

Police motor vehicle pursuits criminology essay

[Law](#), [Criminology](#)



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Mackie CollegeBoise IdahoPolice officers face many dangers in the course of their duties; none, with the exception of domestic violence, is more dangerous than emergency pursuits of fleeing suspects. Information collected by the U. S. Department of Transportation indicates that approximately 250, 000 high speed pursuits occur each year in the United States. Sadly, of these 250, 000 high speed pursuits, 6, 000 to 8, 000 end in crashes. From these crashes about 500 people are killed, and close to 5, 000 are injured, including police officers, bystanders and suspects (Lenemier, 1995). The questions associated with high speed police pursuits include deciding whether the benefits of a possible arrest outweigh the dangers or risks to the officers, the public, or the suspects involved in or around the pursuit. What is involved in a police pursuit, what determines whether an officer will or will not engage in a pursuit, what training and technology is involved and what are the liabilities involved for the officer and their departments? Along with the many tools used by law enforcement officers to apprehend suspects; the pursuit vehicle, when used by a properly trained individual, is a very effective means of fighting crime in our nation. However, these same vehicles used improperly or by less experienced officers can prove to be disastrous, not to just the officers, but also to innocent bystanders and even the suspects the officer is in pursuit of. To help control these dangerous situations, police departments around the nation require specialized training courses, academies, and refresher training exercises to assist officers and their supervisors to handle situations like vehicle pursuits. The Peace Officers Standards and Training (POST) academies train law

enforcement agencies and new recruits pursuit techniques and other needed skills. Law enforcement agencies utilize specialized driving ranges called Emergency Vehicle Operations Courses (EVOC), to simulate real life driving conditions that officers will encounter while on patrol. The EVOC driving courses offer a multitude of simulated conditions such as: roads, highways, intersections, curves, skid zones, and mock pull overs. The EVOC training also provides officers with needed defensive driving skills, advanced tactical maneuvers, reinforces the importance of 360 degree safety awareness, and how to deal with common distractions during all emergency or pursuit situations an officer may encounter (O'Connor & Norse, Jr., 2006). Some of these operations and distractions may include: (Lenemier, 1995) (Grabianoski, 1998) Operation of data terminals, sirens, radios, lights Obstacles in the road Surface variations Weather conditions Time restraint tests to increase tension on the driver/officer When pursuits can reach speeds of 120 mph or more, this type of training is vital while navigating a vehicle during an emergency or pursuit of a suspect. (Grabianoski, 1998) New techniques and technologies to reduce the possibilities of high speed pursuits are becoming more available. Since 1994 the Department of Defense and Department of Justice have agreed to cooperate together along with the military and law enforcement agencies in the development of safer tactics and equipment needed to make pursuits safer for everyone involved. Technologies using laser and microwave gun systems are being tested; these interfere with the vehicles on board computer chips and electronics; disabling the vehicle. If law enforcement agencies and insurance companies can put enough pressure on auto makers

to install disabling technologies into future vehicles, it could reduce the need to pursue a fleeing vehicle. The cost of these technologies is expensive, but with the cooperation and financing of insurance companies and auto makers these technologies could save millions of dollars in property damages, stolen vehicle claims, and loss of innocent lives. Other devices called Lo-jacks are tracking devices that would allow officers to track a vehicle from the ground or air without having to engage in a dangerous pursuit. Lo-jacks would allow officers to track a suspect hours or even days later. Lo-jacks in return would reduce the possibility of a risky pursuit or risking the officers themselves in the apprehension of a felon, that otherwise may have escaped in the pursuit or cause numerous casualties or property damages. Along with technologies to stop vehicles, technologies used in the military for simulation training are being introduced to law enforcement. Through the use of virtual reality simulators departments can reduce vehicle costs and potential hazards to officers during training, while allowing officers to receive the needed training and otherwise difficult reproductions of actual events they may encounter while on patrol. (Lenemier, 1995) (O'Connor & Norse, Jr., 2006) A police emergency is defined as "an event or situation in which there is a direct or immediate threat to a human life or well-being and an emergency police response can diminish or eliminate that threat" (Lenemier, 1995). Emergency responses, such as high speed pursuits, are an important part of law enforcement; one that cannot be decided on without careful decision making practices. Therefore, law enforcement agencies around the nation have policies and procedures in place explaining the rules and regulations an officer needs to follow when determining whether to engage/respond to a

