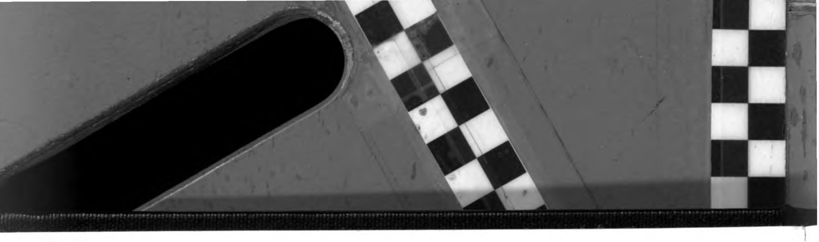

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ORGANIZATIONAL DISCORD:

POLICY IMPLICATIONS FOR LAW ENFORCEMENT PURSUIT DRIVING

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Marjie T. Britz

has been accepted towards fulfillment
of the requirements for

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Major professor

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ORGANIZATIONAL DISCORD:

POLICY IMPLICATIONS FOR LAW ENFORCEMENT PURSUIT DRIVING

By

Marjie T. Britz

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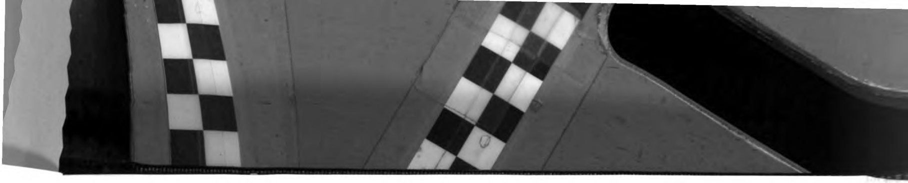


ABSTRACT

ORGANIZATIONAL DISCORD: POLICY IMPLICATIONS FOR LAW ENFORCEMENT PURSUIT DRIVING

By

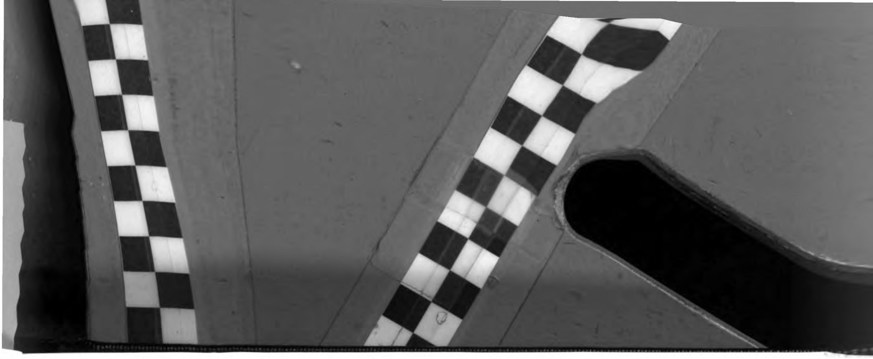
Marjie T. Britz

Despite a seemingly abundance of literature involving the topic of police pursuits, there have been few calm and dispassionate inquiries into individual officers' opinions and attitudes regarding their departmental pursuit policy. Rather, the vast majority of the literature regarding pursuits is mostly emotional and polemic, decrying the dangerousness of police pursuits.

This study was undertaken to measure the relationship which exists between police job type and attitudes surrounding departmental pursuit policies. The specific purpose was to provide police managers with empirical data and conclusions, which may be implemented in producing sound policies, realistic training programs and appropriate supervision in the area of police pursuits and emergency responses.

The research instrument was an attitudinal survey, distributed to every officer in a state-wide agency. The basic hypothesis was that attitudes regarding police pursuit policies within a department would differ significantly depending on job description.

Significant differences were found in perceptions of pursuit policies, administrative support, and adequateness of training. An analysis of the data reveals that significant differences exist in perceptions between different job types.

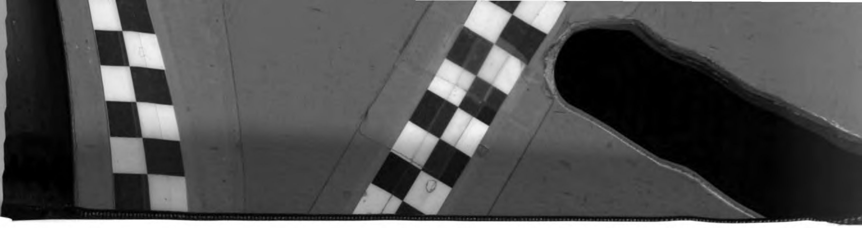


Dedicated to my Family
Mom, Dad, Teddy, & Marianne Britz
and in loving memory of my Grandfather
Theodore C. Britz I

ACKNOWLEDGMENTS

My ability to undertake and complete this project may be attributed to the guidance of one man. It was his library, his criticism, his inspiration, and his general presence which enabled me to continue working. My sincerest thanks and deepest gratitude to my thesis advisor, Dr. Dennis M. Payne.

Additionally, I would like to thank the other two members of my committee for their time and participation in this project, Dr. Kenneth Christian, and Dr. David L. Carter. Thanks also to my loving parents and family for their unfailing love and support.



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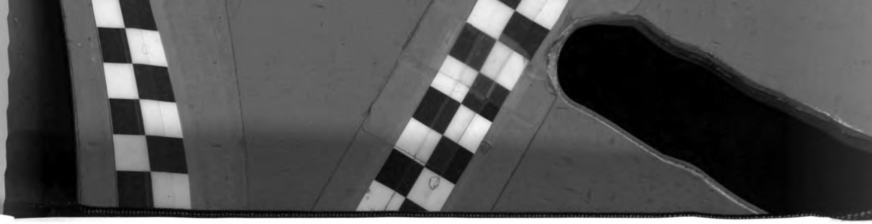

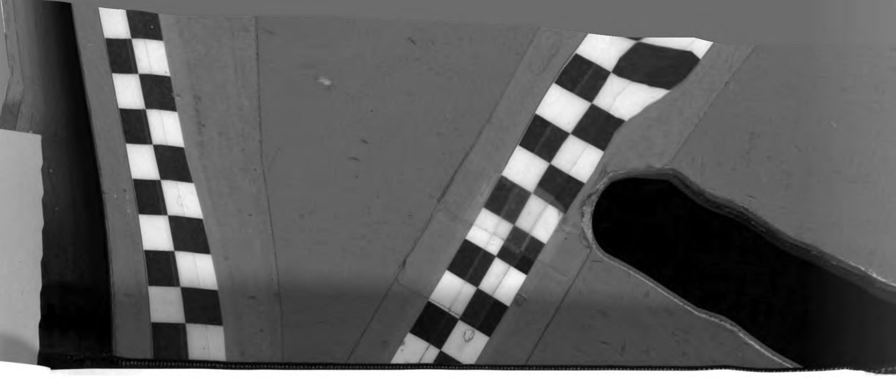

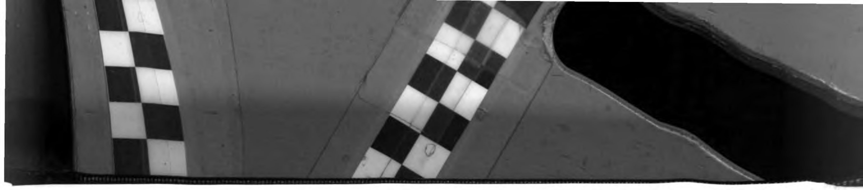

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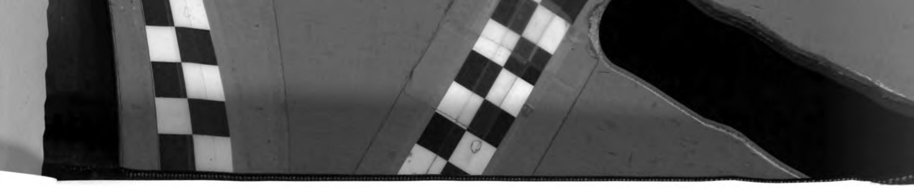
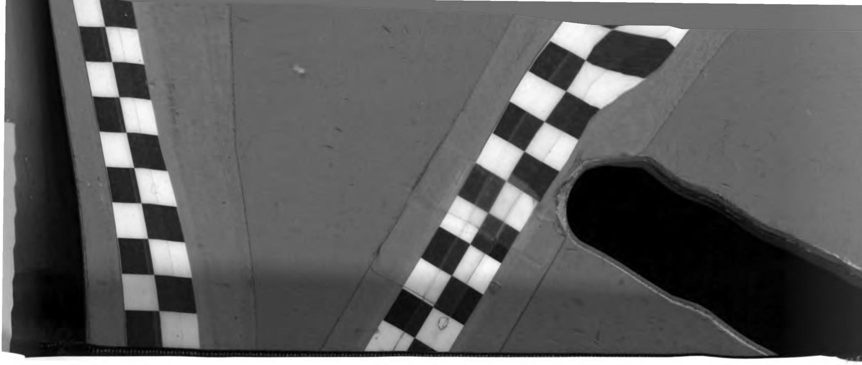


CHAPTER I

INTRODUCTION

In existence since the introduction of motorized vehicles into law enforcement agencies, police pursuits have long been a concern of various interest groups. However, recent interest in police pursuits has permeated every branch of the criminal justice system. The legislatures have been besieged by constituents and public interest groups to prohibit the practice of high speed pursuits. Law enforcement administrators have been mandated to review and revise their departmental policies. And the judiciary has been flooded with a deluge of litigation involving civil action against departments, in regards to pursuit matters. In each of these branches, the prevailing concern appears to be this increase in litigation. A litigious case involving pursuit can cost the department, the city, and inadvertently, the public, millions of dollars in damages. Thus, the question arises: Is pursuing a fleeing offender worth the risks?

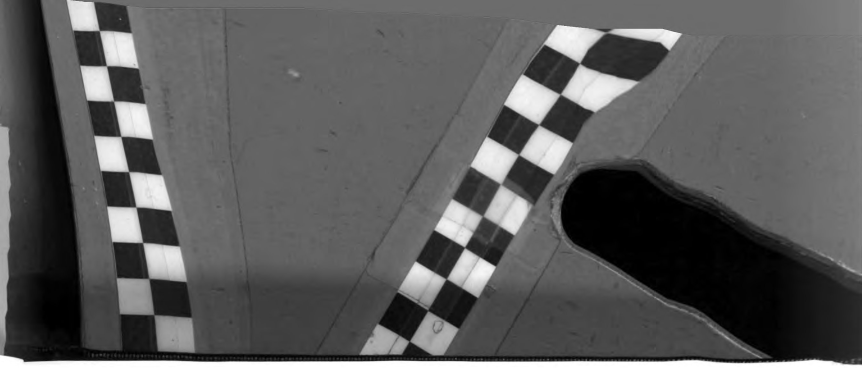
The advantages of a high speed pursuit are somewhat obscured by the inevitable disadvantages. Some high speed pursuits end in death, serious injury, and heavy property damage. Threats of lawsuits, adverse publicity in the media, and negative public opinion surface in the wake of a pursuit that results in an accident. The media seldom report successful pursuits, and often leave the public with an impression that all high speed pursuits end in tragedy. A by-product of these negative connotations is the increasingly restrictive departmental policies regarding pursuits. However, it is



hypothesized that major differences in perception exist within departments regarding these policies which could render them ineffective.

Arguments over the issue of pursuits can be divided into two positions. Proponents of the first position view all high speed pursuits as inherently dangerous, and opt for the abolishment of all pursuits. The second sees the dangers which could result if pursuits were abolished. The latter hold that the need to apprehend fleeing offenders sometimes outweighs the possibility of later repercussions. Those holding this position claim that to develop a policy in which pursuits are not allowed would create an ineffectual, thereby intolerable, system, which would severely handicap them as a police agency. Furthermore, this viewpoint argues that the avoidance of pursuits would constitute a failure by law enforcement personnel to perform their public service functions. The avoidance of pursuits would create an atmosphere which would allow not only traffic violators, but felons to escape as long as they exceeded the speed limit to do so. Such a position seems to be inconsistent with the one of the purposes of law enforcement and strikes at the basic mission of police.

A consideration of both viewpoints would seem the logical solution. Surely the public would not want to see its law enforcement agency with a policy that restricted all pursuits. What if the person being pursued was a crazed psychopath on his way to slay innocent children? Would the public then agree to a policy of no pursuits? On the other hand, what if the person being pursued was a scared teenager out for a joy ride in his father's car, and flees out of

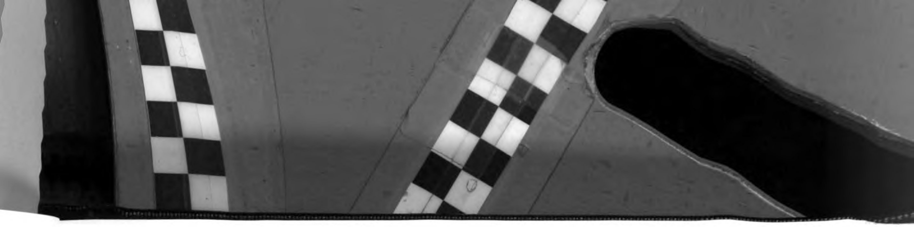


fear of his father's anger? Would it be acceptable to pursue this offender at rates of speed in excess of 100 m.p.h.? Would the public view this as necessary to preserve law and order? These are some of the questions that are plaguing today's administrators in law enforcement.

There is an inherent paradox in the issue of pursuit, as in many other police duties. On the one hand, the police are sworn to protect and serve their community. At the same time, they are responsible for maintaining peace and order, and to do so without endangering the public. To preserve law and order sometimes requires officers to pursue offenders, while placing the public whom they are sworn to protect at some risk. The balancing point rests in the scale of the need to protect the public from an unreasonable risk of harm and the need of the state to apprehend. Sound policy should be based on this balancing point and empirical data. However, past studies have reached contradictory conclusions regarding the dangerousness of police pursuits. Thus, the need for empirical research in the area of police pursuit is evident.

STATEMENT OF THE PROBLEM

The purpose of this study was to evaluate the relationship, if any, which exists between police job description holders(i.e. road patrol, investigative, first line supervisor and administrative) and their agreement with and understanding of police pursuit policies. This study is a preliminary phase of a broader one-year study, currently being conducted, which examines environmental and other variables present during actual pursuits. That broader study will



examine the variables present when pursuits are initiated and discontinued. It will also examine several pursuit outcomes.

SCOPE AND NATURE OF THE STUDY

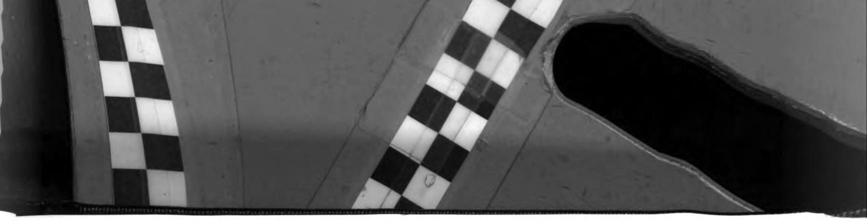
This study is an examination of the relationship of attitudes and perceptions which exists between different job description holders within a department regarding police pursuit policies. The following goals exemplify this objective:

(1) To identify and define a suitable theoretical premise for the study of departmental perceptual differences. An attempt will be made, through a review of the literature and by analysis of an attitudinal survey distributed throughout a state-wide agency, to determine a theoretical analysis of attitudes within a department. This process lends itself to successful application to the understanding of departmental differences in perceptions regarding police pursuit policies.

(2) To develop an instrument and research method by which departmental perceptions regarding pursuit policies may be examined. This methodology would be grounded in the theoretical foundation selected as propitious and based upon any influences discovered which would affect the presence of attitudinal discontinuity within a department. Such an effort would highlight policy implications for administrators, enabling them to update their polices based on empirical data.

