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## Police Pursuits: Balancing the Safety of Citizens with the Apprehension of Criminals

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Since the dawn of time, law enforcement officers have been chasing suspects. In the Old West, pursuits were on horseback. Today, vehicle pursuits are one of the most dangerous actions police officers perform in the line of duty. With transportation and technology improvements, along with an increase in vehicle speed capabilities, more criminals are taking extra risks to do whatever it takes to get away. Law enforcement officers across the Nation have to make the difficult decision every day whether or not to pursue vehicles that are attempting to evade them.

The goal for the criminal is to get away fast, by any means necessary. Usually this is done without any consideration for their own safety, let alone the safety of others. Many times, traffic lights, stop signs, and the legal flow of traffic are totally disregarded for the selfish reason of not wanting to take responsibility for one's actions. The police officer's goal is just as simple in theory — *catch the bad guy*. However, the way they go about it is much more complex.

Officers must balance the severity of the violation and whether it even warrants pursuit in the first place. They must consider their department's policies and procedures, and continuously judge all actions to ensure compliance. Unfortunately, some of the most important considerations that are often forgotten are the safety of the officers themselves, the safety of the public, and

the potential tragedies involved with police pursuits. Movies, television shows, and video games may portray police pursuits as dramatic and exciting, but the media projects the horrific images of vehicle crashes associated with pursuits, and juries hear civil lawsuits against departments for monetary damages. Law enforcement and government administrators work to limit liability to their agencies by providing training and instituting policies. Meanwhile, technology companies are trying to manufacture and market different ways to safely end pursuits. How do we balance the safety of our citizens with the apprehension of criminals?

### Dangers of Pursuit

Many pursuits occur in high traffic areas at rush hour. Police pursuits are dangerous and many law enforcement officers, offenders, and innocent bystanders are injured or killed as a result. National Highway Traffic Safety Administration (NHTSA) statistics reported that between 1982 and 2004 there were a total of 881,733 vehicle crashes resulting in 987,523 deaths (1.12 deaths per crash). Of those crashes, 6,336 or 0.7% were related to police pursuits. Those pursuits caused 7,430 deaths (1.17 deaths per crash) (Huston et al., 2009).

Many times, police pursuits are labeled as reckless on the part of the officers. Police pursuit crashes cause only 0.7% of deaths and regular civilian drivers causing 99.3% of the deaths. With the general public causing vehicle

crashes that resulted in more than 139 times more fatalities, the argument can be made that people are more likely to die by the hands of their fellow drivers than by the result of a police pursuit. Of the pursuit deaths, the majority is chased occupants, followed by uninvolved persons, then police officers.

All deaths are unfortunate. Although they lived very different lives, Brian Batchelder, Hanna Abdugar, and Troy Rigsbee have one thing in common. They were all killed as a result of a police pursuit.

On Tuesday, January 28, 1997, Bentonville Police Officer, 22-year-old Brian Batchelder, died in the line of duty. He had been a police officer for one year. Although the exact circumstances are unknown, Batchelder lost control of his police car and struck a tree. It is believed by most officers working at the time that Batchelder was attempting to stop a fleeing vehicle. This is because Batchelder had stopped another traffic violator at the same location the previous day. Though the violation of the offender is unknown, was it really worth him losing his life? Brian died while doing his job by enforcing the law. He left behind his father, a Bentonville Police Detective, his wife, and six-week-old son.

In Minneapolis, MN, on Sunday, April 6, 2008, a 15-year-old boy fled from police after a traffic violation. Officers learned during the chase that he was in a stolen car. After a dozen blocks or so, a supervisor called off the pursuit due to safety concerns. A witness estimated the boy's speed at 60mph. Approximately one-half mile in front of the officers, the juvenile crashed into Hanna Abukar's vehicle, killing her. Abukar was driving her son along with a neighbor boy to Sunday school. Abukar was 26-years-old (Havens, 2008).

On Saturday, August 8, 2009, 23-year-old Troy Rigsbee of West Haven, Connecticut, died after fleeing from police. Rigsbee was driving a vehicle suspected as be-

ing involved in a stabbing. When police attempted to stop Rigsbee, he sped away, hitting a police car, then a police officer. He ended up driving over "stop sticks," a pursuit termination device. The stop sticks worked and flattened his tires. Rigsbee chose to continue driving on the vehicle's bare wheels. He lost control on a curve, struck a guard rail, then a tree, where the car exploded into flames (Bass, 2009).

Unfortunately, hundreds more people die each year due to police vehicle pursuits. How can we, as police officers, pursue a suspect in a way that is safe for the public, but at the same time not allow criminals to run free?

## Lawsuits

Offenders, their family members, and victims of police pursuits often file lawsuits against police agencies. Many times, the offender sues, alleging civil rights violations under the Fourth or Fourteenth amendments to the U.S. Constitution. The Fourth amendment is "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." (Constitution, 2000) The Fourteenth amendment states that "No State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States, nor shall any State deprive any person of life, liberty, or property, without due process of the law, nor deny to any person within its jurisdiction the equal protection of the laws." (Constitution, 2000)

These arguments are made by fleeing offenders alleging that police had no right to stop them in the first place, or that their actions in attempting to stop them when they flee are also unjust. Many times victims file suit against departments alleging negligence or recklessness on part

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of police. Victims have also claimed that departments have violated their own policies. Most of these lawsuits seek monetary damages, usually for injuries incurred during a police pursuit.

