

Police Pursuits: Are No-Pursuit Policies The Answer?

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Modern police pursuits remain a very controversial topic in today's society. Few topics in law enforcement gain as much media attention, court scrutiny, and public outcry as a high-speed chase. The media attention seems to be never ending. On almost any night of the week, you can turn on the television and watch an episode of "Cops" or "World's Wildest Police Videos." Many of these episodes will have at least one, if not more, police pursuits caught on tape. I have come to expect to see at least one pursuit while watching these shows, and if I don't see one I am disappointed. Most people watch these shows not to see the "bad guy" get caught in the end, but to see the big crash or the foot chase at the conclusion of the pursuit. In larger metropolitan areas, local news helicopters quite frequently find police pursuits in progress, and in turn broadcast the live image over the television stations. In fact, in the Los Angeles area, a new service will send a message to your cellular phone or pager to inform you when a pursuit is on television. In the more rural areas, if there is a chase it will most likely be front-page news in the local papers or the lead story on the six o'clock news. Courts have begun examining police pursuits more frequently, especially in the case of civil proceedings when tragedy occurs. Finally, public opinion always seems to be divided on this issue, but lately the general public seems to be questioning the number of police pursuits, the reasoning for initiating them, and the need for continuing them.

These problems leave police administrators questioning their own policies. They have to ask themselves how to balance the need to apprehend offenders against the need to protect the general public. Some agencies have begun severely restricting police pursuits or eliminating them altogether, while other still believe that violators should be apprehended at all costs.

In approximately ten years of law enforcement, I have personally been involved in several pursuits. Some of these have been slow pursuits through town or even through fields, and some have reached speeds over 100 miles per hour. I have experienced just how dangerous pursuits can be, and I have felt the “adrenaline rush” associated with being in the middle of a chase. In my earlier years, I truly felt that anyone who failed to yield to the lights and siren of a police car should be chased until they were caught. As I move ahead in my career, I find myself questioning the need to become involved in dangerous high-speed chases for minor offenses.

My department is currently preparing to implement a revised pursuit policy. In the past, our pursuit policy was fairly liberal and left most of the decision making up to the officer involved in the chase and the immediate supervisor on the shift. The new policy is more restrictive and outlines when an officer should become involved in a pursuit. My purpose behind this paper is to look at other agencies who have implemented a no-pursuit or restricted pursuit policy, and what effects these policies have had on the outcome of pursuits. I will discuss the dangers of pursuits, some statistics involving pursuits, my department’s policy and possible alternatives to pursuits.

Dangers of Police Pursuits

There are many definitions of police pursuits. The proposed Bentonville Police Department Pursuit Policy defines a pursuit as “an event which occurs when an officer operating a police vehicle attempts to stop a vehicle by activating both the blue lights and siren, and the driver of the pursued vehicle tries to avoid capture by using high speed

driving or other evasive tactics” (sec. 41.1). Pursuits can begin for any number of reasons, from a simple traffic violation to trying to apprehend a violent felon. Most of the time, the pursuing officer will know the initial reason the pursuit began, but might not know the underlying reason the suspect is running. I have always been a firm believer that suspects do not flee unless they have a reason. Although I have been involved in pursuits where the violator fled for minor offenses, I have not been personally involved in any pursuits where someone was running just to see if they could get away with it. With that said, I do keep in mind that I have worked for smaller agencies that typically do not have the frequency of vehicle pursuits like larger cities do. In most pursuits I have been involved in, the suspect was running due to outstanding warrants, being in a stolen vehicle, being intoxicated, or being in possession of narcotics.

The main reason I have been apprehensive about no-pursuit policies is that if the violator knows that the police officer attempting to stop him is restricted from chasing him, the violator will simply attempt to elude the officer. If a suspect has a reason to believe that he has not been identified, what is the reason for stopping? I think this would send a dangerous message to those who were carrying some type of contraband or who were intoxicated. Van Blaricom (2003) thinks differently:

“The prevailing myths of the chase faction are essentially two: first, if a driver runs from the police, he must have committed a more serious crime that will be discovered after apprehension and second, if we adopt a policy of not chasing everyone who runs, everyone will run. As with many honestly held beliefs, there are simply no facts to support those strongly held assumptions. To the contrary, it has been demonstrated that there is neither an increase in vehicular flight from the police that can be attributed to the adoption of a more restrictive pursuit policy.” (p. 2)

However, Dao (2004) states in Washington D.C. in 2004, police dealt with a rash of car thefts and several fatality accidents involving teenagers. The police department there considered lifting a prohibition against officers chasing speeding vehicles. Some officials and residents contended that teenagers were stealing cars knowing that the police could not pursue them at high speeds. These conflicting beliefs have always been, and most likely always will be, part of the debate on police pursuits.