HYPOTHESES

It is hypothesize that perceptual discord concerning pursuit policy exists within police departments pursuant to specific job



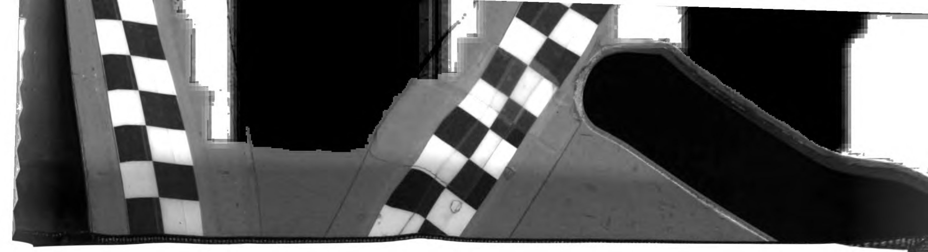
description categorizations. The null hypothesis assumes that no differences in perceptions exist. A further null hypothesis assumes that no significant differences exist which would distinguish lower classifications of job types (i.e. road patrol and investigative) from higher classifications (i.e. supervisor and administrative).

It is also hypothesized that policy does make a difference in spite of perceptual differences which exist on pursuit policy. The null hypothesis assumes that policy does not make a difference. A further null hypothesis assumes that no significant differences exist which would distinguish lower classifications of job types from higher classifications.

It is further hypothesized that significant differences exist between job types on perceptions on policy, supervisory support, adequacy of training, liability issues, and discretionary issues regarding police pursuit. The null hypotheses assume that no significant differences exist between lower classifications of job types and higher classifications of job types.

PURPOSE:

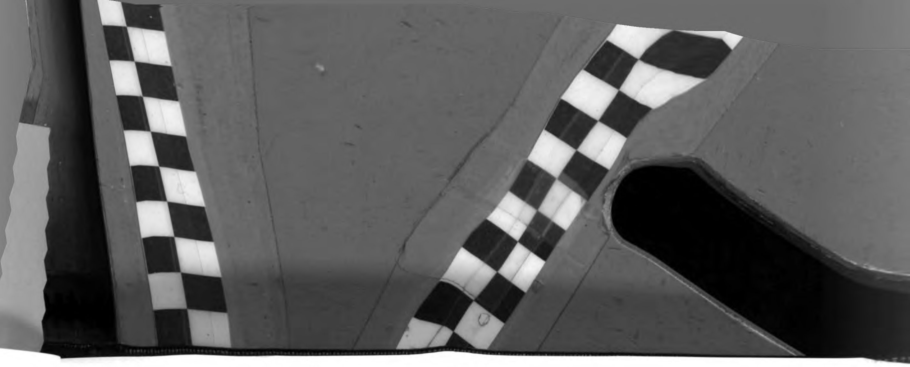
It is apparent that the topic of police pursuits is becoming a popular concern among state legislators, courts, attorneys, physicians and several citizen interest groups. The police who are involved in these matters are no less interested. Due to the nature of police discretion, the officer on patrol is the primary decision maker in pursuit matters. Guided by their training and fortified with their



departmental policies, officers must determine whether to initiate the pursuit of a fleeing car, continue the pursuit, or terminate a pursuit. They must also determine what pursuit tactics to initiate in pursuit of those who choose to elude the police. It is unclear whether consistency within the department is present, in regards to attitudes concerning pursuit policies.

Lack of consistency in perceptions of the value of pursuit policy elements within a department may be the turning point in a litigious action. A lack of consistency may be attributed to the socialization of police officers, attitudinal responses to current litigation against the police, a desire to perform one's duty, general frustration over the apparent lack of impact of the criminal justice system, or lack of training or supervision. If that is indeed the case, this inconsistency will be perpetuated. Administrators, however, may not recognize this lack of cohesion in thinking among ranks in the development of departmental policies. It is crucial for administrators to identify possible disparities of thinking, and, if present, address them with further training or increased supervision. The issues related to pursuits and the possible detrimental outcomes must be acknowledged by administrators, in order to clarify for their officers different elements to be used in their critical decisions regarding pursuits, to identify training needs, and to identify supervisory concerns. Such information is also useful to reduce the flow of litigious activity.

Empirical research has not been conducted to identify disparity of thinking between administrators and line officers of police departments regarding the efficacy of elements within agency policy.



If significant differences of perception exist between the officers and their administrators on the content and relevance of pursuit policy, this may indicate a need for further training and supervision to ensure consistency. The fact that officers may feel quite differently than their administrators does not mean that they will not adhere to the policy, but it may indicate a strain in the agency that is not healthy.

Over the past several years, studies have been conducted to determine the dangerousness of pursuit. However, similar studies have reached contradictory findings. Some experts report that no pursuit is safe, and all pursuits should be prohibited. These experts often compare high speed pursuit with deadly force issues, and suggest that a patrol car is tantamount to holding a loaded gun. Some argue that pursuits are necessary for the common good of the public, and further argue that the dangerousness of pursuit has become so sensationalized that the reality of the topic has become obscure. Thus, two opposing viewpoints emerge. The law enforcement viewpoint is that pursuits are necessary to preserve law and order. While the viewpoint held by various other interest groups is that pursuits have given rise to an unacceptable number of casualties (Payne, 1991).

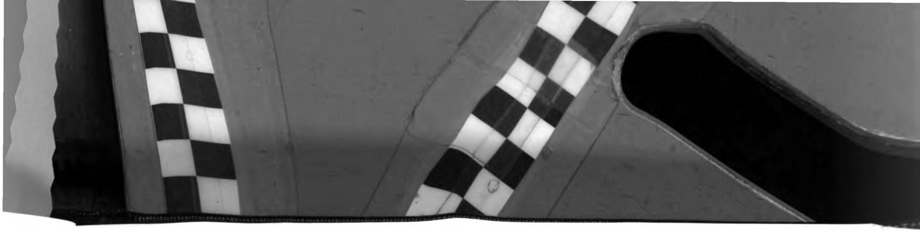
According to a study conducted by the Connecticut Safety Commission (1978), the reason for the disparity apparent in pursuit studies is the absence of a universal definition of "police pursuit." They reported that some experts use the term pursuit only when participants exceeded the legal speed limits, while others included

"high risk" pursuits, which included participants who exceeded safe speeds in existing conditions.

It has certainly been established that pursuits sometimes end in property damage, injury, or even death. These incidents have resulted in an increase of litigation against the police in recent years. Police policy, training and supervision are of utmost importance to everyone, the general public, as well as the police officers involved. However, the regulation of such polices varies from state to state, department to department.

Police pursuit policies are purportedly regulated by state statutes; however, many police administrators have supplemented the legislative directives with deparmentally issued directives addressing important policy issues inherent in high speed pursuits. Additionally, it is unclear as to how much discretion an officer should be granted in regard to pursuit decisions. Some administrators creating policy do not address the question of discretion, and thus leave the decision up to the officer. Furthermore, policies are generally based on the most recent rulings by the court, not on empirical data collected in the study of pursuits. This practice has led to an increase of litigation against officers, executive officers and jurisdictions.

To effectively pursue litigation against a department, claimants must find fault with an officer's adherence to departmental policies, his adherence to the letter of the law in the state in which the pursuit takes place, the officer's training, the supervision or lack thereof of the officer in question, and standards set by court decisions. The issue of reasonableness versus negligence



is the key. Thus, it is essential that officers are not only properly trained as to their departmental policy, but that they are instructed as to the state law regarding pursuit, and the rationale behind such legislation.

Despite the seeming abundance of literature on police pursuits, most of the information gathered about their character and extent has been somewhat impressionistic and sensationalized. Additionally, these studies have analyzed the dangers of pursuits, citing injury statistics, fatalities, and the like. There has been no comprehensive study done to analyze the continuity in attitudes regarding departmental pursuit policies, among different ranks, within a department. For proper policy implementation to occur, there should exist continuity of thinking among all members of the department. In the absence of this, a strong adherence to policy must occur through discipline.

The occurrence of perceptual differences regarding departmental policies must be analyzed in search of an understanding with practical implications for future departmental regulations. In effect, it was felt necessary to explore departmental perceptual discord in a selected state-wide agency with a view toward developing an instrument by which police pursuit policies might be studied elsewhere.

DEFINITION OF TERMS USED

The term "police pursuit" for all intents and purposes of this study refers an event involving one or more law enforcement officers attempting to apprehend a suspect in a motor vehicle, while the

suspect is aware of the officer's attempt, yet tries to avoid capture using high speed driving or other evasive tactics.

The terms "law enforcement officers", "police officers", and, simply "officers", refers to sworn personnel in the state of Michigan who have attended the Michigan State Police Academy, and who further meet the qualifications set forth by the Michigan Law Enforcement Officers Training Council.

CHAPTER II

REVIEW OF THE LITERATURE

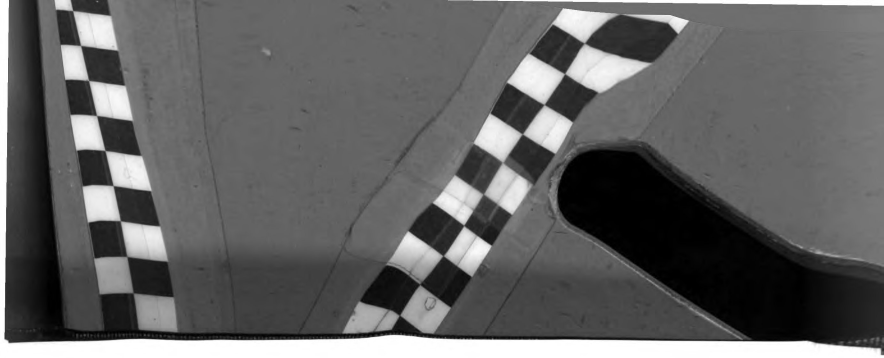
Introduction

Perhaps the most striking aspect of the issue of police pursuit is the lack of sound empirical research. The preponderance of the literature lacks impartiality and objectivity. Furthermore, research which appears to contain these characteristics is flawed in a methodological nature, rendering the conclusions almost useless. The field, however, is not completely destitute, and few useful studies do exist.

Definition

Before analyzing the available studies, it might be helpful to establish a working definition of "pursuit." Generally, the definition of pursuit is somewhat consensual. For example, Scafe and Round (1970) define high speed pursuit 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 that 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.

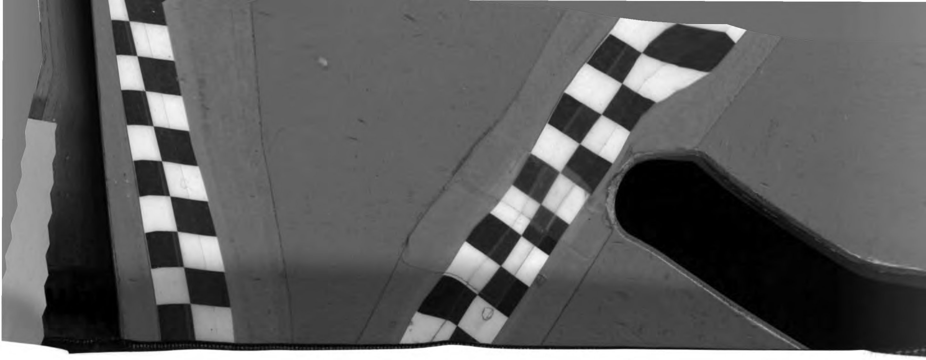


In a similar vein, the Michigan Pursuit Driving Research and Training Manual (1986) defines pursuit as:

> An event involving one or more peace officers attempting to apprehend a suspect in a motor vehicle, while the suspect is trying to avoid capture using high speed driving or other evasive tactics such as driving off a highway, making sudden or unexpected turning movements, or maintaining a legal speed, but willfully failing to yield to the officer's signal to stop.

Definitions such as these abound in available literature. According to Payne (1991) "...pursuits by police are generally considered to be runs at high speeds of motorists who are taking some evasive action to evade capture." However, it is important to note that the above definition is inclusive only of a typical pursuit. There are other runs, "...often at higher than normal speeds or under such adverse conditions, that could be considered in a broad definition of pursuit." (Payne, 1991) There exists situations which may possibly present more of a hazard than a typical pursuit. Payne (1991) gives the example of a police officer attempting to stop a motorist on a snow covered roadway at 50mph. This situation may be equally as hazardous to those involved on the roadway as a car with a speed of 90mph on a clear, dry four lane expressway.

Reasoning that high-speed pursuits are not atypical, Payne (1991) suggests five typologies into which pursuits may be divided: 1.) Pursuit: offender was obviously attempting to elude the police by increasing speed and/or taking other evasive action. Those circumstances that require emergency lights and sirens whether you used them or not. 2.) Response to Alarm: nature of the alarm is such



that the officer considered it necessary to drive at speeds in excess of the limit. An example might be responses to silent alarms; 3.) Medical Emergency: speeds driven in excess of the limit based on a decision of the officer that the nature of call is such that he/she feels it is an emergency requiring speed, lights and siren. Examples include: A serious injury accident, poisoning, attempted suicide, heart attack, etc; 4.) Crime in Progress: those crimes or responses to complaints in which officer obtained information leading to his/her conclusion, based on policy or training, that the circumstances require an emergency response utilizing emergency equipment. This category may also include silent-run situations for the latter part of the run or officer in trouble calls; and, 5.) High Speed Driving: This category is not a pursuit, but one in which an officer attempts to overtake a vehicle that was observed at a speed in excess of the limit or in a manner which requires police to drive at a speed in excess of limit in order to take enforcement action. This may include pacing, closing the gap, or overtaking a vehicle to take enforcement action, but not using emergency equipment until the actual stop is made (Payne, 1991). However, for the purposes of this study, pursuit is defined as an attempt by a law enforcement officer while operating a motor vehicle to apprehend one or more occupants of some other moving vehicle when the operator of the fleeing vehicle is aware of the attempt by the officer, and resists apprehension by maintaining or increasing his speed in excess of the legal speed, ignoring the officer, or attempting to elude the officer. This definition does not include situations where an officer is driving in excess of the legal

limit in response to an emergency or in response to a crime in progress.

Now that a working definition of pursuit has been established, it might be helpful to distinguish the meaning of a "policy." A "policy" is defined as a "course of action selected from among alternatives and in light of given conditions to guide and usually to determine present and future decisions" (Webster's, 1981).

According to the Connecticut Safety Commission (1978), there are three categories of police pursuit policies. The first type of policy is labeled an "officer judgment" policy. This is the most common type of pursuit policy, which allows the individual officer the discretion to begin a pursuit and what tactics to initiate. This type of policy, in effect, makes the individual officer a policy maker. The second policy also allows an individual officer discretion, however, it stipulates what measures the officer may take. And finally, the third type of policy is very restrictive, and generally discourages pursuits for minor violations or when they are not deemed as absolutely necessary (Connecticut Safety Commission, 1978:19).

Similarly, Payne (1991) defines three classifications of police policies. The first type is a judgmental policy in which officers, using discretionary powers, make all major decisions relating to initiating, tactics and termination. This type of policy is only effective when intensive training programs are established and adequate supervisory practices are in place. The second type of policy, the restrictive policy, provides guidance to terminate a pursuit under certain conditions, thereby limiting an officer's discretion. The last type of policy, the discouragement policy,

severely cautions against any pursuits, except under extreme circumstances. The key element in any police pursuit policy should be the balancing point between deterrence and citizen safety (Payne, 1991). It is the job of the police administrator to develop a policy which reflects the philosophy of the department, and serves the needs of the community.

