office.

TABLE 3: Available Technologies



The fourth question asked respondents if their agency provided initial pursuit training for new officers. Fifteen agencies (69.5%) answered yes, 1 agency (4.4%) answered no and 6 (26.1%) skipped the question.

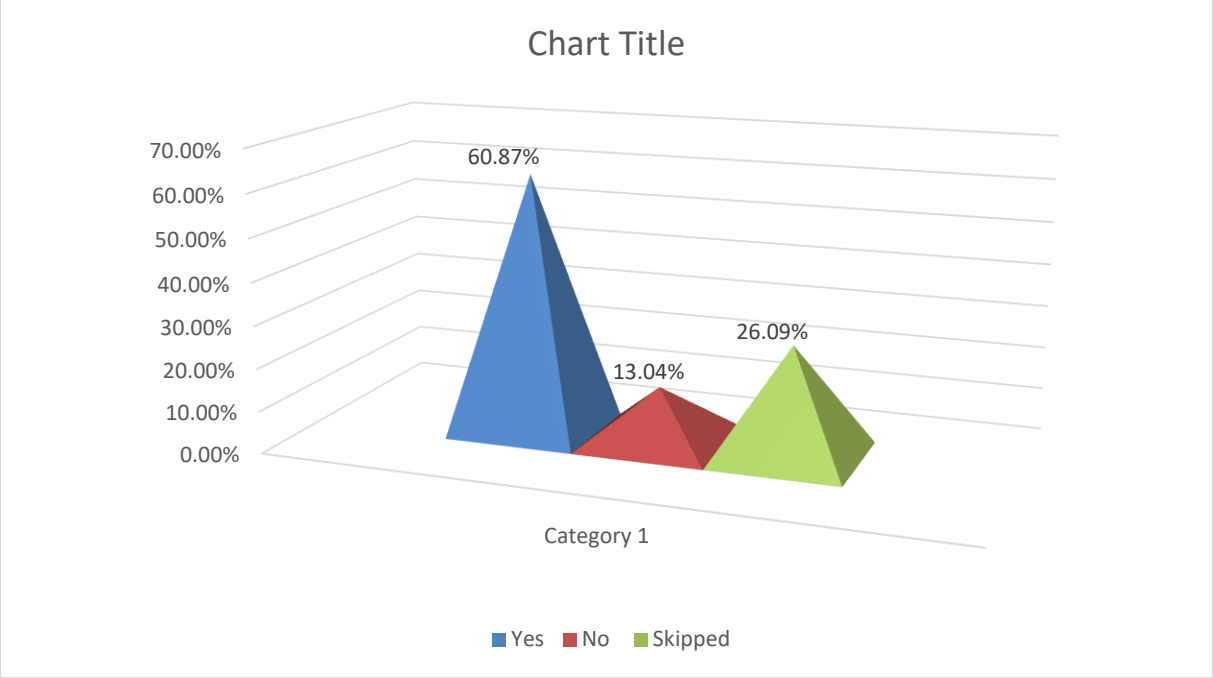
TABLE 4: Initial Pursuit Training



The fifth question inquired if agencies provided reoccurring pursuit training for officers. Fourteen agencies (60.9%) indicated yes, 3 (13%) indicated no and 6 (26.1%) skipped the question. Of the 14 agencies that answered yes, 6 provided explanations of how often.

