High Speed Pursuits Reducing the Risks

Dan Smith

Abstract

This study is examining the issue of high-speed pursuits within Florida Sheriff's Offices, including literature, policies, case law and technology. This survey revealed a need to constantly keep policies updated, the importance of training, tracking pursuits, and alternative apprehension methods.

Introduction

"The basic dilemma with a high-speed police pursuit of a fleeing suspect is deciding whether the benefits of potential apprehension outweigh the risks of endangering police officers, the public, and the suspects in the chase" (Alpert, 1998).

In recent years, the California Legislature has enacted laws granting immunity to officers when in pursuit of fleeing suspect vehicles after certain conditions are met. The pursuing officer is expected to reasonably attempt to apprehend a fleeing suspect when that suspect represents a threat to the public safety. Pursuits may be initiated and continued when such threat to the public safety is not out of proportion to the offense or offenses involved.

The policies of various police departments differ in detail, but most have one thing in common: they are guidelines, not absolute rules. In most cases, the officer ultimately is charged with weighing the facts and deciding whether to chase. There are few instances which a chase is absolutely forbidden.

Police say this is necessary because every incident is different and decisions need to be made case by case. Victims' advocacy groups say, however, that without tight restrictions, police have the discretion to engage in unnecessary pursuits (Detroit News Staff, 1997).

Solutions to Tragedies of Police Pursuits, "STOPP", was founded in 1994 and is based in Jackson, WY. Its members are not demanding that police officers give up traffic pursuits altogether. Their aim is for each of the nation's 19,000 law enforcement agencies to re-define what warrants a serious pursuit and to institute guidelines to protect the safety of everyone involved: the pursued, the pursuer, and the innocent bystander.

According to statistics from the National Highway Traffic Safety Administration, approximately 50,000 police pursuits occur annually. The figures are only estimates because there is no uniform requirement for reporting or tracking these incidents.

Although the majority of pursuits end without incident, 500 persons are killed and approximately 5,000 are injured annually. One-third of those victims in 1995 were innocent third parties. The use of deadly force to prevent the escape of all felony suspects, whatever the circumstances, is unconstitutionally unreasonable. Where the suspect poses no immediate threat to the officer and no threat to others, the harm resulting from failing to apprehend him does not justify the use of deadly force to do so (Tennessee v. Gardner, Supreme Court, 1985).

The Supreme Court gave law enforcement some latitude when it ruled that engaging in high-speed pursuits does not automatically make police liable for injuries that occur. The Supreme Court announced its decision on May 26, 1998 in the case of

County of Sacramento, et al. v. Lewis (Police Professional Update, 1998). In the decision by the Supreme Court it stated, “We hold that high-speed chases with no intent to harm suspect physically or to worsen their legal plight do not give rise to liability under the 14th Amendment” (County of Sacramento et al. v. Lewis, 1998).

Law enforcement agencies have taken a variety of approaches to vehicular pursuits, ranging from banning them together to allowing officer discretion, depending on local laws, geographic and traffic conditions, availability of back-up, field supervision, pursuit termination devices and departmental philosophies (Sweeney, 1997).

Methods

In order to obtain the current status of police pursuits, surveys were sent out to 37 Florida Sheriff’s Offices. Agencies surveyed were comparable in size to the Clay County Sheriff’s Office. Surveyed sheriff’s officers were selected because they represent a cross-section of Florida’s economic, political, and geographical environment, serving a diverse population base from South Florida’s multi-ethnic communities to the sparsely populated Florida panhandle.

Several of the responses were anonymous; however, important data was obtained by sending the survey. A copy of the survey is attached as Appendix A. The Hunt Insurance Group was also contacted for a breakdown of total vehicle pursuit related claims filed against the Florida Sheriff’s Self-Insurance Fund (F.S.S.I.F.) since its inception in 1979, and the Sheriff’s Automobile Risk Program (S.H.A.R.P.) since its inception in 1986.