Officers have also been civilly sued in their personal capacity. When it is found that either the officer violated department policies, or the police agency fulfilled all of its supervisory and training obligations regarding the pursuit, some victims sue the officer. Unfortunately, there are often large monetary judgments against officers who have barely any means to pay. With these cases in mind, it is extremely important that departments provide clear guidelines for what offences officers can pursue for. Agencies must also provide continuous training for their officers to ensure understanding and compliance.

## Policies

Because of the dangers and consequences of pursuits, many departments have changed their policies regarding pursuits in recent years making them more restrictive or eliminating pursuits all together. The goal of the more restrictive policies is to help limit liability of the department and the officer.

In his article, *Evaluating Police Pursuit Policies*, Jonathan Woods states that policies regulating pursuits generally fall into one of three categories: Judgmental, Restrictive, or Discouragement. The judgmental policy leaves most of the decisions on whether or not to pursue or continue pursuit to the officer involved. These policies are usually vague and provide little guidance on when to pursue, other than to terminate the pursuit when things become "too risky." Judgmental policies also require a lot of supervision.

Restrictive policies place limitations on officer's judgment. Policies like this usually prohibit pursuing for specific things such as minor traffic offenses and pursuing juvenile offenders. They usually restrict speed, distance, and duration of pursuits. The restrictive policy requires thorough knowledge by officers to ensure compliance.

Discouragement policies limit officer discretion and are specific. They discourage pursuits and only allow them in certain circumstances, such as chasing a known offender of a serious crime.

There is no specific pursuit policy that will work for any one police agency. Case law, state law, and the public's perception of pursuits along with the agency's need to apprehend criminals provides the framework on how liberal or restrictive pursuits can be in a certain area or region. What works for us in Bentonville, Arkansas will not necessarily work in other cities.

## Solutions

Besides implementing policies to either prohibit or restrict pursuits, departments must work to consider different opportunities to still make an arrest of the fleeing suspect while keeping its citizens safe. One of the common issues cited when it comes to police pursuits is training. Though officers cannot control all the actions of offenders, they can learn to drive more efficiently and safely. Many police officers receive little, if any, tactical driving or pursuit training outside of the academy. In *Police Pursuit: Policies and Training*, G.P. Alpert states:

*"Although 60 percent of the agencies reported providing entry-level training at their academies, the average time devoted to these skills was estimated at less than 14 hours. Once in service, the amount of additional training offered averaged only slightly more than 3 hours per year and focused on the mechanics of defensive and/or pursuit driving rather than on issues that should be considered when deciding to continue or terminate pursuits. Respondent agencies may have spent at least some time teaching officers how to pursue, but training devoted to when, or why, to pursue appears to have been minimal or non-existent."*

There have been many technologies invented to help mitigate the risks of police pursuits. One of the most popular devices is called the "spike strip" or "stop stick." This is a tire deflation system, with the goal to safely slow, and stop fleeing vehicles. These devices use hollow spikes allowing penetration of the tire to safely drain the air in the tire. The spikes are usually in a roll with an accordion base or mounted inside of a triangular shaped stick. The spike strips are thrown across a predicted path of a fleeing vehicle by a police officer. The fleeing vehicle then drives over the strip, and the spikes puncture the tires. Ultimately the tires flatten and the speed of the suspect vehicle slows dramatically. At this point, the suspect is expected to give up and stop, or the vehicle slows to the point it is not much of a danger.

The Hillsborough County Sheriffs Office (HBCSO) in Tampa, Florida, developed a concept that requires more tactical thinking rather purchased equipment. This technique is called the "Vehicle Intercept." It is designed to stop vehicles, not that are fleeing a routine traffic stop, but that are felony suspects or impaired drivers who pose a threat to public safety. It is believed that these categories of people are more likely to flee in the first place so the goal is to stop the pursuit before it ever starts. HBCSO strategy involves positioning police vehicles in a tactical manner in front of and behind the target vehicle that is slowing, stopped, or just beginning to move. The police cars do not activate their lights until they maneuver into position and block the car. This is to keep from frightening the driver and ending up in a chase.

To be successful and safe, this technique takes training and anticipation of the target vehicle's route and actions, and consideration of road conditions. Out of approximately 60 intercepts that were performed, only two vehicles broke through. Post-pursuit data indicated a 50 percent drop in pursuits since HBSCO Deputies were trained in vehicle interception. This approach, though not appropriate for all situations, is a viable alternative and eliminates some dangerous chases (Eisenberg & Fitzpatrick, 1996).

## **Conclusion**

There's no doubt in anyone's mind that police pursuits are extremely dangerous. Vehicles are powerful and can reach sometimes unimaginable speeds. Many law breakers have little to lose by running from the police. With more and more vehicles and pedestrians on the roadways, police agencies have to learn to mitigate

risks to the public and to reduce criminal and civil liability. Police are made out to be irresponsible many times when their pursuits result in crashes, especially when they result in death. Too many people, hundreds each year, are killed in police pursuits, either directly involved or innocently driving to church on a Sunday morning. But how do we balance safety with the need to apprehend criminals and prevent a feared society of lawlessness? I envision in the future a GPS-based way of communicating with a vehicle's internal computer to make the engine shut down and slowly stop. Unfortunately, true criminals will find a way to circumvent the system and still get away. Lawmakers need to make the crime of fleeing in a vehicle either a serious felony, or even a federal offense. The ultimate goal of police agencies should be developing ways to prevent pursuits by utilizing tactics, legislation, and technology. If this can be achieved, many lives can be saved and criminals will be held accountable for their actions.



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