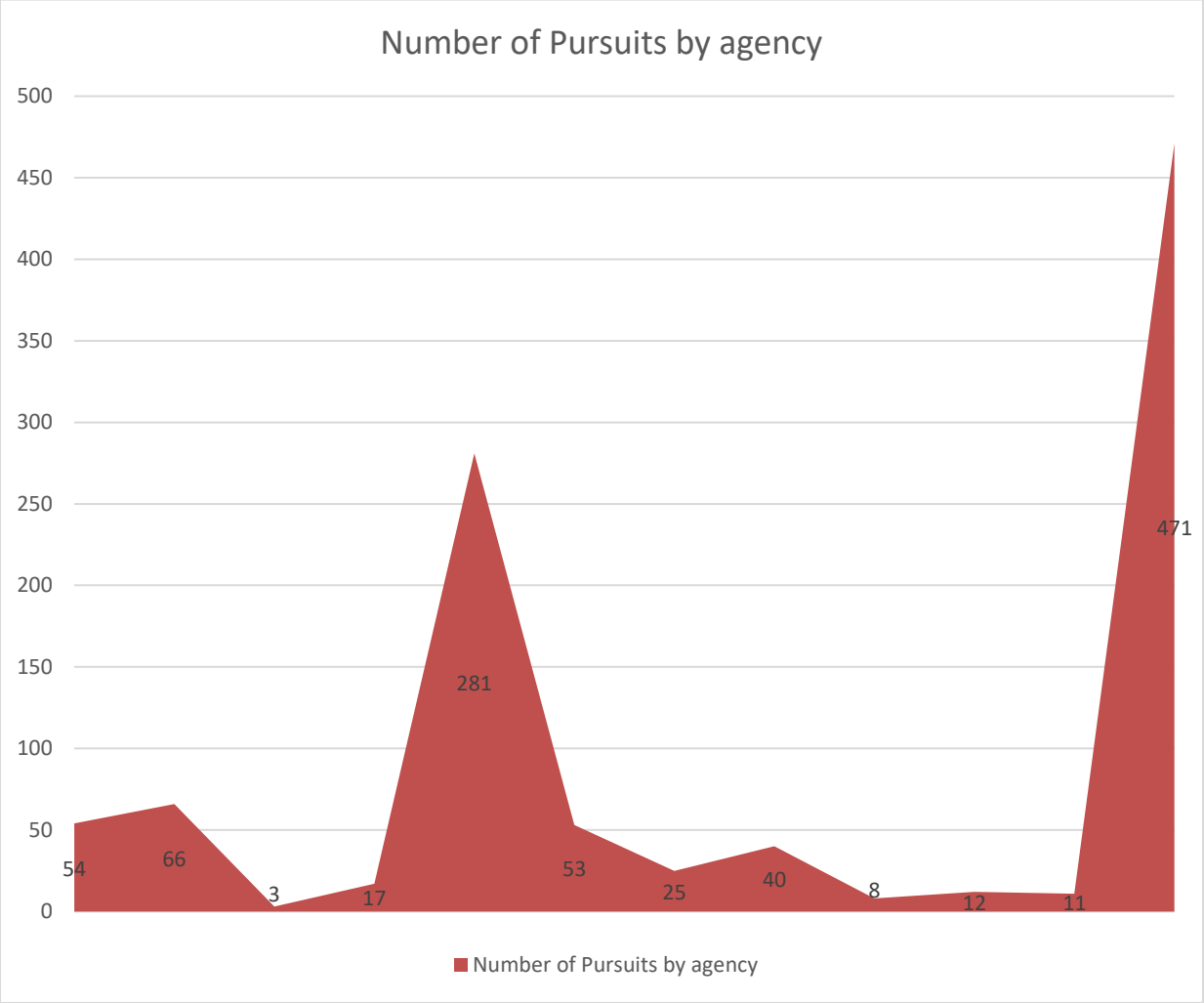
- 2 answered every 3 years.
- 2 answered every 2 years.
- 1 answered initial and periodic refresher.
- 1 answered, LE Sworn and Communications personnel will receive initial training on the agency's pursuit policy, as well as documented annual review.

