Policy restrictiveness and police pursuits

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**Keywords** Policy, Restrictive practices

**Abstract** Police officers frequently receive criticism for excessive use of force and, at times, the criticism becomes litigation. The use of excessive force is manifest in areas such as the unauthorized use of firearms and the videotaped and much publicized beating of motorist Rodney King. However, recently police scholars and practitioners have come to realize that the use of police vehicle pursuits also have the potential to become deadly force. This issue is appearing with increasing frequency and it has resulted in the case of Sacramento County et al. v. Lewis being appealed to and decided by the US Supreme Court. This article analyzes the consequences of police departments having more, or less, restrictive policies in regard to police vehicle pursuits. Different elements of policy restrictiveness also are examined.

**Introduction**
In recent times, one of the most hotly debated police practices is that of vehicle pursuits. Undoubtedly there have been such pursuits since the time police officers first began motorized patrols. However, accidents involving police officers, suspects being pursued, and innocent motorists and pedestrians as a result of high speed police pursuits have heightened our concern for the practice[1]. In fact, some researchers consider police pursuit driving a potential form of deadly force (see, for example, Alpert and Fridell, 1992, p. 2; see also Alpert and Anderson, 1986). Courts have weighed in on this issue as well. The Sixth Circuit Court of Appeals, in Galas v. McKee (1986), claimed that “highspeed pursuits are no different than the use of a firearm to apprehend fleeing suspects” (cited in Alpert and Fridell, 1992, p. 17). If for no other reason, lawsuits have demanded that police departments give attention to their policies governing this long-standing police practice.

The present analysis explores the relationship between the restrictiveness of police department policies and the outcomes of police pursuits. This work examines the policies developed and implemented by police departments across the country and suggests appropriate procedures in regard to pursuits. This will allow agencies of similar size and location to identify with their own level of restrictiveness. The result will be to show the potential outcomes of pursuits, and provide agencies with alternatives by which they can avoid the costly and irreversible effects of accidents and deaths resulting from some...
pursuits. Framed within the use of force context, this analysis attempts to define pursuits as dangerous and frequently unnecessary police events.

The Supreme Court’s decision in *Tennessee v. Garner*, 471 U.S. 1 (1985) had a significant impact on police departmental policies and procedures in the use of deadly force to apprehend a suspect. Agencies immediately began reviewing deadly force policies, specifically in the use of firearms, and placing restrictions on the use of such force. However, these changes often did not address police pursuits as a potential form of deadly force. As a result, the research and literature on the general use of force is abundant, while police pursuits, for the most part, have not received equivalent attention. Since pursuits involve officers attempting to apprehend suspects while using instruments of potential deadly force (emergency vehicles), we take the position that vehicle pursuits should be classified as a form of force that necessitates the same types of restrictive policies and procedures as the use of firearms.

**Policy development**

The Model Policy on use of force developed by the International Association of Chiefs of Police (IACP) states that:

> Police officers shall use only that force that is reasonably necessary to effectively bring an incident under control, while protecting the lives of the officer or another ... Police officers are authorized to use department-approved nondeadly force techniques and issued equipment for resolution of incidents as follows:
> A. To protect themselves or another from physical harm; or
> B. To restrain or subdue a resistant individual; or to bring an unlawful situation safely and effectively under control (Alpert and Smith, 1994, p. 487).

While this policy presumably would include officers engaging in vehicle pursuits, most policies governing the use of force in policing lack precision in that they allow an officer to make a judgment on the amount of force needed in each particular arrest. In fact, as unlikely as it may seem, not all departments provide a definition for what constitutes a pursuit, and even the definitions that do exist often lack sufficient clarity to guide officer conduct (see especially Alpert, 1998; Payne, 1997).

The research to date is something of a good news/bad news proposition. The good news is that police pursuits are relatively rare occurrences and very few are as dramatic as those portrayed on television and in the movies (Payne, 1997). The bad news is that police pursuits “create high anxiety and the potential for destruction and injury” (Alpert and Dunham, 1989, p. 523). This would indicate that police pursuits may be as harmful to society as the use of a baton or handgun and, therefore, that we should treat pursuit driving as a potential form of deadly force.

Nevertheless, there are some differences between pursuits and the use of other weapons. The amount of control an officer has in the use of either form of equipment is different. In driving an emergency vehicle, the officer has control of the entire time of the pursuit unless speed and road conditions become extreme. With a firearm, once the trigger has been pulled the officer no longer has
control of the bullet. Also, in face-to-face confrontations, officers receive physical, verbal, and nonverbal cues that allow them to make decisions on the appropriate amount of force to use. The use of force can increase or decrease as suspects resist or become subdued. In a police pursuit, there are no such cues that allow officers to decide whether to pursue the suspect. Thus, pursuits are an all-or-nothing situation, without a continuum of options. While both instruments of force have the potential to cause the same amount of harm, it is important to differentiate between the two when classifying pursuits as a potential form of deadly force.

**Previous research on pursuits**

Concern over the dangerousness of pursuits began in the 1960s, but no rigorous empirical research was conducted until the 1980s (Alpert and Dunham, 1989, p. 525). One of the early and frequently cited publications on police pursuits was the 1968 report by the Physicians for Automotive Safety[2]. This study appeared to show that the costs in deaths and injuries hardly justified the risks involved in police pursuits.