Inherent Paradox in Policing

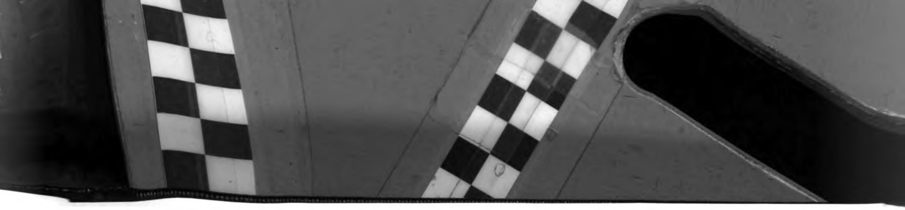
According to the California Highway Patrol "Pursuit Study" (1983), there exists two opposing philosophies regarding pursuits: pursuits are too dangerous and should be prohibited; and, pursuits are necessary for preservation of law and order. These two philosophies, however, are inherently paradoxical. It is the duty of the police to preserve, protect and defend the public. On the one hand, officers have the duty to support the constitution and to protect the constitutional rights of the public. However, on the other hand, in order to protect the public, police officers, on occasion, must take actions, such as pursuits, that place persons at risk. "...The balancing point in this paradox is the focal point of good police policy" (Payne, 1991). Furthermore, an officer

> must constantly weigh the hazard originally created by the suspect against the future hazard that will be created by a pursuit. The officer must also decide whether the violator will continue to be a hazard if he or she does not give chase." (Schultz, 1979: 3).

This pressure on the officer to make decisions on a case by case basis is part of police discretion, and the focus of many lawsuits. The focal point in many of these decisions relates to foreseeability.

Police administrators, then, develop policies which they feel best protect the public's interest and safety. It is the same public, however, who leans towards the prohibition of all pursuits. As is the case in most incidents involving the police, cases which end tragically are sure to appear in the local newspaper, the evening news, and any other media available. On the other hand, cases which are successful and result in the apprehension of a fugitive with no injuries, are seldom mentioned. In fact, the issue of police pursuits has been so sensationalized that it presents an inaccurate picture of the problem, leading the public to fear and openly criticize police pursuits (Barth, 1981).

It is important to note that pursuits are mandated by policy. In the ideal, policies are developed after close scrutiny of all relevant literature on the subject. After reviewing the literature on police pursuits, it is evident that the majority of policies are not based on empirical data, but, rather, the most recent court cases. Furthermore, a recent study reported that 20.6% of all police agencies studied did not have "...any written guidelines governing the activities of their personnel during pursuit driving operations" (Auten, 1990: 53). Additionally, those departments which do have written policies on pursuit "...have some serious gaps in their existing policy statement" (Auten, 1990:54).



LEGAL ISSUES IN PURSUIT

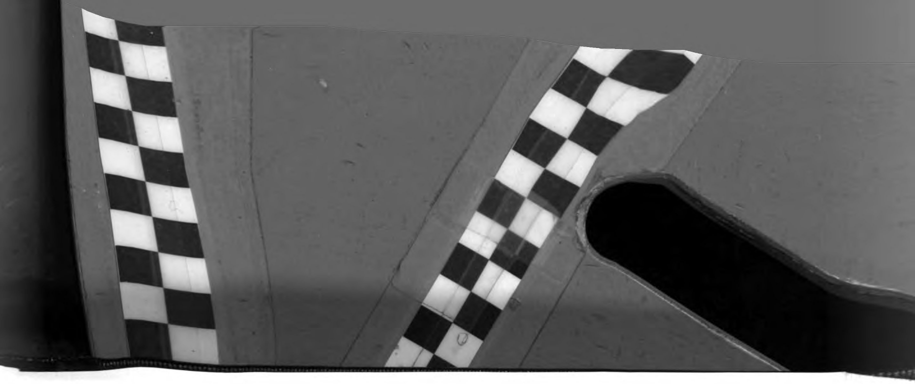
Legally Justified Pursuits

Unlike various other topics, the bulk of literature involving pursuits comes not from empirical research; but rather, the history and theoretical concepts of pursuits can be found more implicitly in court records.

Policies regarding pursuit vary among departments. These policies are weighed by ascertaining whether the public is best served and protected by continuing or terminating a pursuit. "It is important that officers weigh the seriousness of the situation (injury, offense, etc.), against the hazards to the health and welfare of other citizens, generated by high speeds or maneuvers..." (Cincinnati, DPS, 1980). A pursuit is justified "only when the necessity of immediate apprehension outweighs the level of danger created by the pursuit" (Round, 1979). Similarly, the courts have ruled that an officer has a duty to balance the need to apprehend violators with the due care to the general public's well being. Lee v. City of Omaha,. 302 N.W. 2d 800 (1981). It is the officer's duty to the public to effectively weigh the need for apprehension against the safety of the public. The courts have recognized the necessity for pursuits, however, sometimes this necessity is outweighed by the danger that they create. When this occurs, a pursuit should be terminated.

Litigation

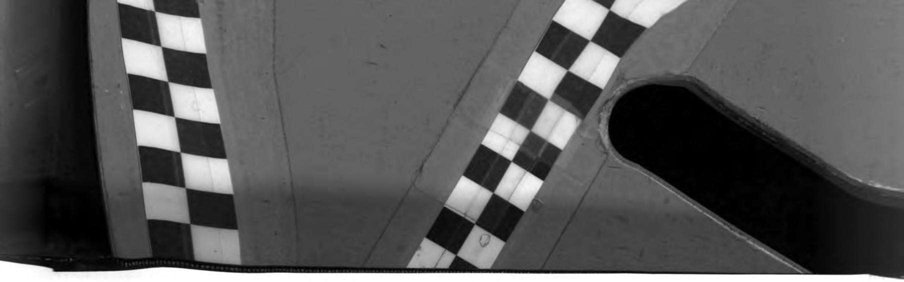
Litigation against the police has increased over the issue of pursuit. To effectively pursue litigation against a department,



claimants must find fault with an officer's adherence to departmental policies, his adherence to the letter of the law in the state in which the pursuit takes place, the officer's training, or the supervision or lack thereof of the officer in question. Each of these factors is closely examined in determining whether the officer driving was the proximate cause of the resultant injury or death to that person chased or to a third party (Payne, 1991).

The courts have ruled that officers have a certain duty to the community which they are sworn to protect. However, this duty does not prevent them from pursuing a criminal suspect when risk of harm is misdemeanor. Thus, the courts have ruled that the police are under no obligation to let suspects "leisurely escape." Smith v. City of West Point, (Miss. 1985), 475 So 2d 818. However, the police do have a duty of care with respect to the manner of pursuit. This manner of pursuit is set forth in pursuit policies, statutes, and court decisions, and can be found under reasonable care guidelines. In summation, what these statutes provide is that drivers of emergency vehicles have a statutory duty to drive with due care and regard for the safety of others.

The Michigan Vehicle Code (275.632 section 632) states "Speed limitations do not apply when due regard is exercised in responding to emergency situations." However, this only applies when bell, siren and lights are implemented. No exemption applies if officer is operating vehicle recklessly. Earlier cases in the court system also protected the agency involved under a blanket of sovereign immunity. Mead v. State, (1942), 5 N.W. 2d 740, 303 Mich. 168. Summarily, to exonerate an officer from negligence in proceeding



against a red light or a stop sign, the officer must be proceeding in response to an emergency situation, he must slow down or stop to the extent required for safe operation, and he must utilize at least an audible signal sufficient to alert motorists of his approach. Cotton v. Transamerica Insurance Co., (1968), La., 211 So. 2d 110.

Proximate Cause

Most litigation asks the central question of proximate cause. The term "proximate cause" refers to the culpability of the actors involved. In other words, was the resultant situation caused, directly or indirectly, by the officers' actions. Certain contributing factors in the proximate cause question include: training, emergency equipment on or off, foreseeableness of accident, etc. Some courts, however, do not make police officers "the insurers for the conduct of the suspects they pursue." (Dent v. City of Dallas, 1986, 729 SW 2d 114). However, most courts have held that officers must drive with due regard for the safety of others. Pomeroy v. Selman, (1970), 181 N.W. 2d 72, 25 Mich. App. 128.

Liability to Third Parties

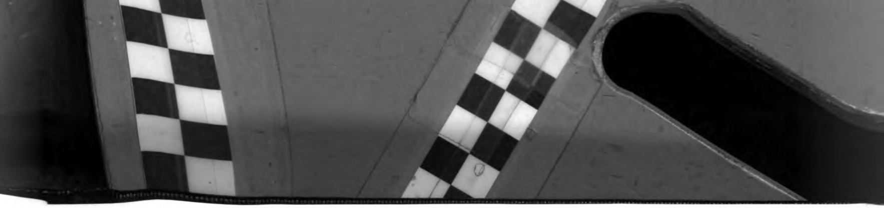
Early cases tended to place the liability factor not on the officer, but rather on the fleeing suspect. Their rationale for not attaching the liability on the officer was based on two themes:

1. the duty of the officer to apprehend those who are reckless makes driving on the road safe if officers pursue those who make driving reckless to innocent third parties; and,

2. the proximate cause of the accident is the reckless driving of the pursued person not the officer, who has a duty to pursue these people. Roll v. Timberman, (N.Y. App. 1958). 229 A 2d 28.

The courts held a similar view in California when they stated that "... not to pursue lawbreakers in order to provide that no harm be done to a third party would in effect seriously restrict law enforcement efforts." They further stated that the pursued may in fact harm others if officers did not pursue. Reenders v. Ontario, (Cal. App. 1977), 137 Cal. Rptr. 736. However, the most current trend is greater liability for departments where a third party injury is present. This is partially due to the fact that, although the injured plaintiff may have a better case against the fleeing suspect, he has little chance of collecting against him. Therefore, he will attempt to hold the police officer liable, as well as the city, under the vicarious liability standard.

The oldest and most frequently cited case in this area is the case of Draper v. City of Los Angeles, (Cal. App. 1949), 205 P. 2d 46. Draper alleged that since the police car was not equipped with a siren, that the police officers were negligent by failing to warn the public of a high speed pursuit. However, the court ruled that the officers, who stopped at the intersection which the suspect ran through and crashed into Draper, were not negligent as they had properly handled their vehicle. Furthermore, the court ruled that it was the suspect's "reckless and Illegal conduct" which caused Draper's injuries. Draper was affirmed in a similar case, Pagels v. City and County of San Francisco, (Cal. App. 1955), 286 P. 2d 877. The court ruled similarly in United States v. Hutchins, (1959), 268

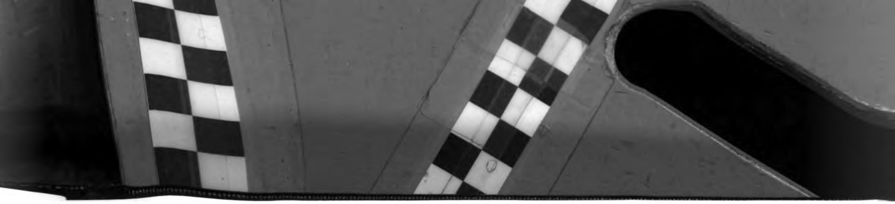


F.2d 69, 83 A.L.R. 3d 447, adding that the officers in this case would have been "...derelict in their duty had they not pursued the escapee in the reasonable manner in which they did pursue him."

Several more recent cases have upheld the Draper ruling. In Lee v. City of Omaha, (Neb. 1981), 307 N.W. 2d 800, the court ruled that it was the duty of officers to balance the need to apprehend violators of the law and the need to protect the general public. They further ruled that each case should be judged on a case by case basis, and that the balance should be determined by the trier of fact. In the same year, a New York appellate court decided that "...since motorists generally obey the directions of police officers...", the officer was not negligent when the suspect exceeded speeds of 110 m.p.h. in an attempt to get away. Simmen v. State, (N.Y. App. 1981), 442 N.Y.S. 2d 216. The courts added in 1952, that "Police cannot be made insurers of the conduct of the culprits they chase." Chambers v. Ideal Pure Milk Co., (Ky. 1952), 245 S.W. 2d 589. Following this trend, a New York court ruled that:

> Police officers have a right to use whatever means necessary to make an arrest and unless they exceed proper and rational bounds, or act in a negligent, careless or wanton manner, they are not liable for damages sustained, even by innocent parties. McCormick v. State (1964), 43 Misc.2d 777, 252 N.Y.S. 2d 199.

Similar rulings appeared in: Cairl v. St. Paul, (Minn. 1978), 268 N.W. 2d 908 Selkowitz v. State, (N.Y. App. 1976), 389 N.Y.S. 2d 45; Taylor v. City of Alexandria, (La. App. 1972), 261 So. 2d 92; Dunn v. State, (N.Y. App. 1971), 327 N.Y.S. 2d 622; Downs v. Camp, (Ill. App. 1969), 252 N.E. 2d 46; and, Wrubel v. State, (N.Y. App. 1958), 174 N.Y.S. 2d



687. However, the most current trend is greater liability for departments where a third party injury is present. This is partially due to the fact that although the injured plaintiff may have a better case against the fleeing suspect, he has little chance of collecting against him. Therefore, he will attempt to hold the police officer liable, as well as the city, under the vicarious liability standard.

In Thain v. New York, (N.Y. 1971), 280 N.E. 2d 892, the court stated that although the officers could not be held liable on the basis of the suspect's negligence, they could be held liable for their own. They also cited the duty of the officers to balance the need to apprehend the fugitive and due care for the public. The courts have held that an officer's obligation to act with due care encompasses a duty to third parties. They have a legal duty in pursuit in which no person should be placed at risk. Duarte v. City of San Jose, (Cal. App. 1980),161 Cal. Reptr. 140. The courts have, in fact, completely reversed the ruling in Draper and in numerous cases have held the officer liable when the pursued vehicle collided with innocent third parties. Wason v. City of Britton, (1975); Joyner v. District of Columbia, (D.C. 1981), 28 CrL 2496; Sintros v. LaValle, (Fla. App. 1981) 406 So. 2d 483; Gibson v. City of Pasadena, (Cal. App. 1978), 148 Cal. Rptr. 88; Boyer v. Indian River County Sheriff's Department, (Fla. 1981) #77-458 Vero Beach Court: Alexander v. New York, (N.Y. App. 1976), 371 N.E. 2d 534, 385 N.Y.S. 2d 788; Schatz v. Cutler, (D.C. Vt. 1975), 395 F. Supp. 271.

The turning point for Michigan appears to be the case of Fiser v. City of Ann Arbor (309 N.W. 2d 552; Mich App 1981). In Fiser, the court examined the issue of governmental immunity in conjunction

with the general standards of negligence and the statutory exemptions applicable to the operation of emergency vehicles.

In this case, police officers were involved in a high speed pursuit of a traffic violator within the city limits of Ann Arbor. The pursuit commenced after the officers involved observed the fugitive, M. Lehman, fail to stop for a flashing red signal. Initial attempts to stop the vehicle were unsuccessful, and a pursuit ensued. The pursuit progressed through residential and business areas, and reached speeds of over 100 m.p.h. Lehman disregarded traffic signals, and after losing control of his car, struck the police car and stopped. As one of the officers approached his car, Lehman sped away, nearly striking the officer. The officer, who had remained in the patrol car, re-initiated the pursuit, and followed the fugitive the wrong way down a one-way street. The officer, however, soon lost contact with the suspect vehicle. Another officer, spotting the fugitive, proceeded to take up the chase with sirens and lights activated. This last phase of the chase lasted almost six blocks at speeds in excess of 50 m.p.h. in a 25 m.p.h. zone. The pursuing officer observed Lehman attempt to brake at an intersection, before speeding through. The plaintiff's car was broadsided by the suspect's vehicle, and the plaintiff sustained serious injuries. The facts of this case brought up two legal questions:

I. Did the defense of "governmental immunity" apply to
the officers and the City of Ann Arbor in this case?
II. If "governmental immunity" did not apply, did the
action of the officers constitute negligence? Fiser
v. City of Ann Arbor (309 N.W. 2d 552; Mich App
1981).

The original ruling by the trial court granted the officers "governmental immunity", and ruled for the City. The Court of Appeals upheld this decision. However, the Michigan Supreme Court, citing MCLA 691.1405, reversed the decision and ruled that police officers were not automatically immune from civil liability for personal injuries or property damage sustained as the result of high speed chases. MCLA 691.1405 creates an exception to the government immunity doctrine for situations where any injury or other damage is caused by the negligent operation of a government owned motor vehicle while under the operation of a government employee. (Fiser v. City of Ann Arbor, 309 N.W. 2d 552: Mich App 1981).