Results

Sending surveys to the 37 agencies collected data. The authors were not identified. Of the 37 agencies surveyed, 28 responded to the survey, a return of 76%. The survey results, with responses by number and percentages, follow.

Of the agencies responding, 27 (96%) of the agencies have a pursuit policy. One agency has no policy in place. The Sheriff of this agency felt it was in the best interest of his agency not to have written a policy on police pursuits and would not elaborate further.

The data concerning having a training curriculum in place showed 25 (98%) do have a training curriculum in place and two (7%) of the agencies do not.

When asked if pursuits were permitted in misdemeanor violations, 15 (55%) do allow pursuing on misdemeanor violations and 13 (56%) do not allow pursuits for misdemeanor violations. The number of pursuits over the past two years varied drastically.

RANGE	**TOTAL**
1-10 pursuits	7
11-20 pursuits	5

21-30 pursuits	3
31-40 pursuits	2
41-50 pursuits	1
51-60 pursuits	2
61-70 pursuits	2
71-80 pursuits	2
81-90 pursuits	1
91-100 pursuits	2
Unknown number pursuits	1

When asked the number of pursuits resulting in a traffic crash, the results were:

6	unknown
4	0
11	1-5
4	5-10
3	10-20

The number of agency pursuits resulting with an innocent third party being inured; five agencies did not know, 18 reported zero and five reported between 1-5.

In the survey, the agencies were asked if alternative apprehension methods were used and what methods used. 23 agencies allow alternative methods and five agencies did not. The most common was the use of a tire deflation device with 18 of the agencies using the devices, i.e. Stop Sticks. Four of the agencies used stationary roadblocks, three use Precision Immobilization Technique, (P.I.T.), one allow moving roadblocks, two allows ramming the vehicle, four uses the “Box In” technique of stopping the vehicle, and one agency uses a helicopter. When asked if the agency tracked their pursuits, 14 (50%) do actively track pursuits. 14 (50%) do not have any tracking in place.

Along with the surveys sent out was a request for a copy of the agencies’ policy on pursuits. Out of the 28 agencies that responded, all but one had a written policy. 27 (96%) policies were returned with the survey. After reviewing the policies, there were a number of similarities and differences. Most of the agencies’ similarities were in pursuing juveniles when the driver was known or thought to be a juvenile, then pursuing the vehicle were prohibited. The shooting from a moving vehicle or at a moving vehicle was prohibited. Most of the agencies prohibited unmarked vehicles and motorcycles from pursuits. All 28 agencies allowed pursuits for crimes of violence and felonies. These policies also included leaving the scene of an accident with serious injuries and/or where a death occurred as a result of the accident.

13 agencies stated that pursuits for any minor traffic infraction or misdemeanor violation would not be allowed. However, 15 agencies allowed misdemeanor pursuits, with some restrictions. Most of the restrictions included, permission from their supervisor, the officer’s realm of authority, and environmental conditions at the time of the pursuit. Other areas of restrictions were time of day or night, volume of traffic congestion, pedestrian traffic, weather conditions, road conditions and the quality of radio communications between pursuit vehicles, supervisor and communication personnel.

25 agencies do have a high-speed pursuit training curriculum and two do not. For years, agencies throughout the United States never saw the need for pursuit training. Many agencies do acknowledge that they take limited steps in training their officers on the skills and procedures for high-speed pursuits. Law Enforcement agencies need to spend some time in teaching and training how to pursue vehicles, when to pursue and deciding when to consider terminating a pursuit. Supervisors also need specialized training on how to recognize when pursuits are necessary. A critical component of police training should be an analysis of specific risk factors as well as the benefits of pursuit driving. This type of education should require careful training in the departmental policies and the reasoning that underlies the more recent, restraining philosophies and policies. Although many supervisors and police officers recognize the inherent dangers of pursuits, the lack of training on a continuous basis may be critical.