The real dangers of police pursuits become more obvious when looking at the statistics. According to Hill (2002), the number of pursuits continues to increase, as well as, the number of pursuit-related injuries and deaths. Some estimates put the number of deaths each year between 400 and 500, but most say there is an average of one person killed every day as a result of a police pursuit. On average, from 1994 through 1998, one law enforcement officer was killed every 11 weeks in a pursuit, and 1 percent of all U.S. law enforcement officers who died in the line-of-duty lost their lives in vehicle pursuits. Innocent third parties who just happened to be in the way constitute 42 percent of the persons killed or injured in police pursuits, and 1 out of every 100 high-speed pursuits result in a fatality (p. 15).

These statistics are surprising to me, to say the least. I think most law enforcement officers mentally prepare themselves for the possibility that one day they may have to make the ultimate sacrifice at the hands of a criminal with a gun or other deadly weapon while trying to make an arrest. I do not feel most officers think of traffic accidents when thinking of “in the line-of-duty deaths.” However, according to Floyd (2004), in 2004 there were 154 line-of-duty deaths. There were two primary causes for death: 57 of the officers were shot to death, and 51 died in automobile accidents.

Further, over the last three decades, the number of law enforcement officers killed by firearms has dropped by 36 percent. During that same period, the number of law enforcement officers killed in automobile accidents has risen by 40 percent. Between 1975 and 1984, there were 339 officers killed in auto accidents, compared to 476 in auto accidents between 1995 and 2004 (p. 1). This is a remarkable number of officers killed, and one that should be considered unacceptable in the law enforcement community.

What is equally as surprising is the number of deaths of innocent third parties. According to Hill (2002), “the National Highway Traffic Safety Administration (NHTSA) reported that 314 people were killed during pursuits in 1998. Of this total, 2 were police officers and 198 were individuals being chased. The remaining 114 were either occupants of unrelated vehicles or pedestrians” (p.15). Every one of those 114 people was somebody’s mother, father, son, or daughter. They could just as easily have been a family member of mine or yours, or the relative of another officer that we know or work with. I’m not sure how I would react knowing that a pursuit I was involved in resulted in taking the life of someone to whom I was close.

According to Phillips (2003), who started pursuitwatch.org when his 20-year-old daughter was killed as a result of a police pursuit, 40 percent of police pursuits end in crashes, 20 percent in personal injury, and 1 percent end in death. He also says several studies have shown that fewer than 17 percent of pursuits are initiated for a serious felony. That leaves an overwhelming majority of police pursuits being initiated for traffic violations and minor criminal offenses. In one such case, according to Wood (2004), a Hamilton County, Ohio Sheriff’s Deputy began pursuing a teenage driver who drove away from a gas station without paying for his gas. He later crashed his car and

struck and killed a 52 year-old pedestrian (p. 1). Can we as law enforcement say that the need to apprehend a misdemeanor gas theft was worth the life of an innocent pedestrian?

There has always been the argument that it is the violator who chooses to flee and it is our obligation to apprehend them, and any damage or loss that occurs during their flight should be their liability. But most of us know that when it comes to liability issues related to pursuits, victims are not going to look toward the violator for compensation, but they will look to the police departments in this modern, litigious society. That includes the pursuing officer, his supervisors, and the city, county, or state itself. Swanson states that the legal theory underlying most pursuit-related lawsuits is that the police were negligent in conducting a pursuit (p. 589). This has caused many agencies to begin examining their own practices and procedures.

Changing Policies

Dr. Geoffrey Alpert is a nationally recognized expert in police pursuits and a professor in the College of Criminal Justice at the University of South Carolina. Alpert (1997) states that 91 percent of the agencies that responded to his national survey had written policies governing pursuits, but many of them were implemented in the 1970's (p. 2). Obviously, pursuit policies in effect in the 1970's will not serve today's law enforcement needs. Alpert went on to say 48 percent of the agencies reported having modified their pursuit policy within the past 2 years, and most of those (87 percent) noted that the modification had made the policy more restrictive than before (p. 2). This

illustrates that agency administrators are recognizing the need to have updated policies concerning police pursuits.