According to Koonz and Regan (1981), total abrogation of governmental immunity is on its way. They assert that courts now start from the premise that "...liability is the rule and immunity is the exception" (Koonz and Regan, 1981:65). More and more, courts are holding individual officers, their departments, and municipal governments liable for the actions not only of themselves, but of the fugitives they pursue as well.

Negligence

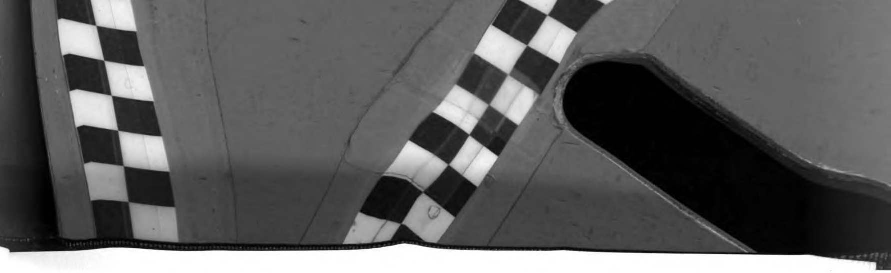
In litigation matters the primary focus is on the failure of an officer to exercise reasonable care under the circumstances. The courts have ruled that officers have a duty to balance the state's need for apprehension against the police duty to protect the public from undue risk of harm. If an officer is unsuccessful in balancing the scale, his/her actions may be regarded as negligent. Negligence is

determined by the trier of fact, using the "reasonable man" theory. That is the question presented to the jury would be to ascertain what any "reasonable, prudent emergency driver would do under all the circumstances, including that of the emergency." Rutherford v. State, (Alaska. 1979), 605 P. 2d 16. To determine reasonableness, factors such as speed through intersection, view of intersection cross-traffic, road and weather conditions, need for emergency response, and other drivers' negligence should all be considered (Rutherford, 1979). In a similar ruling, the court ruled against an officer who proceeded through a red light resulting in the death of the operator. They stated:

> "To have entered such a crowded intersection at any speed without the vehicle being in sufficient control to permit an abrupt stop, particularly with so many obstacles present preventing a clear view of the dangers which might lie ahead, belies all representations of caution and is certainly inconsistent with safe operation" Mayfield v. City of Springfield, (Ill. 1981), N.E. 2d #17096.

The courts have stated once reasonableness is determined, proof of negligence consists of evidence showing a duty to the injured party, a breach of that duty, and an injury proximately resulting from that breach. Furthermore, such injury must be so related as to be the proximate cause thereof. (Brooks v. Lundeen, (1981), 364 NE 2nd 423).

However, the court decided in Kuzmics v. Santiago, Pa Super 389 A2nd 587. that vehicle code exemptions have been designed to require plaintiff seeking recovery for any damaged caused by an emergency vehicle to provide recklessness rather than ordinary



negligence. Conduct is considered to be reckless when the officer intentionally disregards the safety of another by failing to perform an act that the public is entitled to or performing an act which endangers the public. If the officer knows in his mind that his actions could reasonably cause proximate harm to others or to himself, the recklessness would be warranted. (Reilly v. Philadelphia, 328 PA 563).

The court's decision of proximate cause has been based on the evidence in each case as it relates to due care. The court has held that "...officers engaged in high speed pursuit of traffic violators are protected by statute where they observed basic standards of reason and due care." Marion v. City of Flint, (1976), 71 Mich App 447; Mayfield v. City of Springfield, (Ill. 1981), N.E. 2d #17096. Powell v. Allstate Insurance Co., (La. App. 1970), 233 So. 2d 38; Hammon V. Pedigo, (Neb. 1962), 115 N.W. 2d 222. The court, ruling similarly in Stanton v. New York, (1967) 285 NY Supp 2d 964, further stated that "...the statutes require vehicles to operate with proper emergency sound and light equipment...the statutes further require due care for life and property and freedom from reckless disregard of the safety of others." (Stanton, 1967). The court also provided for negligence to be determined by the jury, even if all statutory requirements were met by the officer. Winston v. Davis, (Neb. 1971), 192 N. W. 2d 413.

The duty of an officer to drive with due regard for all persons requires the officer to weigh the protection of life and property by capturing a fleeing offender, who by not stopping his vehicle wantonly endangers the public's safety, against the possibility of endangering life and property by continuing the pursuit. This duty to

drive with due regard for all persons must be measured in terms of due care under the unique circumstances present at the time of the pursuit decision. Clark v. Sterrett (1966), 141 Ind. App. 384, 386, 220 N.E. 2d 779, 781.

Pursuits in which visible and audible emergency equipment was not implemented and which have resulted in an accident involving the fugitive and a third party have not been looked upon favorably by the courts. The court ruled that failure to use a siren during pursuit constituted negligence on the part of the officer. Alexander v. New York, (N.Y. App. 1976), 371 N.E. 2d 534, 385 N.Y.S. 2d 788. In the event that a siren was not implemented, negligence could be based on a "failure to warn". Reed v. Winter Park, (Fla. App. 1971), 253 So. 2d 475; Mobell v. City and County of Denver, (Colo. 1980), #C61525.

The court has also ruled on cases in which the plaintiff was "contributory negligent." In Jackson v. Rauch, (Mich. App. 1969), 171 N.W. 2d 551, the court, under the doctrines of "discovered peril," "last clear chance", "discovered negligence", "reckless negligence" or "gross negligence" and "humanitarian rule", found that the contributorily negligent plaintiff was entitled to recover if defendant's negligence was proximate cause of injury. The court ruled that even though the plaintiff's failure to yield at an intersection constituted "contributory negligence", the officer should have realized that the plaintiff was not going to yield, and was thus showed no due regard for the safety of the plaintiff. However, in 1979, the court replaced the "contributory negligence" with a "comparative negligence" standard. This standard allows the jury to determine who was more at fault the plaintiff or the officer. The

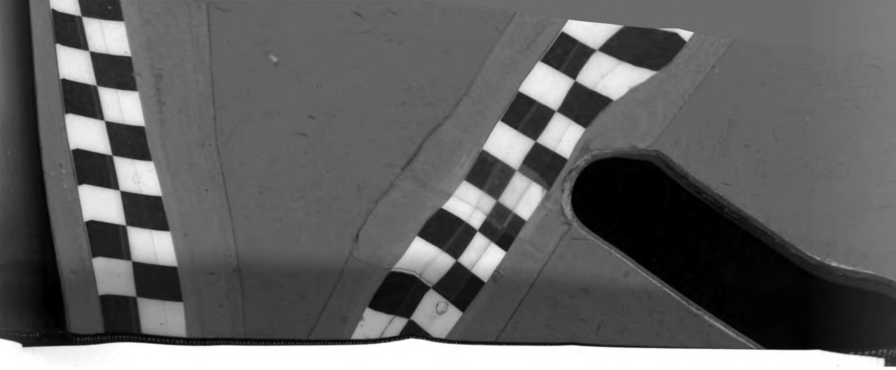
courts held that the standard of care to which the driver with the right of way must adhere was a standard of reasonable or due care under the circumstances. Placek v. City of Sterling Heights, (Mich. 1979), 275 N.W. 2d 511.

The courts have also held the officer liable in similar cases where an intersection was present, stating that:

> The driver traveling on a through street, as against an emergency vehicle, has a right to cross the intersection unless, by the reasonable exercise of the senses of sights and hearing, he or she should have noticed or heard warning to the contrary. City of Lansing v. Hathaway, 280 Mich. 87, 273 N.W. 403 (1937).

Thus, the plaintiff's obligation is to be "fairly alert to potential dangers that may be readily seen or heard" Holser v. City of Midland, 330 Mich. 581, 584, 48 N.W. 2d 208 (1951). Furthermore, they ruled that the right of way is not an "assurance of safety", and does not grant absolute right of way in any given circumstance. The driver is still required to operate his vehicle with due car in view of the situation at the time. In other words, the driver on a through highway man not "proceed blindly." Holser, *supra*, 330 Mich. 584, 48 N.W. 2d 211. However, the jury must decide whether or not a reasonable person would have seen or heard the oncoming emergency vehicle. Keevis v. Tookey, 42 Mich. App. 283, 287, 201 N.W. 2d 661 (1972).

The court has also ruled that driving the wrong way on a one way street could be considered negligence, as could driving on the sidewalk. (Carpenter v. Hartford Accident and Indemnity Co., (La. App. 1976), 333 So. 2d 296; and, Baselski v. City of Chicago, (Ill. App.



1972), 292 N.E. 2d 475. Rulings for the police officer were found in Jones V. Ray, (Ga. App. 1981), 285 S.E. 2d 42 and Sholar v. U.S. Fire Insurance Co., (La. App. 1972), 261 So. 2d 327. In each of these cases, the plaintiff's negligence was said to be the causal factor in the accident.

Accidents resulting from the officer's failure to utilize visual and audible signals are not usually looked upon by the court in the officer's favor. The court held that emergency vehicles are only exempt "from the rules governing other vehicles," if the officer utilizes audible and visible signals. Mayor and Alderman of Town of Morristown v. Inman, (Tenn. 1960), 342 S.W. 2d 71. Similar rulings appeared in Moore v. Travelers Indemnity Co., (La, App. 1977), 352 So. 2d 270; Cotton v. Transamerica Insurance Co., (La. App. 1968), 211 So. 2d 110; Herron v. Silbaugh, (Pa. 1970), 260 A. 2d 755; Cornwall v. Larsen, (Utah 1977), 571 P. 2d 925; Kirshenbaum v. Chicago, (Ill. 1976), 357 N.E. 2d 571; Scottsdale v. Kokaska, (Ariz. App. 1972), 495 P. 2d 1327; and, Franklin v. Dade County, (Fla. App. 1970), 230 So. 2d 730.

Situations in which an officer must respond in a "silent emergency response", such as a robbery or burglary in progress, have been looked upon differently by various courts. The court ruled in Stephen v. City of Lincoln, (Neb. 1981), 311 N.W. 2d 889, that the officer was not negligent if the circumstances demanded a silent response, if he properly used his lights as a warning. However, an Arkansas court ruled that a silent response, in and of itself, could be considered negligence on the part of the police officer. (Whistle-Vess Bottling Co. v. Owens, (Ark. 1970), 459 S.W. 2d 562. Other courts

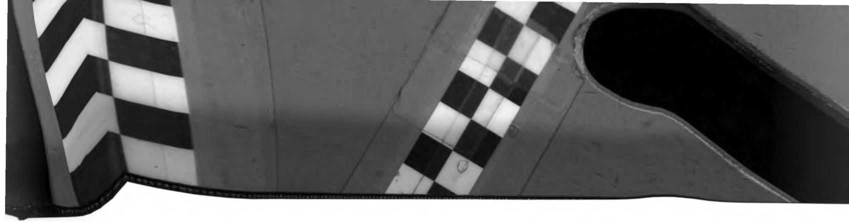
have ruled that the silent response, in and of itself, could not be construed as negligence; however, the officer must still practice due regard for the safety of others. Brummett V. County of Sacramento, (Cal. 1978), 582 P. 2d 952; Rutherford v. State, (Alaska, 1979), 605 P. 2d 16; Dillenbeck v. City of Los Angeles, (Cal. 1968), 446 P. 2d 129.

According to Michigan Compiled Laws Annotated (M.C.L.A.) 691.1405:

> Governmental agencies shall be liable for bodily injury and property damage resulting from the negligent operation by any officer, agent, or employee of the governmental agency, of a motor vehicle of which the governmental agency is owner, as defined in Act No. 300 of the Public Acts of 1949, as amended, being sections 257.1 to 257.923 of the Compiled Laws of 1948.

Liability To Fleeing Suspects

Although the courts have held much sympathy for third party injuries resulting from pursuits, the liability to the fleeing suspect is somewhat diminished. For example, the court held that the fleeing driver was negligent as a matter of law. They stated "..if the plaintiff negligently and is the proximate cause of his own injuries, he is barred from recovery." (Silva v. City of Alburqueque, NM App 610-P2d 219). The courts have further held that if the officer practiced due care, was not the proximate cause of the accident, and was not shown to be negligent in his duties, no legal grounds exist for litigation. The court further stated that "...police cannot be made insurers of the culprits that they chase." Furthermore, the court stated that actionable negligence "may only be maintained by



showing of a duty, a breach thereof, and an injury as proximate result of the breach." (Bailey v. L. W. Edison Charitable Foundation, 384, N.E. 2nd 141).

Emergency Situations

The courts have ruled that in order for statutory exemptions to be in force, police must be involved in emergency situations. The courts have held that certain situations were indeed emergency situations. However, no universal definition of an emergency situation has been established; rather, each situation is judged case by case. In Hamilton v. Town of Palo (244 NW 2d 329), the court found that an emergency call does indeed exist when, upon receipt of message, an officer truly believes an emergency exists and has reasonable grounds to believe same. Furthermore, in Simkins v. Barcus [(1951) 77A 2d 717}, the court ruled that even if the situation was not in fact an emergency, the police were not liable if the officer involved honestly believed it to be. Whether or not a call may be considered an emergency depends upon the nature of the call and the situation presented to the officer. (Lakoduk v. Gruger, (1956) 296 P 2d 690.

The courts have also found certain situations where they can be considered emergency situations on their face. In Rankin v. Sander (121 NE 2d 91) and Agnew v. Porter (247 NE 2d 487), the courts found that a call for "help" by a fellow officer, could be considered an emergency on its face. Other situations which the courts have held to constitute emergencies are: investigation of an accident, (Rowe v. Kansas City Public Service Co., 248 S.W. 2d 454 (1942); and, an

investigation of death, (Spencer v. Heise, 158 N.E. 2d 570, (1958). However, the courts have also ruled that certain situations are not emergencies, and should not be construed as such. For example, an officer in pursuit of a stolen car is not protected under statute (Von Arx V. Burlingame, 1936, 60P 2n 304). Likewise, officers who are investigating criminal offenses are also exempt from statute protection. (Brazonia v. Radtke, 1978. 566 NW 2d 326).

Legal Aspects of Roadblocks

In some instances, law enforcement agencies may find it necessary to block traffic in order to apprehend a fleeing suspect. A roadblock is a structure, device, or other means used by duly-authorized law enforcement officers for the purpose of controlling all traffic through a point on the highway, whereby all vehicles may be slowed or stopped. Although roadblocks are implemented for a variety of reasons, for the purposes of this study, only roadblocks which are implemented to apprehend fleeing violators are considered. The provision for roadblocks is mandatory in an effective pursuit policy. The same standards of care which apply in other pursuit situations, also apply in situations in which a roadblock is necessary.

Inadequate Training

42 U.S.C. 1983 provides for the liability of any municipality for constitutional deprivations made under color of state law if the alleged wrongdoing of the municipality is the inadequate training of

an employee. Additionally, the plaintiff must show that the alleged wrongdoing constitutes a municipal custom or policy. It states:

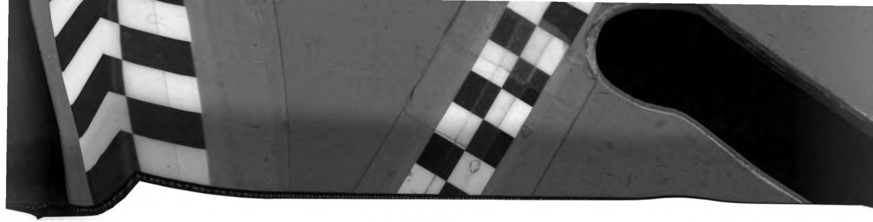
> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. 42 U.S.C. { 1983 (1976).

It is apparent that the attitudes and subsequent rulings of the courts are constantly changing. Thus, it is extremely hard for police administrators to keep pace of current opinions. However, administrators, aided by social scientists and armed with existing statutes, may develop adequate policies (Galligher, 1985).

Relevant Michigan Statutes

Although much litigation regarding pursuits by the police has taken place in Michigan, and court views are constantly changing, the Michigan Vehicle Code which mandates high speed driving by the police remains somewhat constant. Outlined below are the excerpts which deal with police pursuits.