possible emergency or pursuit of a fleeing vehicle. These policies instruct law enforcement officers on what the state, city, county, department, and its leadership, expects an officer to do when determining to pursue a suspect or when responding to an emergency situation. These guidelines remind and instruct the officers what should be done before and during a pursuit situation. A pursuit can be summed up as " An active attempt by a law enforcement officer operating a motor vehicle and utilizing simultaneously all emergency equipment to apprehend one or more occupants of another moving vehicle when the driver of the fleeing vehicle is aware of the attempt and is resisting apprehension by maintaining or increasing his speed, ignoring the officer, or attempting to elude the officer while driving at speeds in excess of the legal speed limit" (Lenemier, 1995). When an officer is deciding whether to engage in an emergency pursuit that could lead to a high speed pursuit the officer must consider issues such as: (Grabianoski, 1998) (Capt. Yates, 2004) The department's definition of just cause or probable cause. Per policy and procedures does the situation constitute a life threatening emergency response? Will the response diminish or reduce the existing threat to the well being of human life? Will the time it takes to get to the scene allow the suspects to flee the scene? Road, weather, traffic conditions and distance to the scene? The presence of pedestrians Whether or not prompt attention would save life or prevent possible injuries? Some situations that would be considered valid reasons to perform an emergency response or pursuit are: (Grabianoski, 1998) (Lenemier, 1995) Property crimes in progress Traffic accidents with injuries Officer in need of assistance Any situation involving an ongoing assault on an officer or

civilianLife threatening felony in progressNon-emergency response situations would include: (Grabianoski, 1998) (Lenemier, 1995)Minor traffic offencesMunicipal ordinance violationsNon-traffic misdemeanorsWhen a violation poses no immediate threat to the publicEluding an officer resulting from a traffic infractionPursuit driving operations can be extremely dangerous for officers, civilians and the suspects being pursued. Because the decision to engage in a pursuit is often left to the officers(s) discretion and because that discretion may become obscured, due to an officers potential to suffer from tunnel vision, which may affect his/her emotions and decision making capabilities, many departments may use the assistance of an assigned supervisor in conjunction with the on scene officer (Capt. Yates, 2004). This insures that while the officer is in the " heat of the moment," another person not directly connected in the event can make sure that calm and rational decisions are being made, in the event that the officer is unable to do so. The supervisor can also, at anytime while listening to the events of the pursuit in real time, order the officer(s) to disengage if conditions or the situation changes for the worst. (Grabianoski, 1998) (Capt. Yates, 2004)In situations where a pursuit becomes extreme it may be necessary to use forcible stop procedures/techniques to terminate a pursuit. When this occurs, the decision to do so is treated with just as much care as before the pursuit began. Coordination with the supervisor and other law enforcement officers will be needed while maintaining within the guidelines of policy and procedures. These pursuit techniques may include: (Grabianoski, 1998) (Lenemier, 1995)Road blocks to slow, stop, or divert fleeing suspect vehicleSpike strips to deflate tiresPursuit Intervention Technique (PIT), a