TABLE 5: Reoccurring Pursuit Training



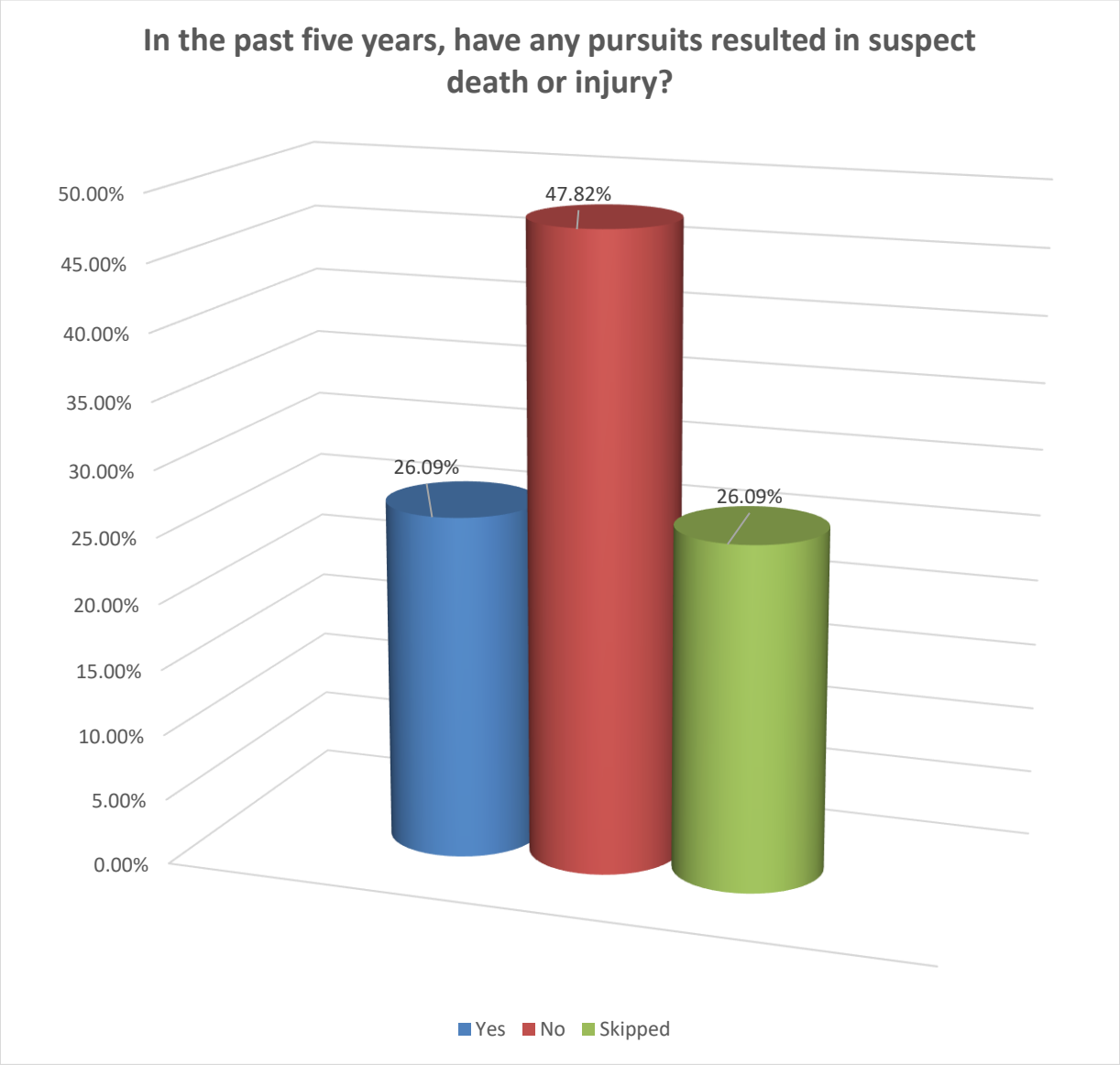
The sixth question inquired how many pursuits the respondents' agency had been involved in from 2017 until current. Seventeen agencies (74%) responded, while 6 (26%) elected to skip the question. All 17 agencies that answered yes provided responses, some of which were not specific. The specific information is represented in the Table 6.