MCLA 257.603(b) provides for the "standard of care" doctrine. It allows the driver of an authorized emergency vehicle when responding to an emergency call, but not while returning from an emergency call, to exercise the privileges set forth in this section, subject to the conditions of this section.



(c) The driver of an emergency vehicle may:

1. Park or stand, irrespective of the provisions of this act.

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

3. Exceed the prima facie speed limits so long as he does not endanger life or property.

4. Disregard regulations governing direction of movement or turning in a specified direction.

(d) The exemptions granted in this section to an authorized emergency vehicle shall apply only when the driver of the vehicle while in motion sounds an audible signal by bell, siren, air horn, or exhaust whistle as may be reasonably necessary except as provided in subsection (3), and when the vehicle is equipped with at least one lighted lamp displaying a flashing, oscillating, or rotating red or blue light.

(e) A police vehicle shall retain the exemptions granted in this section to an authorized emergency vehicle without sounding an audible signal if the police vehicle is engaged in an emergency run where silence is required.

However, the exception to the requirement that an emergency vehicle must activate its siren in order to fall within these statutory exemptions is very limited. One such exemption would be in response to silent alarms. However, in order to operate as an emergency vehicle the lights would still have to be activated.

(f) The exemptions provided for by this section shall apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a

> highway, but shall not apply to those persons and vehicles when traveling to or from work.

The concept of due regard may be found in MCLA 257.632.

> The speed limitations set forth in this chapter shall not apply to vehicles when operated with due regard for for safety under the direction of the police when traveling in emergencies or in the chase or apprehension of violators of the law or of persons charges with or suspected of a violation...This exception shall apply only when the driver of the vehicle while in motion sounds an audible signal by bell, siren or exhaust whistle as may be reasonably necessary or when the vehicle is equipped with at least one lighted lamp displaying a flashing, oscillating or rotating red or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicles, unless the nature of the mission requires that a law enforcement officer travel without giving warning to suspected law violators. This exemption shall not however protect the driver of the vehicle from the consequences of a reckless disregard of the safety of others.

Also including due regard provisions is MCLA 257.653, which states:

> (a) Upon the immediate approach of an authorized emergency vehicle...
>   1. The driver of every other vehicle shall yield the right of way.
>
> (b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Previous Research on Police Pursuit

Although the field is somewhat barren, there does exist certain studies, which may provide insight into the issue of pursuit. The

primary research in this area are the studies conducted by the California Highway Patrol (1983), Physicians for Automotive Safety (1968), National Highway Traffic Safety Administration (1970), and Beckman (1987). These studies are somewhat contradictory, and the authors concur on very few points. It is important to remember that some of these studies were conducted in certain geographical areas, using data obtained from select law enforcement agencies, while others, like Beckman (1987) were more broad in nature.

To date there has been no nationwide study that provides an accurate estimation of how many pursuits take place yearly. One study estimated that somewhere between 50,000 and 500,000 pursuits take place in any given year (Fennessy, 1970).

Studies similarly differ on the estimates on injuries and fatalities experienced due to pursuits. In a study conducted by the Physicians for Automotive Safety (1968), relying solely on newspaper clippings, they estimated that one (1) out of five (5), or twenty percent (20%) end in death, while seven (7) out of ten (10), or seventy percent (70%) end in accidents. This was contradicted by the California Highway Patrol's study which found that one percent (1%) of all pursuits end in death, and only thirty percent (30%) end in accidents (California Highway Patrol, 1983). Beckman's study (1983) found that 17-45% of all pursuits ended in property damage; 14-23% ended in injury; and, up to 3% ended in fatalities. A study conducted by the National Highway Traffic Safety Administration (1970), found that there are approximately 250,000 police chases each year, 8,000 of which end in accidents. That is only equal to 3.2%, contrary to the higher findings of 30-70%.

To date there has been numerous studies on police pursuits. However, almost invariably these studies were somewhat flawed in their methodologies, making their findings invalid and unreliable. These studies are summarized below.

A Study of the Problem of Hot Pursuit by the Police (1970) was conducted in 1970, in conjunction with the United States Department of Transportation (DOT) National Highway Safety Bureau, concluded that police pursuits end in an unacceptable number of accidents, injuries, fatalities and the like. However, the best estimation that they could reach on the number of pursuits which occur yearly was somewhere between 50,000 and 500,000. Other findings included:

1) 6,000 to 8,000 of the pursuits result in accidents;

2) 300 to 400 pursuit-related fatalities occur every year;

3) 2,500 to 5,000 pursuit-related injuries occur every year.

4) Less than 5% of all law enforcement agencies keep an accurate count of the pursuits with which they are involved (Fennessey, 1970).

Although sponsored by the United States Department of Transportation, this study, in keeping with the other available studies on pursuit, is somewhat flawed in its methodology. According to Beckman (1983), this study was based on (1) a review of prior research, (2) a one-month field study in four police agencies, and (3) available police data. The one-month field study of 46 police pursuits and "available police data" were so limiting that the study

itself labeled them as unworkable. As a result, the findings presented were based on an extremely small sample, "unreliable historical information, and unworkable police data" (California Highway Patrol, 1983:7).

Interestingly enough, this study, unlike prior ones, found that, on the average, individuals that attempted to flee from the police had "significantly different characteristics than normal drivers." Additionally, these drivers were "involved in a significantly higher number of accidents," and had a "statistically significant number of convictions for moving violations"(Fennessey, 1970:6).

In 1968, the Physicians for Automotive Safety released a study that concluded that all pursuits must be prohibited due to the dangers inherent in high speed pursuits. They based this conclusion on data which showed that:

1) One out of five (20%) of all pursuits end in death;

2) Five out of ten (50%) of all pursuits result in serious injury;

3) Seven out of ten (70%) of all pursuits are culminated in an accident;

4.) One out of twenty-five fatalities in pursuits is a law enforcement officer;

5) More than 500 persons die each year as a result of high speed pursuits initiated by law enforcement personnel.

Unfortunately, much publicity was gained from this report, and public concern over the issue of police pursuit was intensified. What

was not publicized was the way in which the authors reached their conclusions.

The researchers of the PAS study based their conclusions solely on the basis of newspaper clippings depicting police pursuit incidents. Furthermore, the PAS research team failed to consult with any law enforcement agency, further invalidating their findings.

In keeping with the previous research on the topic of police pursuit, Beckman (1983) concluded that no matter how fast or how far a police pursuit lasts, pursuits are not "particularly safe" (Beckman, 1983: 46). Beckman's study involved 424 pursuits among 75 law enforcement agencies in nine states and two territories, and at its publishing was considered to be the most comprehensive study to date.

Beckman found that suspects are most likely to sustain injuries or fatalities, other motorists placed second, while law enforcement personnel were third. He reported that property damage occurred in one out of five (20%) pursuits, injuries in one in seven, and deaths in one in thirty five.

Other relevant findings included:

1) Factors such as distance, time of pursuit, type of roadway, locale, environmental conditions, police and suspect's speed did not affect the likelihood of apprehension of the suspect.

2) Shorter pursuits usually resulted in property felony charges, while longer pursuits tended to result in violent felony charges.

3) The typical driver who attempts to elude the police is not a dangerous felon, but has various other reasons for fleeing.

4) The event preceding the pursuit is unrelated to the safety of its outcome.

5) Generally, the officer's perception of the event immediately preceding the pursuit is confirmed by the booking charges.

6) In pursuits in which only one officer is involved, the suspect has a greater chance of escaping.

7) The typical pursuit is usually terminated when the offender voluntarily stops his vehicle and surrenders, or when the offender is involved in an accident.

8) Offenders who were forcibly stopped by law enforcement personnel were usually charged with a violent felony, reckless driving or driving under the influence of alcohol.

9) Ninety-six percent of the suspects were male 67% were white, 16% were black; 45% of suspects were in the 21-30 years age group, 37% were between the ages of 11-20.

10) Police injuries occurred in police speeds ranging from 41 to 140 miles per hour.

11) Pursuits with high speeds, long distance and intoxicated drivers occurred primarily at night.

12) Suspects between the ages of 21-40 were usually booked on felony and driving-related charges, while those under 21 and over 40 were usually book on driving-related charges only.

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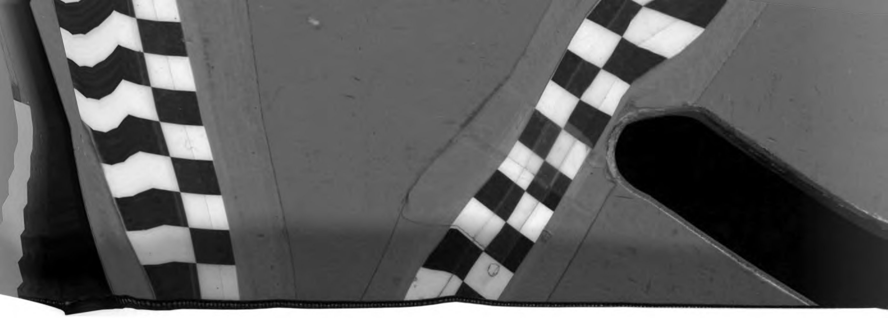


Surprisingly enough, Beckman (1983) reported that the use of roadblocks and ramming actually decreased the overall injury rate, while increasing the rate of apprehension from 77% to 96%.

Although each of these studies reported statistical findings, each of the studies were methodologically or theoretically flawed to such an extent that their findings must be considered suspect at best. However, there does exist three more recent empirical studies which offer some very different conclusions.

Unlike the previous studies on police pursuits, the California Highway Patrol (1983) developed a sound methodology which was consistent with social science research. The California Highway Patrol (CHP) study was conducted over an eighteen month period in which all California Highway Patrol pursuits and all pursuits of ten cooperating law enforcement agencies were documented on survey forms prepared by the researchers. Data was collected on a total of 683 pursuits, 480 for the California Highway Patrol and 203 from ten cooperating agencies. Consequently, the methodology implemented by the California Highway Patrol resulted in findings contradictory to all of the previous studies.

The researchers of the California Highway Patrol (1983), reasoning that apprehension of minor traffic violations preserves order on the highway, concluded that pursuit is worth the risk. They found that the typical law enforcement pursuit did not end in death or injury to innocent persons; rather, injury to non-pursuit involved parties was quite rare. Furthermore, they reported that simply following a fleeing offender was a very effective method in apprehending violators, due to the fact that 54.6% of the time, the

offender either voluntarily stopped and surrendered, or the offender was involved in an accident and surrendered (CHP, 1983).

The California Highway Patrol study listed a typology of a typical pursuit:

1) the typical pursuit will be initiated after an officer witnesses a violation of the Vehicle Code;

2) the pursuit will occur towards the end of the week between 1500 and 0300 hours;

3) the pursuit will travel 1 mile and last one to two minutes;

4) two ground units will be involved in the pursuit with no air support;

5) the pursuit will take place in an urban area;

6) the pursuit will terminate because the pursued driver voluntarily stops or crashes and surrenders; or because the pursued vehicle outruns the police vehicle;

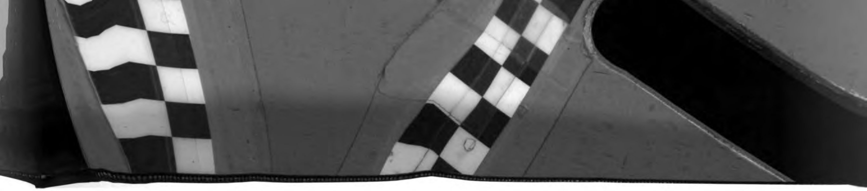
7) the driver of the pursued vehicle will be arrested and booked;

8) no firearms or forcible stops will be used during the pursuit;

9) the pursued driver will be a male, 20 years of age;

10) high speed driving will be the method used by the pursued driver while trying to evade arrest (California Highway Patrol, 1983: 20).

Additionally, they found that the time of day, the vicinity of pursuit, and the violator's age had no effect on the apprehension



rate, accident rate, or severity of accidents. Further findings indicated that the apprehension rate of pursuit suspects was seventy-seven percent (77%). The typical pursuit lasted less than ten (10) minutes, and covered ten (10) miles or less (California Highway Patrol, 1983). Like Beckman (1983) they concluded that the length or duration of pursuit did not affect the outcome.

The researchers also found that less than 3 in 10 (29%) involved actual collisions, contradicting the 1968 study conducted by the North Carolina Highway Patrol, which reported that 7 out of 10 (70%) of pursuits ended in accidents. They further found that only 1 (one) percent of pursuits ended in death, not the 20 percent which were claimed in other studies. And, finally, they found that only 11 percent of all pursuits end in injury, contradicting earlier studies which found a 50 percent injury ending rate.

Furthermore, approximately 70% of all pursuit related injuries and fatalities will occur to the occupants of the pursued vehicle; approximately 14% to law enforcement personnel; and approximately 15% to uninvolved parties. Approximately 28% of all fatalities can be expected to be uninvolved parties, and law enforcement fatalities are extremely unlikely (CHP, 1983).

The California Highway Patrol (1983) also reported that 77% of all pursuits end with the apprehension of an offender; and that, most pursuits are ten miles or less in length, and last ten minutes or less.

Although methodologically sound, the study conducted by the California Highway Patrol was limited to a specific geographical location which may or may not limit the generalizability of the

findings. The majority of pursuits contained in the study involved the California Highway Patrol. In other words, 95% of the studied incidents were initiated on freeways. This may limit the study's external validity.

Until recently, this study was the only empirical research in the area of police pursuit. However, a study conducted by Alpert and Dunham (1989) was also empirically sound. Implementing discriminant analysis, Alpert and Dunham (1989) attempted to predict outcomes of pursuits based on characteristics of pursuits and individual officers. Their findings indicated that:

1) Older officers are the least likely to be involved in accidents;

2) Pursuits initiated for traffic violations were more likely to result in accidents;

3) Pursuits involving wet roadways had a greater probability of resulting in an accident;

4) Pursuits in which multiple police agencies are involved are more likely to result in personal injury;

5) Pursuits lasting ten minutes or more are least likely to result in personal injury;

6) Pursuits initiated by males are 50% more likely to result in personal injury;

7) Pursuits which involve speeds in excess of 40 miles per hour are more likely to end in the escape of the offender;

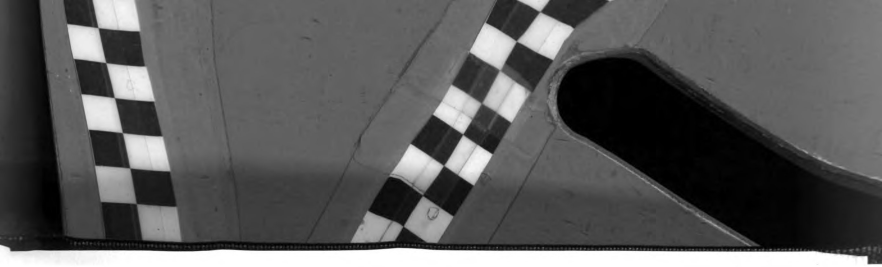
8) Pursuits involving motorcycles are 50% more likely to terminate in the escape of the perpetrator when compared to pursuits involving automobiles or trucks. (Alpert and Dunham, 1989)

Although the research tends to support the law enforcement view that police pursuits are safe, the researchers stress the need for strong policies regarding police pursuit. They point out that pursuit driving is sixty-five times more likely to result in an accident that any other type of police driving.

Summary of the literature

Although much has been written on police pursuits in the past several years, the literature is still ambiguous and contradictory. Some authors maintain that police pursuits are too dangerous and should be abolished, while others argue that to do so would be tantamount to regulating chaos. The majority of the literature is based strictly on speculation and moral indignation. The presence of empirical research on the topic of police pursuit policy is still somewhat sparse.

The only centralizing theme to the literature which exists appears to be the importance of a sufficient policy which controls officers' discretion. It is for this reason that administrators must grapple with monumental decisions in development of an effective policy. However, even the most circumspect policy may be rendered inoperable if perceptions within ranks do not concur. There has been no empirical study to date which has ascertained if this occurs.