method of striking or ramming the rear corner of the suspect's vehicle and putting the vehicle into a spin. Studies by the International Association of Chiefs of Police (IACP) show, however, that less than 1% of agencies in the United States train for or use these options when dealing with dangerous pursuits (Lum & Fachner, 2008). The need to serve and protect the community includes the need to apprehend suspects in order to maintain law and order in our society. However, since the 1980s the methods and manner in which police should apprehend suspects, has become an object of greater criticism, disagreement, and liability for communities in the United States (O'Connor & Norse, Jr., 2006). For law enforcement agencies, crime control, safety, and liability remain a top concern and interest. Pursuits, especially high speed pursuits, raise questions for the need to balance the control of crime and offender apprehension, while trying to ensure the safety of the public and the officers involved. Court cases like *Galas vs. McKee*, (1986) where pursuit tactics were used to stop a fleeing suspect in a vehicle. In this particular case the pursued vehicle was being driven by a 13 year old offender who was doing 100 mph, the pursuit ended when offender's vehicle crashed causing permanent injuries to the minor. The court ruled in favor of the police officer on the allegations that the officers' decision to pursue the 13 year old offender was against the minors Fourth Amendment rights. The court's decision in favor of the officer, upheld an understanding of what normal police practice is and essential to uphold police powers over criminal practices/behaviors. Court cases like this one and many others, bring to question not only police rights/duties to apprehend suspects, offender rights, and the rights of those not directly involved, but are injured as a

consequence of the fleeing suspect(s). While most court cases will not be handled at a federal level officers and departments face liability charges at state level, as such, each state will handle cases different than the next depending on state constitutions and policies set for agencies such as: Negligence Recklessness Gross negligence Willful and wanton conduct Discretionary immunity and exceptions Written policy immunity For the protection against liability claims, it is important for policies to be well written, proofed by legal personnel knowing that states laws, proper training and certifications for department staff. These policies reduce the likelihood of costly insurance premiums, court settlements, and the individual liability to the officers. (O'Connor & Norse, Jr., 2006) (Lum & Fachner, 2008) Studies conducted by the International Association of Chiefs of Police (IACP), have shown that 60% of all police pursuits end in just three minutes or less and 70% of the pursuits end after only three miles or less. However, 50% of all collisions occurred in the first two minutes of a pursuit and the average speed of a police pursuit was 20-30 mph over the speed limit posted (O'Connor & Norse, Jr., 2006) (Lum & Fachner, 2008). Because of court cases and the increase of liability claims against officers and their agencies, agencies have had to correct and create policies and procedures involving police pursuits. These policies have set parameters instructing officers and supervisors on what will be considered acceptable, when faced with the decision to pursue or not pursue. Problems faced with these policies are how much room to leave for officer discretion, which is vital to any task given to a patrol officer or supervisor. Because of this, pursuit policies have been modeled around three basic concepts for officer and departments to

consider: (O'Connor & Norse, Jr., 2006) Judgmental- where the officer makes all major decisions relating to commencement of the pursuit, tactics involved, and termination of the pursuit. Restrictive- where officers are given certain restrictions involving judgments, and decisions, having a supervisor make the final decision rather than the officer involved. Discouragement- This form of policy discourages or cautions any pursuit, except for those under the most severe of circumstances. Very few laws specifically control police pursuits; however, police departments dictate restrictions through policy and procedures. Besides these policies, officers and their counterparts still have to use their training, experience, and instincts to decide whether the benefits of apprehending a suspect outweighs the possible risks and dangers of endangering themselves and the public. One thing is certain, a police vehicle pursuit is one of the most dangerous undertakings a police officer can engage in. The risks to officers and all those involved around a pursuit are high. However, law enforcement agencies can protect themselves by utilizing vital training, defensive and offensive techniques, controlling emotions, having the right attitude, and the understanding of proper policies/procedures, allows the law enforcement involved in pursuits to function in a safe and responsible manner. The legal ramifications of police pursuits will no doubt continue to be an issue and evolve. Minimizing injuries and loss of life must be top priority, and the resources to provide safer pursuit methods and technologies. In the end, there will always be law breakers who continue to think they can flee and risk the lives of others to get away, however, it is up to everyone to find the means to stop this

through better cooperation and understanding of laws and stiffer penalties for those that try to break them.