TABLE 6: Number of Pursuits in last five years



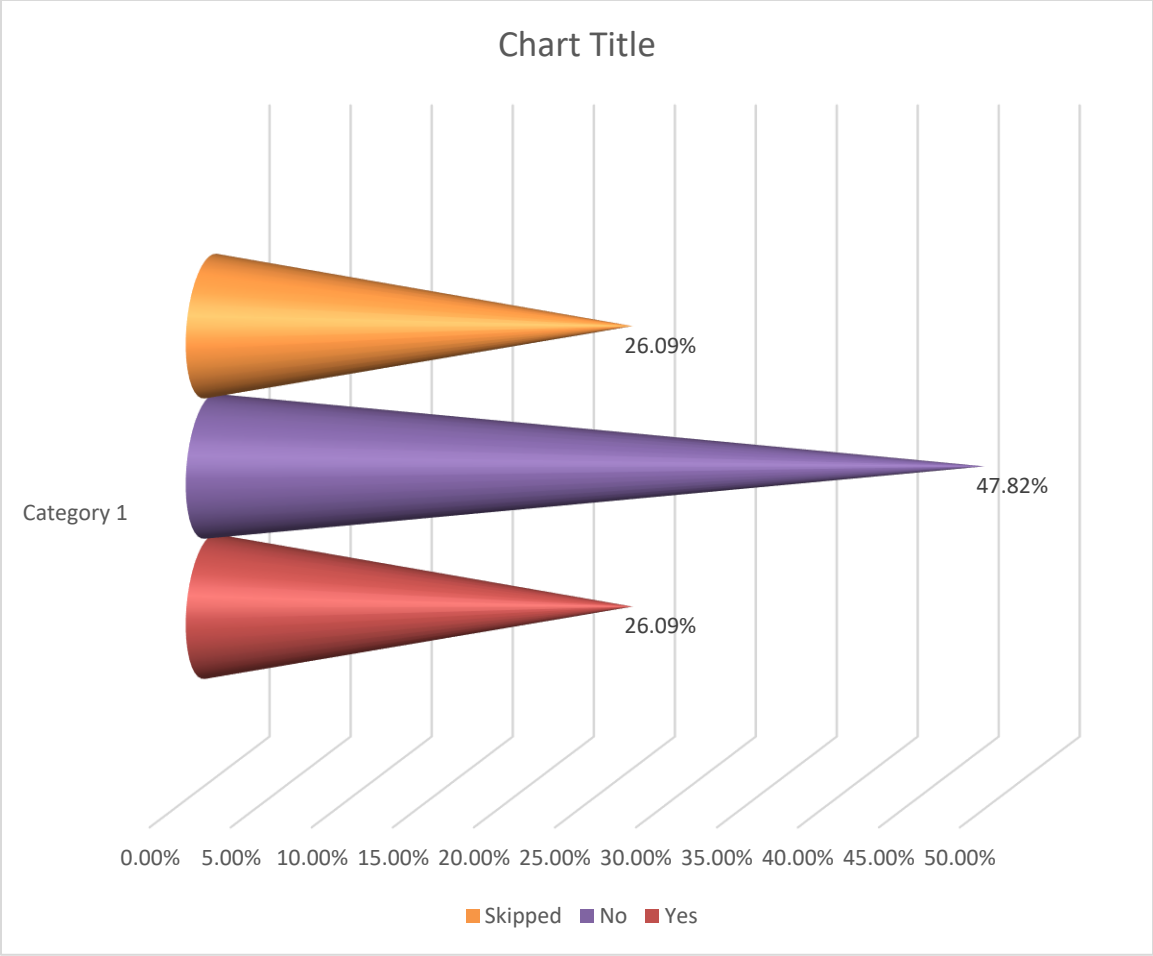
The seventh question asked the respondent if any pursuits resulted in suspect death or injury in the past five years. Six agencies (26.1%) answered yes, 11 agencies (47.8%) answered no and 6 agencies (26.1%) skipped the question.