CHAPTER III

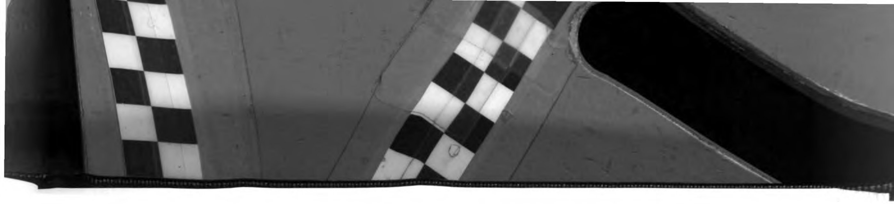
METHODOLOGY

Research Design

This thesis details the introductory phase of a two part study. The second part of the study is currently underway, and should provide insight into environmental, demographic, and judgmental conditions that exist at the time pursuit decisions are made. Furthermore, the results of the study should provide police managers with empirical data and conclusions which can be used to produce sound policy, realistic training, and appropriate supervision in matters relating to police emergency responses with a particular emphasis on pursuits.

The first phase was the development, design, distribution and analysis of an attitudinal survey. The survey was designed as a self-administered General Opinion Questionnaire. This attitudinal survey was distributed to all sworn members of the State Police who were presently assigned, or had performed, general road duties . Each of the 2,220 enlisted personnel were asked to describe their job from one of four categories. Those categories were 1) Road Patrol; 2) First Line Supervisor; 3) Investigative; and, 4) Administrative.

The survey instrument was designed to determine the opinions of officers who are making or who have made decisions while



performing actual pursuits. The conceptual basis for this decision was that philosophical agreement must exist within a department if the policy, as determined by administrators, was to be of any value to those doing the pursuing and those supervising them. Divergent views on the matter could be identified by conducting an attitudinal survey to pinpoint inconsistencies in thinking among the respondents. Such information could then be used for training and supervisory interventions.

Survey Design

This survey design may be conceptualized as a perceptual study of police officers. The instrument was constructed after an analysis of previous research findings, a review of previous pursuit accidents, and a general review of the literature. In support of this activity, the State Police provided a committee of police experts from several areas of the department and an additional researcher for support and input from Ferris State University. Several of the questions were included as a result of an analysis of hundreds of cases brought against the police nationwide.

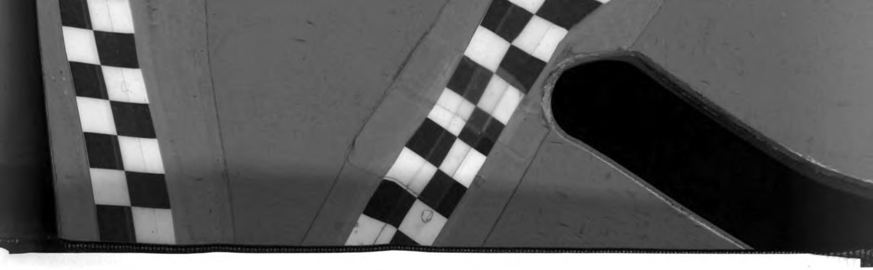
The opinion questionnaire consisted of 64 questions and was limited to the subject of pursuits as defined by departmental policy. The job type was used as the independent variable. In an attempt to maximize the internal validity of the study, the survey was designed to be anonymous. This practice was implemented in an attempt to obliterate biased responses from individuals apprehensive of possible repercussions from their superior officers.

To maintain the anonymity of respondents, each enlisted member of the department was mailed a survey instrument for completion. A cover letter with an explanation of the purpose of the study accompanied the instrument (see Appendix A). Each completed survey was deposited into a central mailing container at each work station and mailed directly to the researcher by a designated supervisor. Removing the process from the normal chain of command provided an atmosphere for confidentiality and anonymity.

In order to achieve the highest possible response rate, several meetings were held with post commanders, district commanders, and union representatives prior to distribution of the survey instrument. The director of the department provided each member of the department with a general overview, and requested their cooperation in this research endeavor. After two weeks, a follow up letter was sent by the researcher through departmental mail as a reminder for all officers to complete the survey instrument. Responses were scaled on a Likert type scale with four possible categories: 1) Strongly agree; 2) Agree; 3) Disagree; and, 4) Strongly disagree. No neutral option was available.

Population

The population consisted of all Michigan State Police officers who are presently or have been assigned general police duties on road patrol. These respondents are located at one of 68 state police posts spread over 83 counties. In order to obtain the widest possible variations of disparity among ranks and to gather as much



information as possible about the state agency, it was decided to utilize the entire population of sworn Michigan State Police officers. Samples were not drawn from this population, rather the entire population was used.

Instrumentation

This research is descriptive and exploratory in nature, it is designed to discover training, supervisory an policy implications. The questionnaire was designed to determine the opinions of enforcement members when making decisions on the job regarding police pursuits. It was also designed to see if there exists significantly different opinions or attitudes among the various ranks of the department.

In addition to the anonymity of the study, the Nominal Group Process (NGP) was implemented in the development of the questionnaire to maximize the validity of the study. The questionnaire was constructed by a fifteen-member committee, consisting of consultants, union representatives, and various ranks in the department, after analysis previous research findings, a review of previous pursuit accidents, and a review of the literature.

The six step process was initiated at a preliminary meeting. This meeting resulted in the documentation of concerns individual concerns and questions about departmental pursuit policies. The committee then convened on three separate occasions to discuss and prioritize items. After three meetings, a discussion of the vote took place. And, finally, a silent vote was taken, including a re-ranking of priorities.

This approach was selected due to its inherent nature of interaction among experts. This amalgamation resulted in the most equitable solution for those involved.

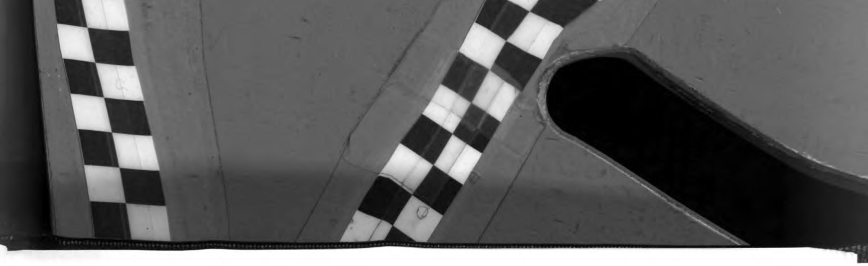
The questionnaire was developed with the assistance of a fifteen member committee, consisting of various ranks in the department, consultants and union representatives.

Response Rate

The authorized strength of sworn members of the department was 2,220. Twelve hundred and eighteen useable surveys were received. Table 3.1 illustrates the distribution of the responses. The resultant response rate was 55%. While this was considerably lower than expected, it is still considered a good response rate for social science research. The survey instrument was distributed at the apex of an election year, and economic factors and subsequent disruptions and anxieties may have contributed to the lower than expected response rate. The variances in numbers of respondents from questions to question was due to the fact that some respondents omitted answering certain questions.

Table 3.1 Distribution of Responses

Job Type	N
Road Patrol	674
Investigative	202
First Line Supervisor	173
Administrative	169



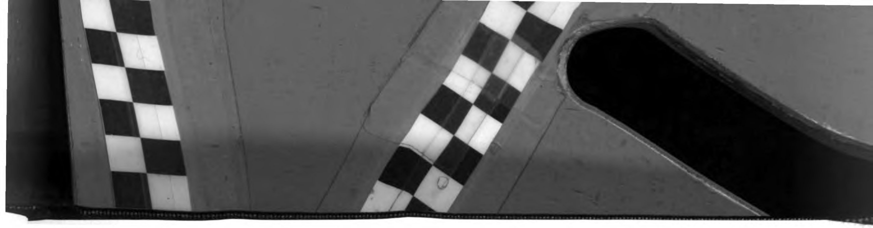
Survey Instrument

The survey instrument implemented in this study was a self-report questionnaire. The questionnaire was composed of sixty-three perceptual questions with responses on a scale from Strongly Agree to Strongly Disagree. There was no neutral response provided on the questionnaire in an attempt to obtain the most accurate data. The independent variable was job type of the respondent with four categories possible: 1) road patrol; 2) investigative; 3) first line supervisor; and, 4) administrative.

The questionnaire was designed to ascertain perceptions on various issues relating to pursuit among four broad job categories within a department. Of the 63 elements contained in the questionnaire, seven classifications of variables emerged. These variables were categorized for clarification in reporting results. These categories included: 1) policy; 2) training; 3) supervisory; 4) liability; 5) operational; 6) perceptual; and, 6) external. Due to the categorical nature of the data collected, the x^2 statistic was used.

The Chi-Square Statistic

The Chi-Square test was selected due to its ability to test the independence of the relationship between categorical variables. The Chi-Square, based on a distribution of frequencies, ascertains whether the two variables are independent, exhibit no relationship or an association due to chance, or are dependent where the relationship is real and would seldom occur due to chance alone.



CHAPTER IV

ANALYSIS OF DATA

Introduction

The data will be presented in three sections. The first section is the percentages section. The proportion of respondents in each job type category responding to each individual question. The results will be used to assist the administration of the State Police to determine policy, training, and supervisory implications based on empirical data.

The second and third part of the analysis will involve crosstabulation of the independent variable, job type, against the dependent variables. The independent variables, job type, contained four classifications: 1) road patrol - typical line officers whose duties primarily involve patrol duties; 2) investigative - officers whose primary duties are of an investigative nature and who do not fall into the final two categories; 3) supervisory - first line supervisors, section heads and unit leaders; and, 4) administrative - upper management ranked higher than a lieutenant and executive officers, such as Colonel, Lt. Colonel, Major, Captain, and division heads.

The dependent variables were categorized into six areas. The first category is composed of policy variables. The second category is composed of training variables. The third category is composed of supervisory variables. The fourth category is composed of liability variables. The fifth category is composed of operational variables.

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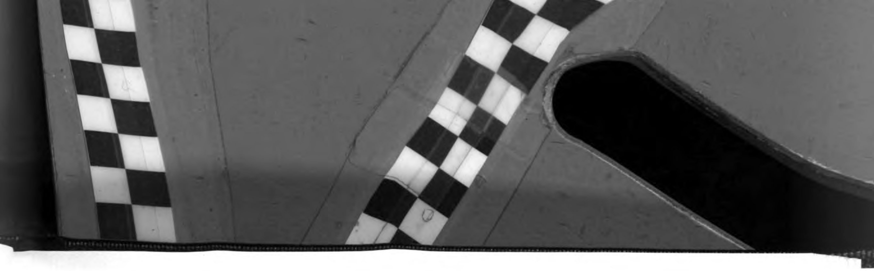

And the final category is composed of perceptual variables. Only those variables that were statistically significant appear in the tables of this section. The analysis of this data is used to make determinations of whether or not differences in perception exist between line officers, investigative officers, first line supervisors and administrators, and if so, to what degree. The data are analyzed to either confirm or refute the presence of perceptual discord. The independent variable is the job type of the respondents.

The third section of the analysis involved collapsing the independent variable into two categories. The process used to collapse these variables involved the grouping of road patrol and investigative, as one group - patrol; and first line supervisor and administrative, as the second group - administrative. This was done in an attempt to further ascertain the level of organizational discord which exists between administrators and officers whose primary responsibilities are street duties, but not necessarily on patrol, such as line detectives.

The sixty-three elements (questions) were collapsed into two categories. The process used to collapse the responses involved combining responses of strongly agree with agree into one category. Likewise, responses of strongly disagree and disagree were combined. The differences between strongly agree and disagree are difficult to define, and for purposes of acceptance or rejection, this collapsed process was deemed sufficient.

Policy variables

Nine variables were categorized into the policy section of the analysis. Variables were classified as policy based on their relevance

to policy issues. This included questions which directly referred to policy, and other questions which indirectly dealt with policy-related issues. Variables, in this section, also involved situations in which noncompliance to policy restrictions were ascertained, as well as questions relating to discipline.

Table 4.1 - Policy Variables - Indep. Var. = Job Type

Dependent Variables	X2	sig	R	Lambda	V
Pursued where dispatcher or supervisor uninformed. (Q3)	15.378	.002	.1059	.000	.1129
Policy is too restrictive. (Q7)	26.065	.000	-.1419	.000	.1481
Involved in unreported pursuits. (Q9)	12.058	.007	.0902	.000	.1008
Policy discourages pursuits. (Q13)	22.811	.000	-.1200	.000	.1393

df=3

The data in Table 4.1 reveal that of the nine variables in this category, road patrol officers, investigators, first line supervisors and administrators are more likely to disagree with line officers and investigators in four of the nine variables. The job type of the respondents accounts for the level of significance. Significant differences exist in perceptions of policy and subsequent actions taken by officers between respondent types. The null hypothesis was rejected for four of the nine variables relating directly to policy issues. Of the four variables that showed statistical significance, tw

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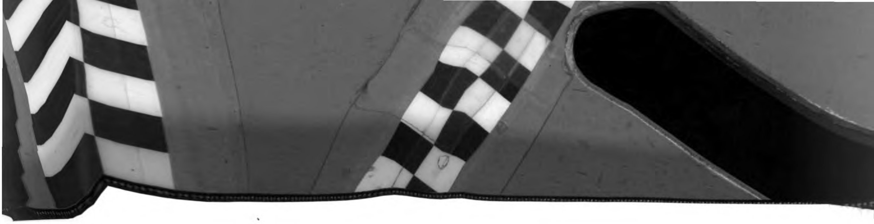


two of the variables exhibit negative relationships, while the remaining variables exhibited positive relationships.

The data indicated that significant differences exist between job types and their perceptions of policy restrictions and guidelines. As shown in Table 4.1(b) (% table), road patrol officers are more likely to view departmental policy as restrictive. They are also more likely to agree that the policy discourages pursuits. Administrators, on the other hand, are the least likely to view the policy as overly restrictive. This may be attributed to the fact that they are the same ones who developed and implemented the policy. Thus, they are the least likely to identify possible flaws. However, these same administrators should be concerned that the officers to whom the policy is directed are unsatisfied.

The data also indicate that the same administrators who view the policy as adequate were the most likely to engage in practices inconsistent with policy regulations. In fact, the data indicate that 49% of all administrators involved in the study had engaged in pursuits without informing a dispatcher or a supervisor. Furthermore, 46% of all administrators were involved in pursuits without ever reporting them. This demonstrates a definite lack of adherence to written policy as it is today. It was not just the administrators, however, who were involved in these practices. On the average, 36% of sworn departmental personnel had either pursued without ever writing a written report or were involved in pursuits in which a supervisor or a dispatcher was not informed. In summary, it should be noted that over one/third of the department is not in compliance with policy restrictions.

It should be noted that historical policies were less restrictive. This may account for the degree of variance between line officers, with more updated/restrictive policies, and supervisors, with traditional/more discretionary policies.

Table 4.1(b) - Policy Variables

	Patrol		Invest.		Super.		Admin.		All	
	A	D	A	D	A	D	A	D	A	D
Pursued where dispatcher or supervisor uninformed. (Q3)	.32	.68	.37	.63	.37	.63	.49	.51	.36	.64
Policy is clearly written. (Q5)	.75	.25	.23	.77	.32	.68	.75	.25	.74	.26
Policy provides guidance. (Q6)	.75	.27	.72	.28	.70	.30	.79	.21	.73	.27
Policy is too restrictive. (Q7)	.27	.73	.18	.82	.18	.82	.11	.89	.22	.78
Involved in unreported pursuits. (Q9)	.32	.68	.35	.65	.36	.64	.46	.54	.35	.65
Policy discourages pursuits. (Q13)	.42	.58	.39	.615	.35	.65	.22	.78	.38	.62
Knows pursuit policy. (Q38)	.80	.20	.75	.25	.80	.20	.79	.21	.79	.21
Seldom report successful pursuits (Q50)	.20	.80	.18	.82	.27	.73	.26	.74	.23	.77
Disciplined resulting from pursuit.(Q60)	.08	.92	.08	.92	.09	.91	.04	.96	.07	.93

Training Variables

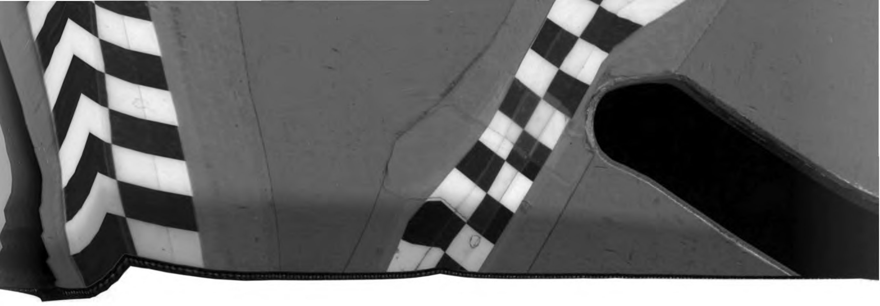
Training variables

Nine variables were identified as training variables for the purposes of simplification of analysis of the data. Variables in this section related to issues of academy training, and variables regarding training in areas such as high speed driving and departmental pursuit policy. Additionally, variables including practices which are traditionally taught both at the academy and on the job were included.