The first complete study on pursuits was conducted by Fennessey et al. (1970). Sponsored by the US Department of Transportation, the study concluded:

1. From a sizable and influential police viewpoint, their freedom to pursue law violators is a vital measure of their deterrent capability not only in terms of their traffic supervision mission, but also in relation to their broader crime control responsibilities. If police were forbidden to engage in hot pursuit or unduly restricted, then chaos on the highways would be the result;

and

2. An equally influential group from the traffic safety “community” believes that high speed hot pursuits result in an unacceptable number of casualties ... and human life is much too valuable to be jeopardized in the maintenance of what they regard as an unproved police assertion (Fennessey and Joscelyn, 1972, p. 401).

The difference in opinion illustrates different perspectives and the difficulty of gathering reliable data on the topic of police pursuits. Fennessey and his associates did not define or analyze the responsibilities of police and did not determine the risk of pursuit. However, they did suggest that the reduction of crashes, injuries, and deaths should be the main goal of any policy.

In the 1980s, another wave of concerns surfaced on the topic of police pursuits. The California Highway Patrol (CHP) conducted an exploratory study on police pursuits. Although limited to a six-month period and two freeways, the CHP study provides a good basis for information in which decisions of...
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The main findings of this study were that:

- 198 pursuits (29 per cent) resulted in accidents;
- 99 pursuits (11 per cent) resulted in injuries;
- seven pursuits (1 per cent) resulted in deaths;
- 27 pursuits (4 per cent) were voluntarily terminated by the officer;
- 429 (63 per cent) of the pursuits were initiated for traffic violations;
- 179 (26 per cent) of the pursuits were initiated for D.U.I.;
- 75 (11 per cent) of the pursuits were initiated for serious criminal activity; and
- 243 (36 per cent) of the pursuits were voluntarily terminated by the driver, who surrendered.

Two of the most important findings from the CHP study were that:

1. 77 per cent of the suspects were apprehended; and
2. 70 per cent of the pursuits ended without an accident.

This study seemed to conclude that pursuits are effective and low-risk. The general opinion of the CHP study was that pursuits are worth the risks that are taken.

While the CHP findings are insightful, it is important to note the restrictive area in which they were undertaken (limited to two freeways in California). Recent and much more extensive research has confirmed in other locations the findings of the California Highway Patrol study. For example, Crew et al. (1995a, p. 420), in an analysis of 4,349 incidents of police pursuits in Minnesota found that 77.8 per cent of the offenders were apprehended and that there was no property damage in 56.5 per cent of the pursuits. Alpert and Dunham (1989, pp. 528, 535) also found in their examination of the Miami-Dade Police Department that 70 per cent of the chases resulted in no personal injury and that 55 per cent of the pursuits undertaken in 1987 did not result in injury, property damage, or an accident. Payne (1997) reports that the police pursuit accident rate — initially reported at 33 per cent in the Michigan Emergency Response Study — actually may be as low as 1.3 per cent to 2.3 per cent when all pursuits are accounted for.

One recent study consisted of data collected from two major police departments in Dade County, Florida from 1985-1987. Alpert and Dunham (1989) analyzed 952 pursuits and found the following results (see also Alpert and Fridell, 1992, pp. 105-6):
- 364 pursuits (38 per cent) resulted in accidents;
- 160 (17 per cent) resulted in injuries;
- seven pursuits (0.7 per cent) resulted in deaths;
- 40 pursuits (4 per cent) were voluntarily terminated by the officer;
- 512 (54 per cent) of the pursuits were initiated for traffic offences;
- 19 (2 per cent) of the pursuits were initiated for reckless driving or impaired driving;
- 312 (33 per cent) of the pursuits were initiated for serious criminal activity; and
- 107 (11 per cent) of the pursuits were initiated for a BOLO (be on the look out for).

This study gave a more complex analysis of pursuits than the CHP study in that it also gave statistics for the number and duration of pursuits, the reason for beginning the pursuits, and the outcomes of the pursuits (arrests, deaths, escapes, accidents, injuries, and property damage).

Another more recent study conducted by Alpert et al. (1997) looked at police pursuits and the use of force in arrests within four jurisdictions: Metro-Dade Police Department in Miami, Florida; Omaha Police Department in Nebraska; the Mesa Police Department in Arizona; and the Aiken County Sheriff’s Office in South Carolina (see also Alpert, 1998). This study surveyed both officers and suspects involved in pursuits to identify the amount of force used once a pursuit had ended and an arrest was made. Alpert et al. (1997, p. 381) claimed that the actual involvement in a pursuit causes the participants’ adrenaline and excitement to increase: “One consequence of an exciting, adrenaline-driven pursuit is the level of force used by the police to apprehend the suspect.” Although force is not used at the end of every pursuit it should be pointed out that some pursuits are more protracted and dangerous than others, need more control, and affect the participants differently. Skolnick and Fyfe (cited in Alpert et al., 1997, p. 381) describe a possible response by the police to an offender who has exhibited disrespect toward police and has engaged them in a pursuit:

But regardless of how relatively minor the violations that lead to their flight, fleeing motorists commit a cardinal sin against the police: instead of submitting immediately, they challenge the police and attempt to escape their pursuer’s authority. In doing so, in the eyes of the police officers accustomed to motorists and other citizens who do not only submit immediately to police authority but even check their speedometers in the mere presence of police cars, fleeing motorists become prime candidates for painful lessons at the ends of police nightsticks.