TABLE 7: Pursuits resulting in Suspect death or injury



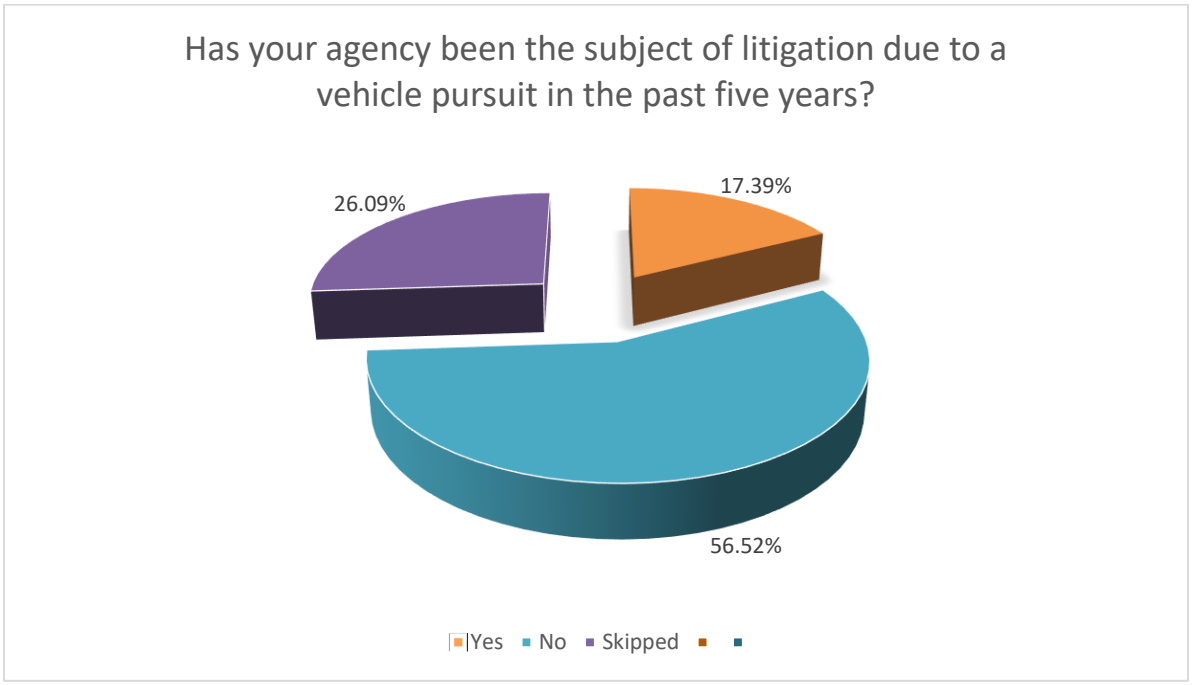
The eighth question asked if any pursuits had resulted in officer injury or death in the past five years. Six agencies (26.1%) answered yes, 11 agencies (47.8%) answered no and 6 agencies (26.1%) skipped the question.