An area that is of great concern is the tracking of pursuits. The survey showed 14 (50%) agencies do track their pursuits while 14 (50%) do not track their pursuits. This is an area that should be looked at closer by each agency. When agencies do not keep track of their pursuits, how can they make proper recommendations for training and improvement in their policy?

Furthermore, these reports can help show what is lacking in training skills and lacking in agency policy, which may have to be defended in litigation. Data collected on pursuits can help educate decision-makers within the agency as to what is really happening. This information can help substantiate current policies and practices regarding driver training and inspire agencies to institute better training programs and pursuit policies.

The Hunt Insurance Group was contacted for a total breakdown of the vehicle pursuit related claims filed against the Florida Sheriff's Self-Insurance Fund since 1978 and the Florida Sheriff's Automobile Risk Program since 1986. The following information is provided in total numbers to protect the member agencies involved in the claims.

An examination of the below information reveals that although there have been a large number of pursuit related accidents, the vast majority of expenses are in professional liability. The professional liability claims relate to allegations of 4th Amendment (seizure claims), failure to train, failure to supervise, etc. The direct damage related to vehicle damage (accidents/1,419,585.00 in damages) is fairly minor in comparison to the professional liability claims (74 claims/$4,807,928 in damages).

FLORIDA SHERIFF'S SELF-INSURANCE FUND (FSSSIF) CLAIMS

Year of Occurrence	Number of Claims	Total Expenses	Reserve Balance
1983	1	$71,114.00	$0.00
1984	1	$0.00	$0.00
1986	5	$241,445.00	$0.00
1987	2	$15,880.00	$0.00
1988	2	$54.00	$0.00
1989	1	$135.00	$0.00
1990	1	$11,788.00	$0.00
1991	5	$74,143.00	$35,857.00
1992	4	$134,616.00	$0.00
1993	12	$2,224,724.00	$0.00
1994	8	$1,545,357.00	$104,773.00
1995	10	$36,712.00	$359,536.00
1996	9	$285,003.00	$90,384.00
1997	5	$191,417.00	$78,583.00
1998	8	$2,529.00	$1,032,065.00
Totals	**74**	**$4,807,928.00**	**$1,032,065.00**

SHERIFF'S AUTO RISK PROGRAM CLAIMS

Years of Occurrence	Total Fleet Size Covered	Total Number of Claims	Number of Pursuit Related Claims	Total Expenses	Reserve Balance
1987	1,869	113	16	$19,502.00	$0.00
1988	2,220	282	43	$134,482.00	$0.00
1989	2,592	384	30	$484,435.00	$0.00
1990	3,916	542	42	$86,656.00	$0.00
1991	4,607	514	43	$121,577.00	$0.00
1992	4,887	522	38	$188,695.00	$0.00
1993	5,169	456	34	$70,951.00	$0.00
1994	5,216	548	27	$74,821.00	$0.00
1995	4,332	460	14	$9,384.00	$50,089.00
1996	5,056	611	28	$134,203.00	$72,262.00
Totals	**41,069**	**5,611**	**358**	**$1,379,005.00**	**$245,580.00**

Results

Practically all law enforcement agency's high-speed pursuit policies require officers pursuing fleeing vehicles and those who supervise the pursuits, to constantly keep in mind the danger to the public, to the suspect, and to the officers involved. In the majority of pursuits, there is a typical sequence of events; the officer observes an actual violation or a suspected violation of the law. The officer makes a decision to execute a traffic stop, the suspect flees, the officer must make the "pursue/don't pursue" decision. "If the public safety is the most important consideration in this decision-making process, then only one ultimate criterion can prevail. The officer must decide whether the escape of the suspect represents a greater hazard to the public than a pursuit. If the initiation of a pursuit will present a greater hazard than the escape of the suspect, then the final decision should be self-evident, and that would be not to pursue." (Auten, 1994)