The results of the Alpert et al. study show that:
- supervisors perceive that excessive force was used in 11 per cent of the pursuits;
- suspects perceive that excessive force was used in 14 per cent of the pursuits; and
official forms show that excessive force was used in 0 per cent of the pursuits.

The different results have been explained by Alpert and his colleagues in two ways. First, the use of force may be perceived as “reasonable” by one officer but not another, or by the suspect. Second, the officer’s willingness to report using force, especially if it appears to be excessive, may be minimal. Supervisors must maintain control over their officers and hold them accountable for their actions. “Proper supervision includes direction, training, investigation, and discipline; each element must be taken seriously and supported by the administration” (Alpert et al., 1997, p. 383). This study provides additional evidence regarding the seriousness of pursuits and the possible outcomes resulting from a vehicle chase.

Based on these previous studies, the issue surrounding police pursuits can be stated simply as the balancing of the need for immediate apprehension of the suspect (benefit) with the likelihood of accident or injury (risk) (Crew et al., 1995a). Alpert and Dunham (1997, p. 355) assessed the risks of pursuit driving and identified litigation issues. Both sides of the argument are presented in the following section.

The need for immediate apprehension
The legal support for pursuits of law violators, as long as the police officer does not drive recklessly, comes from three sources. In the Kentucky Court of Appeals, the case of Chambers v. Ideal Pure Milk Co. (1952), a traffic violator was pursued, drove recklessly, and was involved in an accident with an innocent third party. “The court ruled that even if a police officer causes a violator to increase his or her level of recklessness, the officer should not be responsible” (Alpert and Dunham, 1997, p. 552).

In West Virginia v. Fidelity Gas and Casualty Co. of New York (1967), the majority decision held that whenever a high speed chase results in a collision between the suspect and a third party, the police officer has met the condition of due regard by turning on the warning signals. These two cases provided precedence for one of the most frequently cited cases, Thornton v. Shore (1983). In this Kansas Supreme Court case, a police officer was sued after a chase that resulted in the death of two innocent motorists. The police officer argued that he was immune from liability due to the state law permitting him to disregard certain traffic laws. The court ruled that the officer’s driving was reasonable. Alpert points out a more contemporary view in Justice Herd’s dissent of Thornton (1983, p. 668):

Even with the [emergency] warnings, however, the driver must operate the [police] vehicle with due regard for the safety of all persons. The majority holds whenever a high-speed chase results in a collision between the person pursued and a third party, the pursuing officer has, as a matter of law, met the “due regard” standard ... by merely turning on his warning signals ... There are numerous scenarios where an accident is caused by one not a party to a collision. It is a question of causation.
The arguments for the need to continue a pursuit to apprehend the suspect focus on:

- the officer’s obligation and duty to apprehend suspects;
- the dereliction of duty if the police do not pursue;
- the police should not be responsible for the outcome of the reckless behavior of the person pursued; and
- the police should not be the insurer of this highly irresponsible person (Alpert and Dunham, 1997, p. 553).

Public safety
The argument that life is more important than the apprehension of a law violator is evident in several court cases. In the Florida Supreme Court case of Brown v. City of Pinellas Park (1992), the majority stated:

Solely because a man ran a red light, suddenly the innocent citizens of Pinellas County were subjected to a threatening stream of publicly-owned vehicles hurtling pell-mell, at breakneck speed, down a busy roadway in one of Florida’s most densely populated urban areas ... In the balance, the desire to bring Deady [suspect] to justice for running a red light is far less important than the lives of the Brown sisters ... Experience and foresight support the conclusion that Deady engaged in such reckless conduct primarily because he was being chased by police, and that this misconduct would have ceased had the police discontinued the pursuit (1992: 1227, cited in Alpert and Dunham, 1997, p. 554).

In a federal district court case, Groves v. United States of America (1991), Judge Sparkin held that a police officer cannot be allowed to risk the lives of innocent people to pursue a person who ran a red light. Because the officer is permitted by statute to disregard traffic laws, he or she cannot disregard the responsibility of driving under such a privilege. “The driver of the emergency vehicle may be held to a higher standard than a citizen, as he or she is a professional, assumed to have the proper training and experience to warrant the special exemption” (Alpert and Dunham, 1997, p. 555). Thus, police officers have a difficult role in distinguishing between the two arguments and maintaining responsibility for their actions.