TABLE 8: Pursuits resulting in Officer Injury or death



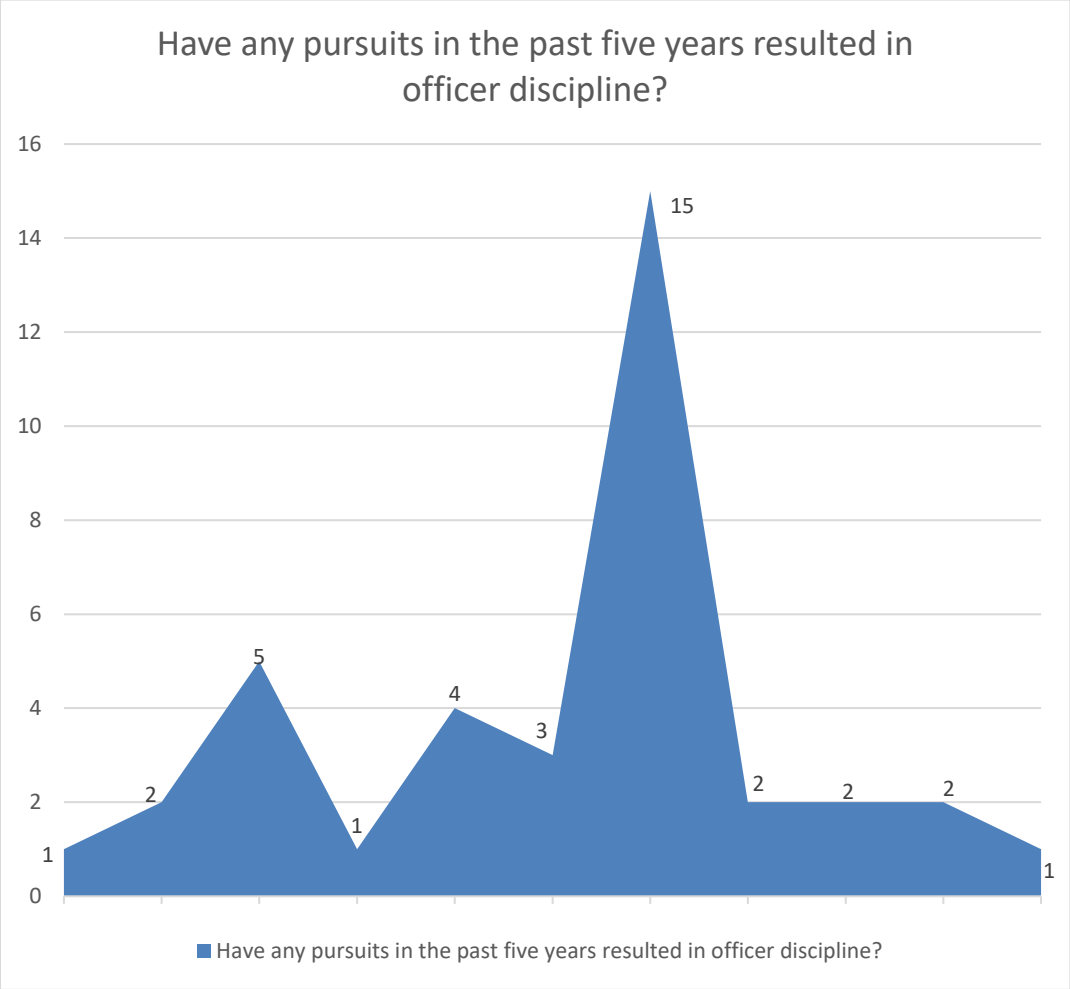
The ninth question asked if their agency had been a subject of litigation due to a vehicle pursuit in the past five years. Four agencies (17.4%) answered yes, 13 agencies (56.5%) answered no and 6 agencies (26.1%) skipped the question.

TABLE 9: Litigation due to vehicle pursuits



The tenth and final question asked if any pursuits in the past five years resulted in officer discipline. Eleven agencies (47.8%) answered yes, 6 agencies (26.1%) answered no and 6 agencies (26.1%) elected to skip the question. Of the 11 agencies that answered yes, 10 agencies provided data as to how many pursuits resulted in officer discipline over the last five years.

TABLE 10: Officer Discipline



Discussion

The results of the survey were surprising to say the least. All of the agencies surveyed indicate they allow officers to pursue vehicles. Most of the agencies had relatively few pursuits for the five-year period requested, while two agencies had significantly more than the others do. Agencies employ multitudes of technologies, some clearly utilizing more than one. The majority of the agencies provide specific guidelines through policy pertaining to pursuits, initial pursuit training to new officers and reoccurring pursuit training to all officers. Disappointingly, six agencies chose to answer the first question and skip the next nine.

All of the respondents who answered the question involving policy indicated they had policies in place to provide specific guidelines for officers to pursue vehicles. This could be the single most important responsibility if agencies allow their officers to engage in pursuits. It defines what a pursuit is, it sets forth the conditions under which a pursuit can be initiated, continued or should be discontinued. It further details the use of all

technology available and the situations for deployment. When aligned with Supreme Court rulings, it can assist in reducing liability to an agency if the officers adhere to policy.

Only one agency that answered the question in regards to initial pursuit training being provided for new officers answered no, while three indicated they had no reoccurring pursuit training. Additional responses varied from annually to every three years. Not disclosed by the respondents was what type of training the officers receive. Training can consist of anything from policy review to hands on pursuit training.

The number of pursuits agencies were involved in varied from less than one a year to 471 over the five-year period. The survey did not allow for clarification if pursuits were canceled and documented for subject resistance per policy, or if pursuits continued until the suspect was in custody. One agency did provide clarification of the 281 pursuits in the five-year period; 43 were canceled and 37 had stop sticks deployed. Another factor not disclosed was if the pursuit was canceled by the officer involved or by supervision.