Table 4.2 - Training Variables

Dependent Variables	X2	sig	R	Lambda	V
Trained in high speed driving techniques. (Q14)	30.494	.000	-.1228	.089	.1610
Trained in pursuit policy. (Q15)	17.116	.000	-.0581	.071	.1212
Post-academy testing on pursuit (Q16)	12.994	.000	-.1002	.000	.1055
Failure in discontinuing pursuit. (Q29)	12.827	.000	.0501	.080	.1031
Can't pursue people suppose to apprehend (Q57)	16.581	.001	-.0823	.000	.1174
Balance need to apprehend and public safety (Q58)	8.110	.044	.0817	.000	.0821

df = 3



The data in Table 4.2 reveal that of the nine variables in this category, road patrol officers, investigators, first line supervisors and administrators are more likely to disagree with line officers and investigators in six of the nine variables. Analysis of the data indicate that job type of the respondent attributes to the variance of these dependent variables. The null hypothesis was rejected for six of the nine variables in this category.

As this data show, discord exists within the department over factors relating to training. For example, patrol officers were the most likely to agree that they had been adequately trained in high speed driving techniques, while the supervisors and administrators were less confident. However, administrators felt more strongly about other areas of departmental training programs.

As Table 4.2 indicates, administrators were the most likely to agree that they had been tested on pursuit policy after graduation from the academy. However, road patrol officers, who are much more likely to be exposed to a pursuit, were the least likely to agree that they had been tested post-academy. Although patrol officers were the most likely to agree that their training in pursuit policy had been adequate, only 56% answered in the affirmative. Furthermore, 48% of the entire department did not feel as if they had been adequately instructed in pursuit policy.

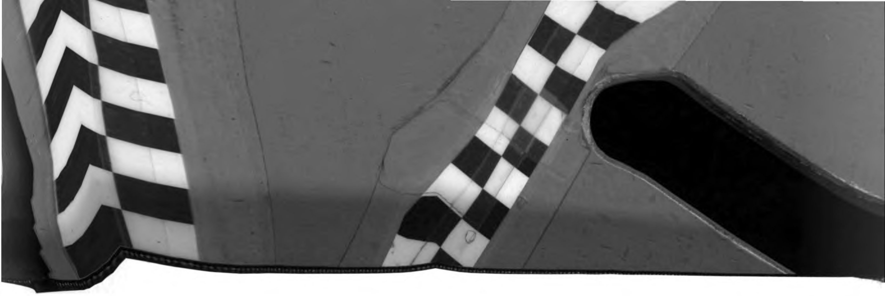
Also shown in Table 4.2(b) , supervisors were the most likely to be confused by existing pursuit policies while administrators were the least likely to find the policy ambiguous. This demonstrates a definite lack of communication between the administration and their supervisors. Additionally, the data indicates that administrators

were the most likely to feel a sense of failure if a pursuit was terminated. This may be an artifact of their history, which may not have included extensive training or policy regulations at the time of their employment.

Table 4.2(b) - Training Variables

	Patrol		Invest		Super.		Admin.		All	
	A	D	A	D	A	D	A	D	A	D
Trained in high speed driving techniques (Q14)	.61	.39	.55	.45	.43	.57	.43	.57	.55	.45
Trained in pursuit policy. (Q15)	.56	.44	.49	.51	.39	.61	.51	.49	.52	.48
Post-academy testing on pursuit (Q16)	.81	.19	.87	.13	.89	.11	.90	.10	.85	.16
Failure in discontinuing pursuit. (Q29)	.46	.54	.505	.495	.39	.61	.53	.47	.50	.50
Training affects outcome of pursuit (Q31)	.95	.05	.96	.04	.95	.05	.98	.02	.96	.04
Reasonable and unreasonable driving (Q40)	.975	.025	.985	.015	.965	.035	.99	.01	.98	.02
Can't pursue people suppose to apprehend (Q57)	.41	.59	.37	.63	.49	.51	.28	.72	.395	.605
Balance need to apprehend and public safety (Q58)	.67	.33	.74	.26	.70	.30	.76	.24	.70	.30
Cornering and handling (Q63)	.65	.35	.61	.39	.61	.39	.56	.44	.62	.39

df = 3



Supervisor Variables

Supervisor variables

Eight of the sixty-three variables in the study involved issues relating both directly and indirectly to perceptions of departmental supervisors. Four of these dealt directly with the perceived support received from supervisors. Additionally, general questions regarding supervision were included in this section.

Table 4.3 - Supervisor variables

Dependent Variables	X2	sig	R	Lambda	V
Instructed by sup. on policy (Q17)	8.637	.032	-.0407	.000	.0865
Policy applied equally(Q18)	18.859	.000	.0608	.000	.1258
Written policy (Q19)	12.890	.000	-.0552	.000	.1040
Gen. support officers (Q20)	16.727	.001	.0517	.000	.1181
Support re:injuries (Q42)	59.296	.000	.1927	.000	.2231
Support/not at fault (Q45)	46.457	.000	.1720	.000	.1967
Support/follow policy (Q47)	24.384	.000	.1418	.000	.1424

df = 3

The data in Table 4.3 reveal that of the eight variables in this section, road patrol officers, investigators, first-line supervisors and administrators are more likely to disagree on seven of the eight variables. Job type of the respondents does account for the level of

significance. It may be stated, then, that significant differences in perceptions of supervisors and their role in the department do exist among job types. Of the eight variables in this section, the null hypothesis was rejected for seven.

As Table 4.3(b) indicates patrol officers were the most likely to agree that they had been instructed on pursuit policy by their supervisors; however, those same supervisors were the least likely to agree. Additionally, only 30% of the patrol officers stated that they had been instructed by their supervisors. Additionally, supervisors were the least likely to agree that they always followed written policy. This may raise implications of inadequate training of supervisors.

As Tables 4.2 and 4.3 indicate, significant differences in perception existed within the department in regards to the role and support of supervisors in a pursuit situation. For example, 47% of all supervisors stated that they generally supported officers in pursuit situations. However, these officers, road patrol and investigative, were the least likely to believe that their supervisors supported them. Even when officers were not at fault in an accident relating to a pursuit or when they adhered to policy restrictions, road patrol officers were still the least likely to agree that their supervisors would support them.

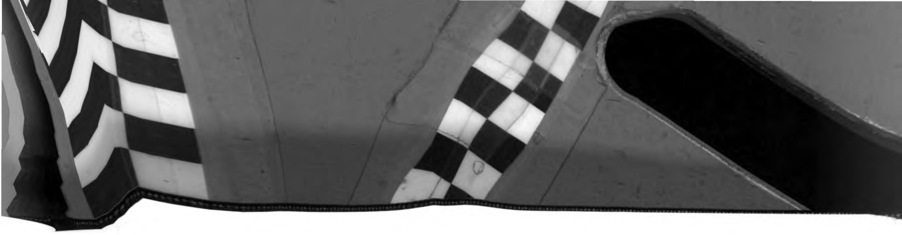


Table 4.3(b) - Supervisor variables

	Patrol		Invest.		Super.		Admin.		All	
	A	D	A	D	A	D	A	D	A	D
Support policy (Q12)	.86	.14	.88	.12	.85	.15	.91	.09	.87	.13
Instructed policy (Q17)	.30	.70	.23	.77	.20	.80	.28	.72	.27	.73
Policy applied equally (Q18)	.67	.33	.61	.39	.71	.29	.81	.19	.68	.32
Written policy (Q19)	.38	.62	.26	.74	.30	.70	.37	.63	.35	.65
Gen. support officers (Q20)	.33	.67	.31	.69	.47	.53	.43	.57	.36	.64
Support re: injuries (Q42)	.50	.50	.58	.42	.69	.31	.80	.20	.58	.42
Support/not at fault (Q45)	.72	.28	.80	.20	.87	.13	.93	.07	.78	.22
Support/follow policy (Q47)	.84	.16	.91	.09	.89	.11	.97	.03	.875	.125

LIABILITY VARIABLES

Liability Variables

Seven of the variables dealt with the issue of liability, and its effect on individual officers and their decisions. Variables were categorized into this section on the basis of their references to litigious characteristics and discipline factors.

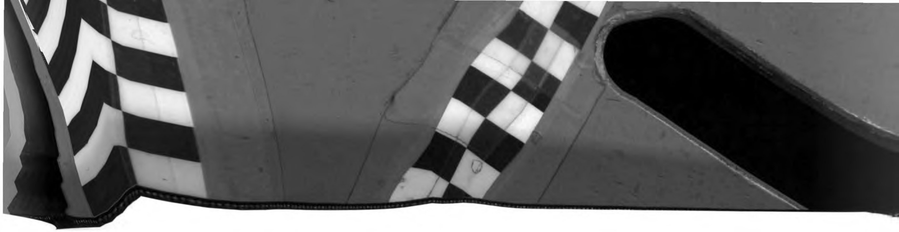


Table 4.4 - Liability Variables

Dependent Variables	X2	sig	R	Lambda	V
More detail reported (Q4)	8.745	.033	-.0251	.000	.0853
Decisions affected (Q26)	12.891	.005	-.0635	.000	.1033
Fear of discipline (Q33)	9.403	.024	-.0808	.036	.0883
Pursued less/lawsuits (Q44)	8.566	.036	.0389	.055	.0844

df = 3

The data in Table 4.4 reveal that of the seven perceptual variables concerning liability, job types were more likely to disagree on four of these variables. The level of significance is attributed to the job type of the respondents. In regards to perceptions of liability issues, the null hypothesis was rejected for four of the seven variables.

The data indicate (see Table 4.4a) that of the four job types, investigators are the least likely to view detailed reports as important. This may be attributed to the fact that investigators, on the average, are not involved in pursuits as often as their road patrol counterparts. Additionally, unlike supervisors who are involved either directly or indirectly in pursuits on a regular basis, investigators seldom experience the subject of pursuit. Administrators, on the other hand, are the most likely to agree that the more detail contained in a report, the better the report. This suggests that administrators may be more aware of the value of detailed reports in litigious suits against the department.

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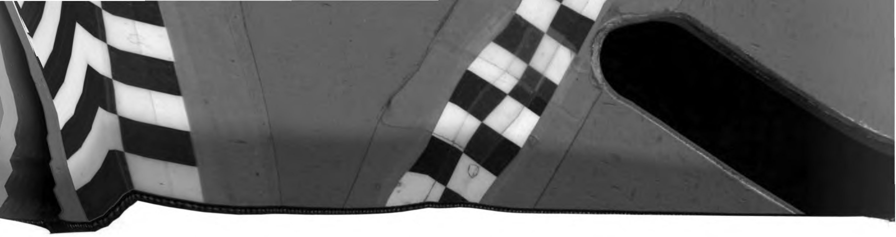

Furthermore, it suggests that administrators, who are the least likely to be involved in an actual pursuit, may remove themselves from the tedious nature officers often attribute to paperwork demands.

The findings also indicates that administrators are the least likely to be affected by their fear of discipline in pursuit decisions. This may be attributed to two factors: 1) Administrators are the least likely to be involved in an actual pursuit; and, 2) Administrators are the least likely to be disciplined within the department.

As indicated by Table 4.4(b), 58% of supervisors stated that they have pursued less since becoming aware of law suits. Road patrol officers, who are the most likely to become involved in a pursuit directly, were the least likely to state that law suits have affected their decisions to pursue. However, road patrol officers, along with supervisors, were the most likely to state that their decision to pursue is affected by liability issues. Approximately 75% of road patrol officers stated that liability concerns impacted on their pursuit decisions.

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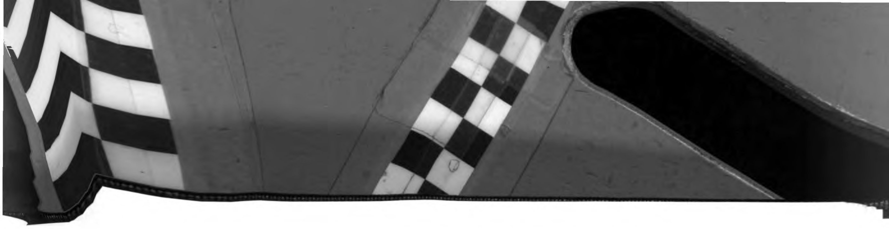
Table 4.4(b) - Liability Variables

	Patrol		Invest.		Super.		Admin.		All	
	A	D	A	D	A	D	A	D	A	D
More detail reported (Q4)	.83	.17	.74	.26	.80	.20	.85	.15	.80	.20
Decisions affected (Q26)	.75	.25	.75	.25	.72	.28	.61	.39	.75	.25
Fear of discipline (Q33)	.52	.48	.48	.52	.49	.51	.30	.70	.49	.51
Risk to third parties (Q43)	.975	.025	.965	.035	.96	.04	.97	.03	.97	.03
Pursued less (Q44)	.46	.54	.52	.48	.58	.42	.49	.51	.49	.51
Involved in litigation (Q61)	.06	.94	.04	.96	.10	.90	.07	.93	.06	.94
Know officers in litigation (Q62)	.45	.55	.495	.505	.51	.49	.51	.49	.48	.52



OPERATIONAL VARIABLES

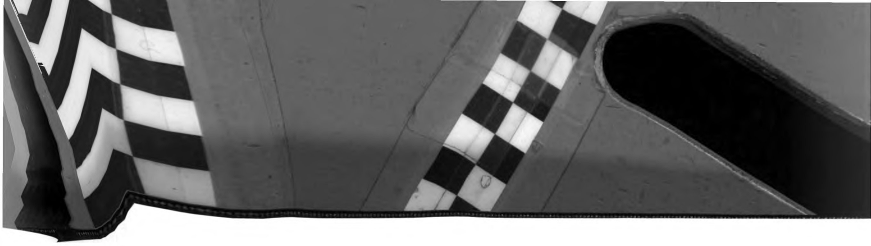
Operational variables

This category was the broadest in scope, and involved variables which existed in individual officers daily activities on the job. Variables were classified as operational if they involved self-reported activities which occur or had occurred in the individual officers job experience. Other variables included in this section dealt with subjects' perceptions of important factors in the continuance or termination of a pursuit.

Table 4.5 - Operational Variables

Dependent Variables	X2	sig	R	Lambda	V
Should have pursued but did not (Q11)	11.536	.009	-.0599	.000	.0988
Vehicle maintenance assures safety (Q21)	18.421	.000	.1150	.000	.1235
Check emergency equipment (Q22)	9.298	.026	-.0750	.000	.0878
Experienced intentional collisions (Q36)	9.402	.024	.0253	.000	.0937
Support roadblocks (Q51)	38.918	.000	-.1610	.000	.1795

As the data in Table 4.5 indicates, respondents were more likely to exhibit significant differences in four of the fourteen operational variables. The level of significance may be attributed to the job type of the respondents. The data indicates that there exists certain



significant differences between actions taken by personnel in the day-to-day operations of the department. When job type of the respondent was used as the independent variable, the null hypothesis was rejected on four of the fourteen variables.