The most recent case, decided by the United States Supreme Court in the 1997-1998 term, is The County of Sacramento et al. v. Lewis. Here, a Sacramento County, California sheriff’s deputy engaged in a pursuit after two teenagers on a motorcycle who had ignored the officer’s emergency lights. After a 75 second chase reaching speeds up to 100 miles per hour, the motorcycle skidded to a stop and the deputy’s patrol car hit the passenger, Lewis, at a speed of 40 miles an hour. The question before the Supreme Court was whether the Sacramento County deputy violated the deceased’s due process right to life and personal security. The Supreme Court ruled that “a police officer does not violate substantive due process by causing death through deliberate or reckless indifference to life in a high-speed automobile chase aimed at apprehending a suspected offender”. Justice Souter, writing for the majority, concluded:
Such chases with no intent to harm suspects physically or to worsen their legal plight do not give rise to substantive due process liability ... While prudence would have repressed the reaction, Smith’s [the deputy’s] instinct was to do his job, not to induce lawlessness, or to terrorize, or kill. Prudence, that is, was subject to countervailing enforcement considerations, and while Smith [the deputy] exaggerated their demands, there is no reason to believe that they were tainted by an improper or malicious motive.

Although the Court ruled in favor of the law enforcement officer and agency, the decision does not protect police departments from further lawsuits. The nature of the lawsuit was based on the Fourth Amendment in dealing with “search and seizures” and since neither took place, the appellate court decision was reversed. Nevertheless, the door is still open for lawsuits against departments that engage in high-speed pursuits.

**Current policies**

Alpert and Fridell (1992, pp. 118-19; see also Alpert and Dunham, 1989, pp. 523-4) state that departments currently use one of three types of policies regarding pursuits:

1. **judgmental** – allowing officers to make all major decisions relating to initiation, tactics, and termination;
2. **restrictive** – placing certain restrictions on officers’ judgments and decisions; and
3. **discouragement** – severely cautioning against or discouraging any pursuit, except in the most extreme situations.

In his analysis of the effect of a new police policy (based on the judgmental model) in Houston, Crew (1992) concluded that the policy, in fact, did change the officers’ attitudes about pursuits and initiating them. The policy basically was using “the experience, judgment, discretion, and integrity of the officers” and incorporated two new statements that “if the officer decides not to chase based on the risks involved, they will not be subject to criticism” and “if they decide to chase, support will be offered and an acceptable standard operating procedure will assist” (Crew, 1992, p. 90). By implementing policies to limit the damage that occurs during a pursuit, departments can significantly reduce the actual number of pursuits in which their officers engage (Crew et al., 1995b).

The drawback to a judgment-based policy is its reliance on police discretion as one of the critical elements in pursuits. This element of discretion generally has not provided any guidance into having better pursuit decisions made since what little research we have on pursuits involves those officers who decided to pursue, and not the number of cases in which officers decided not to chase a suspect. It is evident that pursuits involve many potentially dangerous events and outcomes for all participants (police, suspects, and innocent bystanders). Issues such as the decision to engage in pursuits, the high speeds involved, the likelihood of accidents, injuries, and/or death, the propensity for officers to use force once the pursuit has ended, and possible litigation problems all have been identified and discussed. In the following sections we will examine the
methodology of the present study. We will conclude the article with a discussion of the findings and provide policy implications for further restrictiveness of police departments.

**Methodology**

The basis for this analysis was the nationwide survey conducted by the Police Executive Research Forum (PERF)[3]. The PERF survey was administered between October 1994 and May 1995 with a primary purpose to “collect pursuit and use-of-force information from police agencies throughout the country” (Alpert and Kenney, 1997, p. 317).

The survey instrument included 50 items with multiple parts and open-ended questions. To maintain consistency, each agency was requested to use the standard definition provided by the International Association of Chiefs of Police for vehicular pursuits: “an active attempt by an officer in an authorized emergency vehicle to apprehend fleeing suspects who are attempting to avoid apprehension through evasive tactics.” The survey instrument asked specifically about:

- mandated vehicle pursuit policies, both local and statewide;
- pursuit data collection and incident analysis;
- incidents resulting in accidents, injuries, assaults on officers, or reports of officer misconduct;
- policies governing pursuit actions, alternatives, and terminations;
- training provided to pursuing officers;
- procedures, if any, for pursuit reviews and/or investigations; and
- discipline and litigation resulting from pursuits.

A sampling frame of 800 randomly selected municipal and county police agencies was chosen by using a national mailing list developed by the International City Managers Association. A group of 40 per cent large agencies (\(N = 320\)) and 60 per cent smaller jurisdictions (\(N = 480\)) was selected for the initial mailing. The point of division between large and small jurisdictions was placed at a city or county population of 100,000 by the original researchers. Overall, contact was made with 737 agencies of which 436 provided usable data; 284 agencies reported that they did not collect or maintain the information and 17 agencies refused to participate. In sum, the respondent sample included 149 agencies with 1-25 sworn officers, 97 agencies with 26-150 sworn officers, 100 agencies with 151-500 sworn officers, and 41 agencies that did not report their size.

The Kenney and Alpert data were employed for the current study along with the concepts and definitions of the PERF study. Where the PERF study collected and reported data on pursuits and use-of-force from nationwide police agencies, the present study explores the data even further. The data were analyzed using various methods to discover whether departments with more
restrictive pursuit policies, training for recruits and in-service officers, and evaluations or investigations into pursuits show a lower rate of actual pursuits, accidents, deaths, use of force, and litigation.