Van Blaricom (2003, p. 3) states that there are three types of pursuit policies: discretionary, restrictive, or discouraging. A discretionary policy leaves the decision making up to the officer involved in the pursuit. This is not normally desirable because it is difficult to make rational decisions when personally involved in a high stress situation. A discouraging policy essentially prohibits all pursuits. This policy is not generally favorable because it encourages violators to flee without fear of being caught and does not take into account the fact that there will always be some violent crimes that require immediate apprehension of the violator. Finally, a restrictive policy balances the need of the pursuit against the risk it imposes on the general public, the officer, and the violator.

As I mentioned before, the Bentonville Police Department is currently in the process of modifying its pursuit policy to be more restrictive. The purpose of the new policy is to “secure a balance between the protection of the lives and safety of the public and peace officers, and law enforcements duty to enforce the law and apprehend violators.” This policy stresses the fact that the officer should weigh the need for immediate apprehension against the risk created by the pursuit.

Under the proposed policy, a police officer may only pursue “when the officer reasonably believes that the violator has committed a **serious felony or crime of violence**, or when a police officer reasonably believes that a **violator poses an immediate threat to the safety of the public or other police officers.**” This policy specifies that pursuits for motor vehicle offenses are not authorized, unless the violator’s

vehicle is being operated so as to pose an immediate threat to the safety of another person (sec. 41.2.1).

The policy defines serious felonies or crimes of violence as including: Murder (including lesser offenses), Robbery, Kidnapping, Rape, Extortion, Aggravated Assaults, Battery in the First Degree, Battery in the Second Degree, Felony Domestic Violence cases, and stolen vehicles (unauthorized use cases not included) (sec. 41.1). It also takes some of the discretionary power away from the officers initiating the pursuit. The policy specifies that an officer **shall** terminate pursuit if instructed to do so by a supervisor, if the officer believes that the danger to the pursuing officers or the public outweighs the necessity for immediate apprehension of the violator, if the violator's identity is established to the point where later apprehension may be accomplished and where there is no immediate public threat, if the pursued vehicle's location is not longer known, if there is a person injured during the pursuit and there are no police or medical personnel able to render assistance, if there is a clear and unreasonable danger to the police officer or the public, or if any unanticipated condition, event, or circumstance arises which substantially increases the risk to public safety (sec. 41.3.1).

There are also several other restrictions in place in an effort to balance the safety of the officers and the public with the need to continue or terminate a pursuit. The policy forbids pursuits that travel on a divided highway in the opposite lane of traffic, those in which a police vehicle contains civilian passengers or prisoners, and it prohibits the pursuit of stolen vehicles if the vehicle contains obvious juveniles. There will be no more than two police vehicles actively involved in the pursuit. Unmarked police vehicles, as well as our departments sport utility four-wheel drive vehicles, will not actively

participate in a pursuit. Officers are also prohibited from overtaking or passing the violator's vehicle during the pursuit, paralleling the pursuit, attempting to box in or head off the violator's vehicle, using roadblocks, or in any way attempting to bump or ram the violator's vehicle (sec. 41.4.1-41.4.10).

Many other agencies are turning to more restrictive policies and having success. According to a Los Angeles Police Department press release prepared by Public Information Officer Jack Richter (2003), changes in their pursuit policy have "attributed not only to fewer pursuits, but far less collisions that have injured officers, suspects, and third party individuals." The press release compared April 1st to June 30th of 2003 to the same period of 2002. LAPD officers were involved in 76 pursuits compared to 202 during 2002, resulting in a 62 percent decrease. During the same period, 26 pursuit suspects were injured (2 deaths) during 2002, compared to 11 suspects injured (0 deaths) in 2003, a 58 percent decrease. Injuries to third parties have decreased 78 percent, from 18 in 2002 to 4 in 2003. Four LAPD officers were injured in 2003 compared to 6 in 2002, representing a 33 percent decrease (p. 1). Los Angeles seems to be one place where a restrictive pursuit policy seems to be producing the desired results.

The Phoenix, Arizona Police Department has also recently modified its pursuit policy. Villa (2005) states a new department policy forbids pursuits for traffic violations, stolen vehicles, misdemeanors, and non-violent felonies. Officers are also encouraged to refrain from starting or continuing a pursuit when the fleeing driver exhibits "reckless disregard" for public safety (p. 1). Phoenix police will now rely more on aircraft and undercover officers to follow suspects and notify patrol officers when the suspect has exited the vehicle. The new policy came about after the department looked at 423

pursuits in 2002 and noted that only 43 of those pursuits resulted in arrests for violent felonies, but 25 percent of the pursuits ended in traffic collisions. Over the past few years, the department has begun encouraging officers not to engage in dangerous pursuits, and the number of pursuits have fallen more than 65 percent between 2002 and 2004 (p. 2).