Commonly utilized technological assets include the Precision Immobilization Technique (PIT) and tire spikes, with 41.18% and 70.58% of agencies using them, respectively. Surprisingly, 51.94% utilize air support, which was higher than expected considering the costly price related to using this technology. This could be the result of numerous agencies utilizing one larger agency in their region to provide air support when available. Two agencies did clarify they only utilized the air support when it was available, with one of those indicating it was a sheriff's office asset.

Only one agency (5.88%) currently utilizes StarChase. Literature indicated this technology is viable and does work, however not without its limitations. Weather can play a large factor in whether the launched projectile adheres to the target vehicle. Furthermore, once a suspect learns the technology was used, it is no problem to remove the tracking device from the vehicle and either dispose of or destroy it. Initial cost could be another factor in the limited use of StarChase.

Unsurprisingly, no agencies are utilizing the Grappler. This relatively new technology poses significant chance of catastrophic results in deployment. The idea behind it is sound, but implementation is dangerous with the patrol vehicle needing to be mere inches from the suspect vehicle for successful deployment. Add the fact a high proportion of vehicles on the road today are front wheel drive, severely limits the effectiveness of this product, and at a cost of $5,000 per patrol vehicle other current technologies are more economical to utilize.

Interestingly, 26.1% of agencies reported injuries or death of suspects and officers because of a pursuit. One agency provided specifics after the survey questions involving officer and suspect deaths. Not asking follow-up questions for specifics from all agencies is one shortcoming identified. With little nation-wide data currently collected by any federal agencies, it is difficult to determine if these numbers are high, low or consistent with other agencies who have policy allowing pursuits.

Litigation stemming from pursuits was relatively low with 17.4% of agencies indicating they were sued in the five-year period requested. Almost 50% of the agencies polled indicated officers had been disciplined because of policy violations involving a pursuit. Ten agencies went on to provide data indicating anywhere from 1-15 officers had been disciplined in the five-year period requested. Most agencies identified under five disciplinary issues with only one agency having significantly more. This would tend to indicate the policies and training in place at these agencies are clear and obeyed.

A review of pursuits initiated by the Okaloosa County Sheriff's Office indicated our deputies are adhering to policy and procedure. One requirement of our policy is all pursuits, use of roadblocks, ramming and use of tire spikes require an offense report be generated. In 2020, the Okaloosa County Sheriff's Office began dissecting the use of force information collected in regards to pursuits. In 2020, more than 50% of pursuits initiated by deputies were terminated by either supervision or the deputy themselves.

One fatality was reported because of a pursuit, however, closer inspection of the report shows no pursuit actually occurred as the driver of the stolen vehicle fled upon activation of the deputies emergency equipment, causing the rider to accelerate away quickly. The deputy attempted to catch up, but the vehicle crashed, ultimately killing the driver.

In 2021 we noticed a 24.5% increase in the number of pursuits reported; 47.6% of these pursuits were terminated by either supervision or the deputy themselves. 65.7% were self-terminated by the pursuing employee.

In the five-year period, our agency only had one employee disciplined resulting from a policy violation.

Recommendations

The survey indicates that the agencies who participated have established clear expectations and policies for their officers. This in turn has led to relatively low numbers of pursuits occurring. This coupled with the fact that few injuries or deaths have occurred and the fact that very few officers received discipline because of policy violations, a low number of litigations against the agencies resulted. This would tend to support the literature, which suggests the need to balance the want and need to apprehend the suspect with the safety of the suspect, officer and civilians is paramount. Agencies must constantly monitor and adapt their procedures and policies to ensure they are in line with current laws and the court of public opinion.

It is imperative that as policies change, training needs to adapt with it. Training can be cost prohibitive and with current shortages in personnel, sometimes training takes a backseat. Reading agency policy or having rollcall training is great, but nothing compares to butt in the seat driving tactics and muscle memory training. Officers need to be cognizant of their abilities and that of the vehicle they are operating. The wild card is the unknown variable of the suspect and how willing they are to endanger the lives of those around them. When the risk outweighs the reward, officers must disengage. Knowing when to stop is equally as important as practical training.