In analyzing the PERF data, the present study involved creating four scales that rate each of the 436 agencies based on their responses to the questionnaire. Variables were selected that were ordinal level (resulting in a yes or no answer) using Guttman scaling and Cronbach’s coefficient alpha to classify each of the agencies in a rank system. The concepts for which each scale was developed are defined as follows:

- **Police pursuit restrictiveness** – the amount of effort used by police departments to reduce the number of pursuits, accidents, deaths and litigation while maintaining the police role. As mentioned previously, agencies use either a judgmental, restrictive or discouragement type model in their pursuit policies. Any department with a score of eight on this scale is considered to be the most restrictive in comparison to those departments scoring a seven or below.

- **Policy restrictiveness** – the degree of specificity of a pursuit policy. A truly effective policy would be clearly written, understood and followed by all employees, and strictly enforced.

- **Training thoroughness** – the amount and quality of training given to police personnel in dealing with pursuits. This includes when to initiate a pursuit, driving techniques, alternatives to pursuits, and termination of pursuits.

- **Evaluation restrictiveness** – the amount and consistency of evaluation for police officers involved in pursuits. This includes reporting of pursuits by officers and discipline of officers by management officials.

Once the scales were developed, ordinary least squares (OLS) regression was used to examine each individual scale and selected dependent variables. These variables include: the rate of pursuits engaged in by officers in 1993, the rate of pursuits in 1993 resulting in accidents, the rate of pursuits in 1993 resulting in deaths (including police, suspects, and third parties), and the rate of police pursuits conducted in 1993 resulting in findings of excessive force. These rates were calculated by dividing the total number of incidents by the number of sworn officers to control for department sizes among jurisdictions.

Another statistical approach was employed to analyze the departments that were involved in legal disputes for 1993. Two difference of means tests were used to assess the departments that lost litigation as compared to departments that either were not involved in litigation or were involved and won. The mean scores for the departments were calculated for each scale that was developed. Table I (A-D) shows the items used in each of the four scales that were developed.
Findings and discussion
In developing the four scales to assess the restrictiveness of police departments in regard to policies, training, and evaluation, variables were selected from the PERF data that seemed to provide the most reasonably accurate measures of each aspect. Although the PERF data were not intended to be incorporated into such scales, the variables selected proved to be adequate measures. Guttman scaling and Cronbach’s coefficient alpha were used to test both unidimensionality and internal consistency respectively, and these statistics

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<tr>
<th>Table IA.</th>
<th>Police pursuit restrictiveness scale</th>
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<tbody>
<tr>
<td>8</td>
<td>Does in-service training in pursuit driving include instruction at a driving track or similar practical, live exercise?</td>
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<tr>
<td>7</td>
<td>When a pursuit occurs, is a formal supervisory review conducted to determine if policy and procedures have been followed?</td>
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<tr>
<td>6</td>
<td>When a pursuit occurs, is a formal report required by the pursuing officers specifically addressing the pursuit?</td>
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<tr>
<td>5</td>
<td>Does recruit training in pursuit driving include instruction at a driving track or similar practical, live exercise?</td>
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<tr>
<td>4</td>
<td>Do your police recruits receive training in pursuit driving at the academy (which is different from defensive driving or emergency vehicle operations course (EVOC))?</td>
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<tr>
<td>3</td>
<td>Does your department have a written pursuit policy?</td>
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<tr>
<td>2</td>
<td>Does your department have a written policy covering the use of force?</td>
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<td>1</td>
<td>Does your department have a written policy covering the use of deadly force?</td>
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Note: Items are listed in descending order in terms of level of restrictiveness

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<th>Table IB.</th>
<th>Policy restrictiveness scale</th>
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<tbody>
<tr>
<td>3</td>
<td>Is the supervisor responsible for deciding whether to end pursuit?</td>
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<td>2</td>
<td>Does your policy have rules that pursuits must be discontinued (called off) based on specific circumstances?</td>
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<tr>
<td>1</td>
<td>Does your department have a written pursuit policy?</td>
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Note: Items are listed in descending order in terms of level of restrictiveness

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<th>Table IC.</th>
<th>Training thoroughness scale</th>
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<td>3</td>
<td>Does in-service training in pursuit driving include instruction at a driving track or similar practical, live exercise?</td>
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<tr>
<td>2</td>
<td>Does recruit training in pursuit driving include instruction at a driving track or similar practical, live exercise?</td>
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Note: Items are listed in descending order in terms of level of thoroughness

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<th>Table ID.</th>
<th>Evaluation restrictiveness scale</th>
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<td>4</td>
<td>Is there an evaluation program in place separate from the internal affairs process?</td>
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<tr>
<td>3</td>
<td>Is there a formal supervisory review?</td>
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<tr>
<td>2</td>
<td>Is a formal report required by the pursuing officers specifically addressing the pursuit?</td>
</tr>
<tr>
<td>1</td>
<td>Is there a follow-up conducted when a pursuit occurs?</td>
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Note: Items are listed in descending order in terms of level of restrictiveness
indicated that all items reflect the traits of their corresponding scales and are internally consistent. The scales that were created are such that given the score for a particular department on one of the scales, the researchers could predict the items incorporated in the agency from 83 to 91 per cent accuracy, depending on the scale for which the score was known.