There is technology available now to help in high-speed pursuits, and there is much more coming. Over the past five years, pursuit simulators and model boards have been developed to offer financially feasible electronic training enhancement. This type of simulation device provides an alternative means of training in the practical application of driving principles taught in the classroom. The simulator provides users with realistic steering wheel feedback, road feel, and other vehicle motions. The screen possesses a 225-degree coverage optional. Simulations can involve one or more drivers, and environments can alternate between city streets, rural back roads, and oval tracks. The vehicle itself can change from a police car to a truck, ambulance, or any number of others. This type of driving simulator can provide law enforcement agencies invaluable training at a fraction of the long-term cost of using actual vehicles.

National Aeronautics and Space Administration and E-Lite Ltd. are currently working on a system of traffic light warnings that would be activated by a dispatcher or by a patrol car. If a pursuit is in progress, a signal is sent to the traffic lights to engage a warning light that tells drivers a vehicle is approaching the intersection rapidly. The downside to this is the cost involved to have this system installed.

Global Positioning System or G.P.S. technology may someday soon come into play. If all cars are eventually equipped with some kind of transponder, when a car takes off it can be tracked using computers and the G.P.S. system. This would eliminate the need to keep the vehicle in sight.

Aerial assistance can be used if available. In the event the flight crew makes visual contact with the vehicle being pursued, they will immediately advise the ground units they are in visual contact with the fleeing vehicle, and the ground units can reduce their speed to that which is reasonable and prudent. Then by following the directions of the air unit, the ground units can converge on the suspect vehicle.

Probably the most common alternative during a pursuit is the use of Tire Deflation System or T.D.S. There are many brand names on the marker such as Spikes, Stop Stix, and Stingers Sticks. These systems are designed to quickly and safely deflate a tire or tires when the pursued vehicle drives over a strip containing numerous hollow spikes. The spikes penetrate the tire and quickly deflate the tire without causing loss of control of the vehicle.

Other alternatives for ending pursuits are The Precision Immobilization

Technique or P.I.T. This technique is currently being used by many Florida Law Enforcement agencies. This particular technique involves “tapping” the rear corner of the suspect vehicle which causes the suspect vehicle to spin out of control, allowing the pursuing vehicle(s) to block the suspect vehicle and preventing escape. For this to be successful, constant training in this technique and a level, clear roadway for deployment are some of the critical requirements.

A Vehicle Tagging System is currently being developed. This system is made up of retractable spiked stripes that are attached to a projectile launcher system, which would allow officers to fire a “tagging” projectile at a fleeing vehicle. This would be equipped with a tiny radio transmitter, the object would stick to the suspect vehicle and allow officers to track the vehicle from a safe distance without endangering lives or allowing the suspect to escape.

A very good example of a very progressive addition to a pursuit policy is the “Pursuit Decision-making Matrix”, designed by the Orange County Sheriff’s office in Florida. (Appendix B) The Orange County Sheriff’s Office has these printed, in full color, and laminated for each deputy to carry at all times.

The card is printed front and back on a single sheet. The front has a colored, shaded area and the back of the card contains various elements of risk that the deputy should consider in each pursuit situation. The vehicle pursuit matrix should be committed to memory, as is the use of force matrix. This should help avoid referring to the card every time a decision must be made to pursue or not to pursue. (The Hunt Insurance Group, 1998)

Conclusion

Police pursuits are coming under increased scrutiny and litigation. Police pursuits remain a controversial and dangerous activity. This type of high-speed driving must be undertaken with due care, only after an understanding of the specific risks as well as the need and realistic methods to apprehend a fleeing suspect.