Alpert's (1997) research highlighted the results of two drastically different pursuit policies in large police departments. When the Metro-Dade (Miami, Florida) Police Department went to a "violent felony only" pursuit policy in 1992, the number of pursuits decreased 82 percent the following year. However, in 1993, the Omaha, Nebraska Police Department changed to a more permissive pursuit policy, allowing officers to pursue for offenses that had previously been prohibited. The following year, the number of pursuits increased more than 600 percent (p. 4). These statistics seem to show that most of the pursuits that occurred in Omaha after the change in policy must have been started for misdemeanor criminal or traffic offenses.

Possible Solutions

After looking at all the statistical data regarding the dangers of police pursuits, the question becomes, 'What can we do to reduce the risks?' There have been several technological advances in recent years that attempt to answer that question. Probably the most commonly used device in operation today is a tire deflation device. This device is placed in the path of a violator's vehicle. When the violator runs over the "spike strip," as they are commonly referred, there are several hollow spikes that enter the violator's

vehicle's tires, causing the air to escape in a controlled manner until they are fully deflated, hopefully bringing an end to a pursuit. At the Bentonville Police Department, all supervisors are issued tire deflation devices. There are also several disadvantages to this system. First, a supervisor has to try to anticipate what direction the violator's vehicle will be heading. Most violator's who flee will typically make several turns in an effort to elude the pursuing officers. This is especially true in an urban environment. I have only attempted to use a tire deflation device one time, and that was during a pursuit that entered Bentonville from another jurisdiction traveling on the interstate. I was able to get ahead of the pursuit and set the device up in time, but the violator was able to drive around the device without running over it. Second, we have all seen several pursuits on television where a violator's vehicle is continuing to flee even though the tires are flat, sending a shower of sparks from the pavement. Even though a violator may have a flat tire, it does not always mean the pursuit will come to a safe end.

Another device that is available is called an auto-arrestor system. The device is placed on the roadway similar to the tire deflation device. When the violator's vehicle runs over this device, it sends an electrical impulse that disables the vehicle's electronic system, thereby bringing the vehicle to a slow stop. This device has the same disadvantage when it comes to anticipating the direction of travel of the violator's vehicle, and is not widely available.

Another problem with both of these systems is the time it takes to get the device set up. Normally, there will be several minutes between the time an officer notifies his supervisor of a pursuit in progress and the supervisors ability to anticipate the direction of travel of the pursuit and intercept the pursuit with one of the devices. According to the

National Institute of Justice's Pursuit Management Task Force (PMTF) (1998), more than 50 percent of all pursuit collisions occurred during the first 2 minutes of a pursuit. More than 70 percent of all collisions occurred before the 6th minute of a pursuit. This illustrates that any pursuit technology must be rapidly deployed in order to have an impact on preventing pursuit-related collisions. The PMTF concluded that there was no single technology that offered a universal solution to pursuits (p. 2).

Another possible solution lies in the legislative body. Although some states classify fleeing from police in a vehicle as a felony, the State of Arkansas currently classifies fleeing in a vehicle as a misdemeanor in most cases. According to the Arkansas Criminal Statute (5-54-125), fleeing in a vehicle or conveyance is a misdemeanor unless, "under circumstances manifesting extreme indifference to the value of human life, a person purposely operates the vehicle or conveyance in such a manner that creates a substantial danger of death or serious physical injury to another person or persons." In some jurisdictions, proving that someone created a substantial danger of death or serious physical injury can be difficult. Unless they have a near collision with another motorist or pedestrian, most vehicle pursuits are going to be misdemeanors. If tragedy occurs during the pursuit, more serious charges could be filed against the fleeing violator. Why wait for the worst case scenario to happen? If the legislators would show that they are serious about the problem of police pursuits by making any act of fleeing in a vehicle a felony, maybe a violator would think twice about the consequences before making the decision to try to run from the police.