The regression tests between each scale and selected dependent variables resulted in 11 inconclusive findings and five statistically significant regression tests. The 11 tests that were not statistically significant include: all four scales independently tested against the rate of accidents and the rate of deaths, the “policy restrictiveness” scale and the rate of force, the “training thoroughness” scale and the rate of force, and the “evaluation restrictiveness” scale and the rate of force. Several explanations can account for these 11 results.

First, there are numerous outside factors contributing to the rates of accidents and deaths resulting from police pursuits that could not be taken into account in the present study. Some possible factors are: the conditions of the roads, whether the pursuit took place at night or during the day, if the streets are well lit at night, how well the suspect and pursuing officer know the area in which they are driving, the amount of traffic on the roads, and the awareness of other drivers in the area. Simply looking at the policy, training, and evaluation aspects of police departments alone does not lend any insight into the relationship between the policy restrictiveness and the rates of accidents and deaths.

Second, the “policy restrictiveness”, “training thoroughness”, and “evaluation restrictiveness” scales measure the policy, training, and evaluation aspects of police departments and not the individual pursuit scenarios. These three factors measure the presence or absence of these qualities without measuring the “quality” of the different policies (including inspection, supervision, follow-up, etc.). The rate of force may increase as the actions of fleeing suspects increase in terms of dangerousness. Although all three factors are important for officers deciding to engage in pursuits, the discretion of police personnel is one aspect of police pursuits that has yet to be measured. The evaluation scale measures how police departments critique the officer’s compliance with rules and regulations after a pursuit has occurred. The “evaluation restrictiveness” scale does not measure whether officers understand the policies set by their department prior to engaging in a pursuit. On many of these items it is like answering “yes” to the question of whether you own a car without looking at whether the car is a Yugo or a Mercedes. Therefore, by themselves, policies, training, and evaluations of police departments may not adequately reflect the relationship between policy restrictiveness and the rate of force.

Another explanation is that perhaps the PERF study did not ask the types of questions that would accurately measure the relationship between policy restrictiveness and rates of accidents, deaths, and excessive force. As previously mentioned, the original PERF study was not designed to develop scales to be tested against the outcomes of pursuits. This is a common problem with secondary data analysis in that the researchers are constrained by the data made available.
In looking at the regression tests that were statistically significant, several conclusions can be drawn about the data. First, all four scales that were developed indicated a statistically significant relationship with the rates of pursuits. Although varying slightly in strength of association, all four regression tests for the independent scales confirmed that as the level of policy restrictiveness (or thoroughness) increased by a unit on the respective scales, the rates of pursuits decreased slightly. The researchers are aware that there are other issues involved in officers’ decisions to engage in pursuits; however, the policies, training, evaluation, and overall restrictiveness of departments surely have an effect on the rate of pursuits. This finding is consistent with that of Crew et al. (1995b) in their examination of the Aurora, Colorado Police Department.

As Table II shows, when policies become more restrictive, more thorough training is provided to recruits and in-service officers, and more systematic evaluations are conducted on all pursuits, the rate of pursuits typically will decrease. This is the desired result, since previous research has shown that many police pursuits may be unnecessary, dangerous, and can result in deaths and law suits.

The other significant finding involves the “police pursuit restrictiveness” scale tested against the rate of force. This scale shows a linear relationship with the rate of excessive force occurring after a pursuit. Although the level of association is small, Table III shows that as the level of restrictiveness increases by a unit on the scale, the rate of excessive force decreases slightly. This indicates that as policies and overall pursuit restrictiveness of police agencies become clearer and there is tighter control over officers who are pumped up on adrenaline, the less likely the police are to use excessive force in the apprehension of fleeing suspects. In speculating from the results of the

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<th>Number</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Police pursuit restrictiveness</td>
<td>257</td>
<td>-0.027</td>
<td>0.039</td>
<td>0.002</td>
<td>-0.043</td>
<td>-0.010</td>
</tr>
<tr>
<td>Policy restrictiveness</td>
<td>257</td>
<td>-0.038</td>
<td>0.015</td>
<td>0.05</td>
<td>-0.077</td>
<td>0.000</td>
</tr>
<tr>
<td>Training thoroughness</td>
<td>257</td>
<td>-0.035</td>
<td>0.024</td>
<td>0.013</td>
<td>-0.062</td>
<td>-0.007</td>
</tr>
<tr>
<td>Evaluation restrictiveness</td>
<td>257</td>
<td>-0.048</td>
<td>0.049</td>
<td>0.000</td>
<td>-0.073</td>
<td>-0.022</td>
</tr>
</tbody>
</table>

Table II. OLS regression between all four scales and the rates of pursuits

<table>
<thead>
<tr>
<th>Model</th>
<th>Number</th>
<th>Slope</th>
<th>R Square</th>
<th>Significance</th>
<th>C.I. lower bound</th>
<th>C.I. upper bound</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police pursuit restrictiveness</td>
<td>419</td>
<td>-0.166</td>
<td>0.020</td>
<td>0.004</td>
<td>-0.280</td>
<td>-0.053</td>
</tr>
</tbody>
</table>

Table III. Police pursuit restrictiveness scale and rate of force
study, it appears that officers frequently lose control after a pursuit has occurred and the findings of excessive force are more prevalent in the less restrictive departments.