Continued improvements in technology are continuously being studied and developed to slow or stop a vehicle being pursued. Hopefully, with much of the technology, continuous training and keeping policies up-to-date, this will help reduce pursuits and help bring them to a conclusion without anyone getting hurt. Technology is the key to stopping these dangerous high-speed pursuits” (Strandberg, 1998)

Captain Dan Smith is a long time member of the Clay County Sheriff’s Office

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APPENDIX A

POLICE PURSUITS
IN
FLORIDA SHERIFF'S OFFICES

Survey Questionnaire

Date_____

Agency
Name/Address_____
_____
_____

Name/Position of Person
Completing this Survey_____
_____

Phone_____ Fax_____
(*Please note: All survey responses will be reported anonymously)*

1. Does your agency have a policy on high speed pursuits?

   Yes_____ No_____

   1a. If no, why not?

   _____

2. Does your agency have a training curriculum on pursuit driving?

   Yes_____ No_____

3. Are pursuits allowed for misdemeanor violations?

   Yes_____ No_____

   3a. If no, what are the restrictions?

   _____

   _____

4. Approximately how many pursuits has your department been involved in for the past two (2) years? _____

5. How many of your agency's pursuits resulted in a traffic crash? _____

6. How many of your agency's pursuits resulted with innocent third parties injured? _____

7. Does your agency use alternative methods to apprehension during pursuits?

   (Such as stop sticks, bumping techniques, etc.)

   Yes_____ No_____

   7a. If yes, please explain methods used:

   _____

   _____

   _____

8. Does your agency track vehicle pursuits on a yearly basis?

   Yes_____ No_____

If I can ever be of any assistance to you, feel free to contact me. Thank you for your help.

APPENDIX B

MATRIX
PURSUIT DECISION-MAKING
Orange County Sheriff's Office
Kevin Beary, Sheriff's Office

Degree of Seriousness		**Decision Threshold**	
	Low Risk	Moderate Risk	High Risk
FELONY VIOLENT CRIME	May pursue: Continue to assess risks	May pursue: Continue to assess risk	May pursue: Discontinue if risks exceed seriousness of offense
FELONY Burglary Structure or Arson of Occupied Structure	May pursue: Continue to assess risks	May pursue: Continue to assess risks	Do not pursue or Discontinue
FELONY Burglary of Structure of Arson of Structure	May pursue: Continue to assess risks	Do not pursue or Discontinue	Do not pursue
ALL FELONY PROPERTY CRIMES (except as noted above)	Do not pursue	Do not pursue	Do not pursue
ALL MISDEMEANOR AND TRAFFIC INFRANCTIONS	Do not pursue	Do not pursue	Do not pursue

A *pursuit* is any failure to yield, which involves deliberate attempts, including hazardous maneuvers, to elude pursuing law enforcement vehicles.

Imminent threat means that there is a significant likelihood, based upon know facts of death or serious injury if apprehension is delayed.

High Risks
1. Frequent intersecting streets (e.g., business districts)
2. Poor weather, slippery streets, low visibility
3. Blind curves, intersections, narrow roads
4. Numerous pedestrians
5. Speeds twice the posted limit, or greater than 80 mph

6. Extremely hazardous maneuvers (e.g., driving against oncoming traffic. “busting” red lights)
7. Numerous law enforcement vehicles in apprehension
8. Deputy excited, not in full control of emotions
9. Special circumstances (e.g., residential area)

Moderate Risks

1. Some intersecting streets (e.g., residential area)
2. Light pedestrian traffic
3. Moderate traffic, little congestion
4. Speeds twice the posted limit, or greater than 80 mph
5. Deputy generally calm, under control
6. Some hazardous, but not extreme maneuvers (e.g., crossing center line to pass other vehicle, sudden land changes by violator)
7. Authorized number of law enforcement vehicles involved in the apprehension

Low Risks

1. Straight road, good surface, clear lines of sight
2. Few intersections
3. Few or no pedestrians
4. Good weather
5. No hazardous maneuvers by violator
6. Speeds safe for conditions
7. Authorized number of law enforcement vehicles involved in the apprehension
8. Deputy calm in full control
9. Helicopter involved