If the problem with pursuits cannot be solved through technology or legislation, then the answer must lie in policies and training. The current level of driving training for

in-service police officers is virtually non-existent at most police agencies. In Arkansas, police recruits receive limited emergency vehicle operation training in the basic police academy. Once out of the academy, the training is not sufficient. Alpert (1997) 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.” (p. 2)

I attended the basic police academy in Missouri, and at that time there was no driver training offered for recruits at all. Therefore, I have never been to a formal driver-training course during almost 10 years in law enforcement. Currently, the Bentonville Police Department does not require any driver training for its officers. However, one officer was recently sent to a two-week course to become an instructor in driver training, so I anticipate that formal training for all officers will be implemented in the near future. But the problem does not seem to be limited to this region of the country. According to Yates (2005), recently a small police department in Georgia lost two officers in a 9 month period to traffic collisions. The chief at that department claimed that it would be “virtually impossible” to send all of his officers to driver training, and that there was not a problem with his department’s driving. However, the Sand Springs, Oklahoma Police Department mandates that every officer, from Chief to Patrolman, participate in an 8-hour driver-training course at least every 24 months. Officer collisions have been reduced. Assistant Chief Mike Carter states, “Accidents are not accepted and we actively

monitor the driving behavior of our officers. We are not going to wait for an officer's death or injury to address the need for driver training within our agency."

The driver training given should include both driving courses and extensive training on when to initiate a pursuit, and more importantly, when an officer should terminate a pursuit. Most officers are probably not aware of the number of deaths that have been attributed to police pursuits, including both officer deaths and innocent civilian deaths. They may not have been involved in a pursuit that ended in death and have developed the "it won't happen to me" attitude. However, the only line-of-duty death in the history of the Bentonville Police Department was from a traffic collision in 1997. It is believed by most officers who were working at the time that this was a result of the beginning of a pursuit, even though the officer that died had not yet notified anyone on the police radio, so the exact circumstances remain unknown. The officer lost control of his vehicle traveling around a curve, and he had stopped another violator in the same location the previous night. It is believed that he was trying to catch up to a vehicle the night he had the traffic accident. Another personal experience I have had with pursuit tragedy was a pursuit my brother-in-law initiated at his agency in Missouri. As soon as he attempted to stop a violator's vehicle, it fled and immediately ran a stop light, killing an innocent third party in a collision. The pursuit was over in less than a minute but will have lasting consequences for several people. A more recent tragedy that hit close to home was the death of an Arkansas State Trooper who was struck by another Trooper's car during a pursuit while he was attempting to place a spike strip on the roadway. These are all examples of what can go wrong during police pursuits and emergency vehicle operations.

Conclusion

The fact that police pursuits are dangerous is undisputed. As difficult as it may be for some of the younger officers and “adrenaline junkies” to realize, the days of chasing a violator at all costs through town at 100 miles per hour are over. The risks today are simply too great. There are too many cars on the road, too many pedestrians on the street, and too many children playing in the neighborhoods. What may seem to be a relatively “safe” pursuit at moderate speeds can change to tragedy in an instant. No police officer wants a pursuit to turn into a crash. From personal experience, when involved in a high speed pursuit, I would think to myself, “If I could just get a little closer to them, they will realize they won’t get away and they’ll pull over.” Now, I know I was extremely lucky that one of my pursuits did not turn out tragic, as so many do.

I believe we, as supervisors, have the duty to educate ourselves on the dangers of police pursuits, and in turn, educate the officers under our command. I will be the first to admit when I started this paper, I thought the research would show that changing a pursuit policy to reduce the number of pursuits would be harmful to the community and to the police, enabling violators to flee at will. But after educating myself, I realize that most of the pursuits we initiate today are not worth the risk.

As I stated before, administrators must ask themselves, ‘What can I do to reduce the risk?’ When a decision has been made that a pursuit is necessary, officers should use modern technology, such as a tire deflation device, to bring the pursuit to an end as quickly as possible, thereby decreasing the chance of a collision. Next, the pursuit should

be supervised by a neutral party not actively involved in the pursuit who can make rational decisions while not under an extreme amount of stress. Finally, police agencies should implement driver training for all officers that covers the fundamentals of emergency vehicle operations, sound decision making of when to initiate a pursuit, and when to terminate one. If these steps are followed, the liability that officers face, and the danger to the public, will be reduced.

So are no-pursuit policies the answer? I don't believe so. I don't believe the answer is to pursue every violator at all costs, either. As is the case with many issues in law enforcement, the answer is not in black and white. There is always a gray area that lies somewhere in the middle that takes into account the circumstances surrounding each individual incident. Police agencies should modify their policies to allow pursuits of dangerous felons who need to be immediately apprehended, but at the same time restrict pursuits that begin over minor violations. The statistics say that 1 out of every 100 pursuits will end in death. No one wants to live with the fact that their decision to pursue a vehicle for a traffic violation or a minor criminal offense costs an innocent person their life.

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