Other research has suggested that pursuits increase the adrenaline levels of both officers and suspects, and that a minor traffic violation may result in officers beating a person simply because the individual failed to respond to the emergency vehicle’s flashing lights and siren. An example of this is the pursuit and videotaped beating of Rodney King. This does not excuse those who flee from police and who equally can help reduce the number of pursuits, but it does restrict one-half of the parties involved. Thus, restricting the types of violations for which an officer can engage in pursuit, the speeds at which emergency vehicles can chase, and the circumstances under which a pursuit can continue, will not only decrease the number of pursuits initiated but also the number of cases of excessive force that result at the end of chases.

In looking at departments involved in litigation during 1993, the difference of means tests provide further evidence that there is a need for more restrictive policies. As seen in Table IV, on every scale, the departments that lost or settled litigation had higher mean scores for each scale that was developed than those departments that were not involved in litigation, and those that were involved and won the law suits. This suggests a spurious relationship in that the department that lost may have incorporated higher standards and policies for police pursuits in response to, or as a consequence of, court rulings. Although this is conjecture, it makes sense that the departments that lost had much lower levels of restrictiveness prior to litigation and realized their deficiency once it was too late. Agencies that were not involved in legal disputes, or those that won in court, were not forced to improve their own procedures for pursuits. Thus, the departments mandated by the courts to improve their standards would have a higher mean value on all four scale scores than the remaining sample departments.

Another explanation is that those departments that lost or settled law suits had the policies prior to litigation, however, they did not enforce them. Simply having a restrictive policy is not enough if it is not rigorously enforced. Departments may have opened themselves up for law suits when pursuits occurred that did not follow the guidelines set forth by their policies.

<table>
<thead>
<tr>
<th>Scale</th>
<th>Departments in lawsuits</th>
<th>Departments losing lawsuits</th>
<th>Departments winning lawsuits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy restrictiveness</td>
<td>2.7971</td>
<td>2.8889</td>
<td>2.7317</td>
</tr>
<tr>
<td>Training thoroughness</td>
<td>1.7536</td>
<td>1.8889</td>
<td>1.5610</td>
</tr>
<tr>
<td>Evaluation restrictiveness</td>
<td>2.4493</td>
<td>2.5000</td>
<td>2.3902</td>
</tr>
<tr>
<td>Police pursuit restrictiveness</td>
<td>5.7101</td>
<td>5.8889</td>
<td>5.5366</td>
</tr>
<tr>
<td>Number of cases</td>
<td>69</td>
<td>18</td>
<td>41</td>
</tr>
</tbody>
</table>

Table IV. Difference of means for departments winning and losing lawsuits
Policy implications

The results of the present study give rise to several important policy implications for all police agencies. First and foremost, as mentioned by Alpert and Kenney (1997), all agencies need to incorporate a system that collects and maintains pursuit data for their respective departments. The number of pursuits engaged in, the circumstances that preceded the chase, speed, duration, and outcomes all are important factors that should be accounted for in order for valuable research to be conducted. Police agencies can gain useful, policy-oriented insights into finding solutions to problems resulting from pursuits by simply maintaining complete and accurate information.

In order for a police department to decrease the rates of pursuits and use of excessive force, they must become more restrictive in their policies and practices concerning pursuits. In doing this, policies should include explicit guidelines of when and how to pursue, and these should be well articulated and understood by all police personnel. It is one thing to report on a survey that a department has a discouragement type policy where virtually all police pursuits are prohibited, and another to have such a policy and have full compliance by officers within the department (see Crew et al., 1995b). Evaluation and sanctions are critical in enforcing any type of policy and departments must ensure that severe penalties will result from any policy violation. As shown in the litigation aspect of pursuits, simply having a written, restrictive policy does not ensure that a department will not lose a law suit.

In developing a pursuit policy, the balance between the risk of apprehending suspects and the safety of the public must be considered (Crew et al., 1995a, p. 423). “Since all good pursuits do not end with the apprehension of the bad guy and no damage and not all bad pursuits result in accidents or injuries, it is difficult to propose a specific formula to determine the amount of risk involved in a pursuit” (Alpert and Fridell, 1992, p. 123). An adequate pursuit policy must incorporate several key elements including: an overall mission statement, a statement concerning the rationale for pursuit driving, a definition of pursuit, a statement concerning the number of vehicles permitted to be involved in a pursuit, and circumstances under which a pursuit must be terminated. These key elements, accompanied by appropriate training, provide police officers with the knowledge to make rational decisions of when and how to engage in pursuit. According to Alpert and Fridell (1992, p. 129-39), the Little Rock, Arkansas Police Department has one of the most progressive pursuit policies and it contains the following elements:

- having a primary concern for the protection of the lives and safety of citizens and officers;
- having a definition of non-pursuit situations;
- having a definition of pursuit driving;
- having specific rules governing vehicular pursuits, including the number of vehicles permitted to be actively involved in pursuits;
- having guidelines for which a pursuit must be terminated;
Training is another critical issue involving police pursuits. Although in a perfect world pursuits would not exist, the reality is that pursuits are needed in some extreme situations. For departments that are more restrictive and allow pursuits only in these rare instances, training should be provided to all new police recruits and in-service officers regularly throughout each and every year. In regard to pursuits, training in pursuit driving should be given at a driving track or similar live environment. Along with driving techniques, training in decision making for the appropriate circumstances where pursuits are permitted is important as well. Alternatives to pursuits such as roadblocks, channelization (controlling the point of access by blocking alternative paths of travel), plate identification, and using portable barrier strips are also important techniques that can be used in lieu of high speed pursuits. More thorough training given to officers should result in a decrease in pursuits because better decisions can be made about engaging in such activity and alternatives can be employed to apprehend suspects without endangering the lives of anyone. If a pursuit does occur, then 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.