The word liability is drilled into an officer's head from day one of the police academy. If an officer does not consider every action and reaction during a pursuit as a potential liability to themselves or their agency, then policy and training has failed.

Technology has provided new and innovative ways to monitor and/or stop pursuits. Some technology like air support are cost-prohibitive for most, but are utilized by more agencies than expected. Tire Spikes and the PIT are still readily used, but it is imperative that training be frequent to maintain the skills required for both technologies. As technologies advance, law enforcement needs to be progressive and implement new methods to stop pursuits.

The biggest flaw discovered during the course of this research is the lack of data collection involving pursuits and the injuries and deaths resulting from them. Literature revealed no standards of data collection exist at the national level and states vary widely on their collection of this information. There are no known efforts to establish collection of this information. Moving forward, states need to unify the way data is collected and federal entities need to create a database to record and keep the information received from the individual states.

The Okaloosa County Sheriff's Office has not trained its officers in the use of the PIT in many years and as such, currently has very few, if any officers, able to employ its use. If properly trained, policy allows for the use of the PIT. Our agency needs to initiate a training program to get officers initial and recurring training in the use of the PIT. During this training, an officer should be questioned on their knowledge of the pursuit policies. Practical knowledge while under stress is more realistic than simply reading a policy and acknowledging you have done so.

The Okaloosa County Sheriff's Office has established a state of the art training facility and shooting range, but lacks a driving range capable of vehicle training. Moving forward, we need to look into the creation of a driving pad or course, capable of conducting emergency vehicle operations, PIT training and any other vehicular based training.

The Okaloosa County Sheriff's Office began tracking pursuits as part of our annual analysis of use of force several years ago. Currently, the annual analysis looks at the number of pursuits, number of arrests resulting from pursuits, number of pursuits terminated by supervisors or pursuing employees and fatalities. Our analysis should further analyze damage to agency vehicles or property damaged because of pursuits, deployment of tire spikes, deployment of StarChase, and pursuits resulting in officer discipline. Deeper analysis would allow our agency to determine the impact pursuits are having on the agency and community we serve.

Lieutenant Matthew Harrison began his law enforcement career with the Okaloosa County Sheriff's Office in 2002. His career began as a detention deputy, but he quickly moved to patrol. He has served as a Field Training Officer, Investigator and promoted to Sergeant in 2011. He served as a Sergeant in patrol, detention, court services and civil process. In 2018, he promoted to Lieutenant over judicial process where he is currently assigned. Lieutenant Harrison obtained an Associates Degree from Okaloosa Walton Community College and a Bachelor's Degree in Finance/Financial Services from the University of West Florida.

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Appendix A

1) Does your agency allow officers to pursue vehicles? Yes No

    a. If yes, for what crimes,
        i. All crimes
        ii. Felonies Only
        iii. Felonies and some misdemeanors (ie. DUI, Reckless Driving)
        iv. Other_____

    b. If no, Thank you for your participation

2) Does your agency policy provide specific guidelines for officers to pursue vehicles? Yes No

3) Does your agency utilize any of the following technologies (Check all that apply)

    a. Precision Immobilization Technique (PIT)
    b. Tire Spikes
    c. Star Chase
    d. Air Support
    e. The Grappler
    f. Other_____

4) Does your agency provide initial pursuit training for new officers? Yes No

5) Does your agency provide reoccurring pursuit retraining for officers? Yes No
    a. If yes, how often?

6) How many pursuits has your agency been involved in from 2017 until current?

7) In the past five years, have any pursuits resulted in suspect injury or death? Yes No

8) Have any pursuits in the past five years resulted in officer injury or death? Yes No

9) Has your agency been the subject of litigation due to a vehicle pursuit in the past five years? Yes No

10) Have any pursuits in the past five years resulted in officer discipline? Yes No
    a. If yes, how many in the last five years?