Alpert and Dunham (1989, p. 538) indicate that many times injuries occur after a chase has been concluded. Therefore, police departments also must consider other measures that may reduce the unnecessary use of force by officers. For example, while it is not always feasible, in some instances after a pursuit is concluded police departments may prescribe that the arresting officer be someone who was not involved in the pursuit. Once the suspect is stopped, a backup officer or supervisor who has not been actively engaged in the pursuit (without the anger and adrenaline build-up) may be able to make the arrest in a more controlled manner. This may reduce the use of unnecessary force involved in the apprehension of fleeing suspects.

The final implication involves evaluating the outcomes of pursuits and considering these police chases as a potential form of deadly force. As Alpert and Dunham (1989, p. 535) note, pursuit driving accounts for less than 5 per cent of all accidents involving police cars. However, as they go on to remind us: “In no way, however, can these findings be interpreted to mean that pursuit driving is safe or should be left uncontrolled” (Alpert and Dunham, 1989, p. 534).

Based on prior research and the findings of the present study, it appears that the potentially negative outcomes of pursuits include: accidents, deaths, excessive force, and litigation. Compared to the positive outcomes of apprehending suspects (of which many are minor traffic violators), there is clearly a high risk of danger, especially in some types of pursuit (Alpert, 1998;
Therefore, police departments should adopt more restrictive types of policies that prohibit police vehicle pursuits and ensure compliance with these policies through systematic evaluations and appropriate sanctions.

This research has identified the relationships between police restrictiveness and selected outcomes of pursuits. Although some significant findings have resulted, only a small fraction of the issues involved in pursuits have been discussed. Prior research in this topic area (outside of the works cited here) has been limited and concerned with the dangerousness of pursuits. The Supreme Court’s recent ruling in Sacramento County v. Lewis signals the importance of due caution so that police departments can avoid future law suits and further research is necessary to reduce the dangerousness of pursuits. The regression tests of the present study that were inconclusive imply that additional research is necessary in discovering the factors that can reduce the negative effects of pursuits. Studies that look at the discretion of officers, the increase in adrenaline levels resulting from pursuits, and evaluating police officers’ levels of understanding in regard to policies and training are just a few subjects that need additional attention.

The present study, while modest, shows that having restrictive policies and procedures in place can have an impact on the number of pursuits and the occurrences of unnecessary force following pursuits. Departments that wish to alleviate the negative outcomes of pursuits need only to develop and enforce more restrictive policies and practices. Although many agencies have taken steps to discourage pursuits, further measures and research are necessary. Police departments and officers alike need to categorize high-speed pursuits as a potential form of potentially deadly force and take the appropriate actions to significantly decrease the risks of such dangerous actions.

Notes

1. One reviewer appropriately noted that “when a vehicle is used as a weapon (ramming) it would be a Fourth Amendment seizure issue and thus fall within the guidelines of Tennessee v. Garner, 471 US 1 (1984). The mere pursuit is not and cannot be considered a deadly force issue without some form of seizure. Without a crash there can be no seizure”. The authors agree wholeheartedly with this observation. However, it is essential to emphasize that injuries and deaths resulting from chases may be very real, even if unintentional. As Alpert and Dunham (1989, p. 539) remind us “Even though an officer may conduct the ‘perfect’ chase by following all policy directives and by making all the right decisions, the chase may result in the worst possible outcome due to some unforeseen contingency”. Therefore, while some may disagree with us, we believe it wise to consider all police vehicle pursuits as “potential” exercises of deadly force, and we address them as such throughout this article.

2. While this report appears frequently in the literature on the outcomes of police pursuits, readers should be aware of the fact that this publication has been criticized for its lack of methodological rigor. Recent research findings (e.g. Alpert, 1998; Alpert and Dunham, 1989; Crew et al., 1995a; Crew et al., 1995; Payne, 1997b) indicate that the “findings” of the PAS study are largely overstated and inconsistent with more rigorous examinations.

3. Data for this study were collected and published by Dennis Jay Kenney and Geoffrey P. Alpert with the support, in part, by the National Institute of Justice Grant #93-IJ-0061. One study from these data can be found in the Journal of Criminal Justice, Vol. 25 No. 4, 1997, pp. 315-23.
References


*Galas v. McGee*, 801 F. 2d 200 (6th Cir. 1986).

*Lewis v. Sacramento County*, 98 F.3d 434 (9th Cir. 1996).


Further reading