Table 4.5(b) indicates that patrol officers are the least likely to be satisfied by the maintenance on departmental vehicles. Almost one/half (46%) indicate that they are not assured a safe vehicle, while 71% of administrators felt that the maintenance provided by the department ensured safety. This may be attributed to the fact that most administrators do not come into contact with police cruisers regularly. Additionally, cars assigned to administrators are typically newer and driven less than the average police cruiser. Furthermore, patrol officers daily put their cars to the test when responding to emergencies, ticketing speed violators, and the like.

The data also indicates that 46% of all supervisors, and 36% of the department as a whole, had been involved in intentional collisions in their day-to-day operations. This indicates a large amount of noncompliance with official policy restrictions. Furthermore, patrol officers were more likely to support the use of roadblocks as a pursuit tactic. Administrators, on the other hand, were the least likely to support this practice. This may be attributed to the fact that administrators are more aware of litigious suits involving departmental implementation of roadblocks.

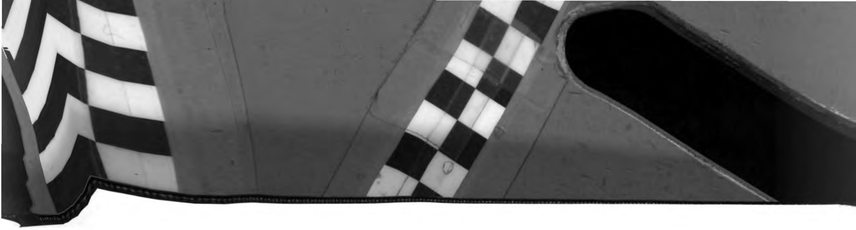


Table 4.5(b) - Operational Variables

	Patrol		Invest.		Super.		Admin.		All	
	A	D	A	D	A	D	A	D	A	D
Reporting details helps officer (Q2)	.86	.14	.83	.17	.80	.20	.81	.19	.84	.16
Paper work discourages pursuits (Q8)	.24	.76	.25	.75	.24	.76	.25	.75	.24	.76
Should have pursued but did not (Q11)	.39	.61	.35	.65	.53	.47	.30	.70	.31	.69
Vehicle maintenance assures safety (Q21)	.54	.46	.61	.39	.64	.36	.71	.29	.59	.41
Check emergency equipment (Q22)	.88	.12	.84	.16	.81	.19	.81	.19	.85	.15
Check tires and brakes (Q23)	.61	.39	.63	.37	.53	.47	.56	.44	.59	.41
Rammed vehicles to stop them (Q25)	.25	.75	.25	.75	.28	.72	.28	.72	.26	.74
More serious incident, more risks (Q27)	.80	.20	.86	.14	.85	.15	.84	.16	.82	.18
Pursued after told to discontinue (Q28)	.06	.94	.04	.96	.08	.92	.04	.96	.06	.94
Intentional collisions (Q36)	.34	.66	.325	.675	.46	.54	.39	.61	.36	.64
Non-intentional collision (Q37)	.42	.58	.45	.55	.53	.47	.44	.56	.44	.56
Support roadblock (Q51)	.84	.16	.77	.23	.72	.28	.64	.36	.74	.26
Boxing-in as a tactic (Q52)	.88	.12	.90	.10	.865	.135	.84	.16	.88	.12
Continue because suspect serious crime (Q54)	.73	.27	.76	.24	.73	.27	.71	.29	.73	.27

PERCEPTUAL VARIABLES

Perceptual variables

Variables in this section addressed the opinions of individual officers on various topics. Issues regarding discretion were included in this section, as were contributory factors in pursuit related accidents.

Table 4.6 - Perceptual Variables

Dependent Variables	X2	sig	R	Lambda	V
More discretion in pursuit decisions (Q10)	77.722	.000	-.2405	.060	.2555
Discretion in ramming a car (Q24)	53.094	.000	-.1966	.000	.0937
Personal problems may cause accidents (Q32)	19.537	.000	.1252	.091	.1284
Older pursue more than younger (Q35)	10.488	.015	-.0885	.000	.0937
Support greater discretion with firearms (Q53)	73.553	.000	-.2269	.150	.2465

df = 3

As the data in Table 4.6 indicates significant differences were displayed in five of the eleven variables dealing with officers' perceptions on various issues. Of the three variables regarding greater discretion for the individual officer, negative relationships existed. That is, as the level of job increased the level of discretion

which they would tolerate decreased. The level of significance in these five variables was the job type of the respondent. The null hypothesis could be rejected for five of the eleven perceptual variables in this section.

In this section officers' perceptions of various topics were tested against their job type. As Table 4.6(b) indicates, administrators were the most likely to believe that personal problems attributed to accidents. While road patrol officers and first-line supervisors were the most likely to agree that younger officers pursued more than older officers. In questions regarding discretion, however, the differences were more distinct.

Of the five perceptual variables which were statistically significant in this section, three of them dealt with the topic of discretion. The data indicates that patrol officers are the most likely to support greater discretion in pursuit decisions and ramming cars. Inversely, administrators were the least likely to support greater discretion in these areas. Furthermore, patrol officers were two and one/half times more likely to support greater discretion in the use of firearms to stop fleeing vehicles, than were administrators.

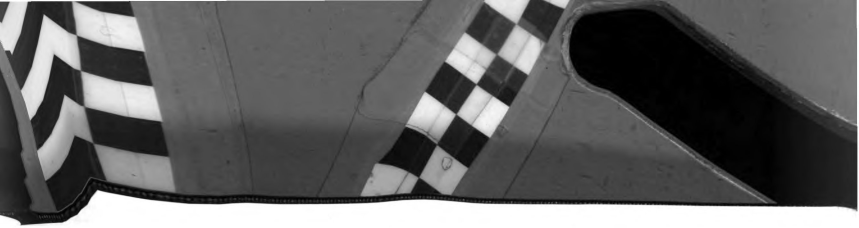
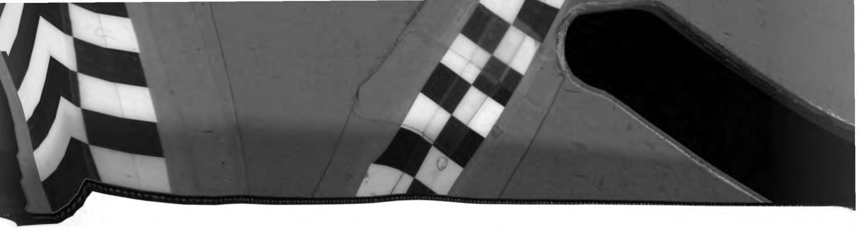


Table 4.6(b)- Perceptual Variables

	Patrol		Invest.		Super.		Admin.		All	
	A	D	A	D	A	D	A	D	A	D
Reporting details to dispatcher (Q1)	.945	.055	.94	.06	.92	.08	.95	.05	.94	.06
More discretion in pursuit decisions (Q10)	.765	.235	.64	.36	.61	.39	.42	.58	.68	.32
Discretion in ramming a car (Q24)	.78	.22	.68	.32	.66	.34	.51	.49	.71	.29
Physical condition affects outcome (Q30)	.83	.17	.87	.13	.87	.13	.86	.14	.85	.15
Personal problems may cause accidents (Q32)	.44	.56	.53	.47	.49	.51	.63	.37	.49	.51
Confident driving at high speeds (Q34)	.94	.06	.93	.07	.93	.07	.94	.06	.94	.06
Older pursue more than younger (Q35)	.09	.91	.04	.96	.09	.91	.02	.98	.07	.93
Support greater discretion with firearms(Q53)	.56	.27	.43	.57	.36	.64	.22	.78	.39	.61
Overconfidence causes accidents (Q55)	.56	.43	.58	.42	.55	.45	.59	.41	.57	.43
Experience is a primary factor (Q56)	.89	.11	.92	.08	.92	.08	.91	.09	.90	.10
Personal safety is a primary factor (Q59)	.84	.16	.78	.22	.80	.20	.79	.21	.815	.185



EXTERNAL FACTORS

External factors

This section included factors outside of the department. Variables categorized into this section addressed the influences from factors such as the court system, legislative system and the public. These variables attempted to ascertain individual officers' perceptions of the outside environment and their affect on his personal decisions.

Table 4.7 - External Factors

Dependent Variables	X2	sig	R	Lambda	V
Courts support pursuit (Q46)	9.942	.019	.0647	.000	.0914
Public supports pursuit (Q49).	14.927	.002	.0816	.000	.1113

As the data in 4.7 indicates, significant differences were shown in two of the five dependent variables dealing with external influences. Job type of the respondents does account for the level of significance. Of the five variables in this section, respondents were more likely to disagree on two of the variables. The null hypothesis could be rejected for two of these variables.

As Table 4.7(b) indicates, administrators were the most likely to agree that the judicial system supported the police in pursuit matters.

Administrators were also the most likely to agree that the legislature supports police pursuits.

Table 4.7(b) - External Factors

	Patrol		Invest.		Super.		Admin.		All	
	A	D	A	D	A	D	A	D	A	D
Watch TV pursuits (Q39)	.53	.47	.50	.50	.57	.43	.49	.51	.53	.47
TV pursuits realistic (Q41)	.02	.98	.02	.98	.04	.96	.12	.88	.02	.98
Courts support pursuit (Q46)	.29	.71	.28	.72	.33	.67	.41	.59	.31	.69
Legis. support pursuit (Q48)	.24	.76	.21	.79	.23	.77	.30	.70	.24	.76
Public supports pursuit (Q49)	.33	.67	.36	.64	.45	.55	.45	.55	.37	.63

CHAPTER V

COLLAPSED DATA

Introduction

For the purpose of further analysis and to further identify perceptual discord within the department, the categories of road patrol and investigative were collapsed into one category; and the categories of first line supervisor and administrative were collapsed into one category. This was done due to the similarity between them. For example, road patrol officers and investigative officers were basically assigned general police duties. First line supervisors and administrators, on the other hand, were responsible for the supervision of others and the maintaining of appropriate paperwork.

For analysis purposes, in this section, the two categories will be referred to as 1) line officers - containing officers who classified their job type as road patrol or investigative officers; and 2) supervisors - containing officers who classified their job type as first-line supervisor or administrative. These labels shall be used generically throughout this section and this section only. All other sections shall keep the four categories classified as: 1) road patrol; 2) investigative; 3) first-line supervisor; and 4) administrative.

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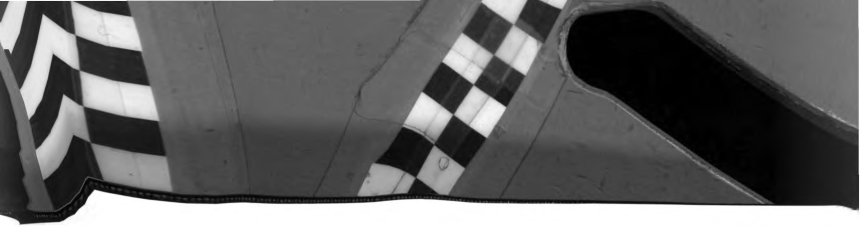


Table 4.8 - Policy Variables - Indep. Var. = Job Type

Dependent Variables	X2	sig	R	Lambda	V
Policy is too restrictive (Q7)	16.7972	.000	-.1189	.000	.1191
Policy discourages pursuits (Q13)	16.1950	.000	-.1174	.000	.1174

The data in Table 4.8 reveal that of the nine variables relating to policy issues, the collapsed subgroups of line officers and supervisors are more likely to disagree on two of the nine variables. Of the nine policy variables in the study, two of them proved to be statistically significant after the four categories were collapsed. The job type of the respondents does account for the level of significance. There are significant differences in perceptions of policy adherence and limitations. The null hypothesis was rejected for two of the nine variables.

Table 4.8(b) indicates that of all respondents, approximately 75% of them do not find the policy too restrictive. This correlation exists in each job type category. However, respondents whose job type is investigative or contains general road patrol duties are more likely to agree that existing policies discourage officers from engaging in pursuits, than are those officers engaged in supervisory positions or administrative duties.

Table 4.8(b) - Policy Variables Proportion

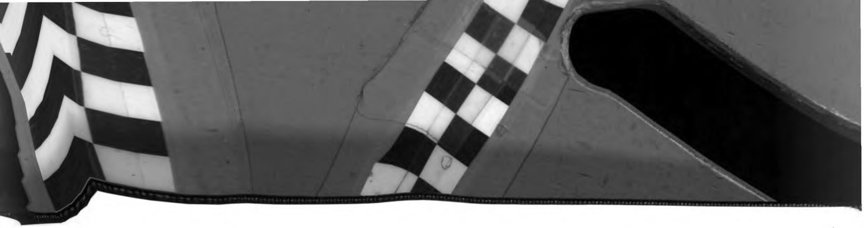
	Line Officers		Supervisors	
	Agree	Disagree	Agree	Disagree
Policy is too restrictive (Q7)	.25	.75	.25	.75
Discourages pursuits (Q13)	.41	.59	.29	.71

Training Variables

Table 4.9 - Training Variables

Dependent Variables	X2	sig	R	Lambda	V
Trained in high speed driving techniques (Q14)	28.0963	.0000	-.1545	.0892	.1545
Trained in pursuit policy (Q15)	9.5656	.0020	-.0906	.0624	.0906
Post-academy testing on pursuit (Q16)	5.0077	.0252	-.0655	.0000	.0655
Failure in discontinuing pursuit (Q29)	10.0134	.0016	.0911	.0797	.0911

The data in Table 4.9 indicate that of the nine variables associated with training, four of them proved to be statistically significant after the collapsing of job type categories. As indicated in Table 4.9 supervisors are more likely to disagree that officers have been adequately trained in high speed driving techniques. Additionally, supervisors are more likely to reject the claim that training in pursuit policy has been adequate. This may indicate the



need for further training in the areas of pursuit policy and pursuit driving techniques Furthermore, although the general consensus exists throughout the department regardless of job type, there does exist a significant difference which indicates that supervisors feel the need for testing periodically post-graduation from the academy.

The data also indicate that supervisors and administrators are more likely than line officers to feel a sense a failure when discontinuance of a pursuit is necessary. As noted previously before the categories were collapsed, a significant difference exists between administrators' viewpoint on the clarity of the departmental policy. The data indicate that administrators are the least likely to be confused by the policy. However, departments may feel uncomfortable with the relatively high number of personnel who do find the policy ambiguous.

Table 4.9(b) - Training Variables

	Line Officers		Supervisors	
	Agree	Disagree	Agree	Disagree
Trained in high speed driving techniques (Q14)	.58	.42	.43	.57
Trained in pursuit policy (Q15)	.53	.47	.45	.55
Post-academy testing (Q16)	.30	.70	.11	.89
Failure in pursuit termination(Q29)	.48	.52	.57	.43

Supervisor Variables

Table 4.10 - Supervisor variables

Dependent Variables	X2	sig	R	Lambda	V
Policy applied equally (Q18)	12.2003	.0005	.1012	.0000	.1012
Gen. support officers (Q20)	15.9816	.0000	.1155	.0000	.1155
Support re:injuries (Q42)	50.6005	.0000	.2061	.0000	.2061
Support/not at fault (Q45)	39.019	.0000	.1803	.0000	.1803
Support/follow policy (Q47)	11.2774	.0008	.0969	.0000	.0969

As the data in Table 4.10 indicate, five of the eight variables dealing with perceptions of supervisors were shown to be statistically significant after the categories were collapsed. The data indicate that line officers and supervisors are more likely to disagree when their perceptions of supervisory support are measured. The are significant differences in perception of supervisory roles and support for line officers. The null was rejected for five of the eight supervisory variables.

Table 4.10(b) indicates that supervisors are more likely to believe that the departmental policy on pursuit is applied equally, regardless of job type. However, 36% of the line officers do not see

the policy as being equally applied to all members of the department. It was also found that 45% of all supervisors and administrators thought that generally, officers were supported by supervisors. Only 32% of line officers felt that this support existed. Furthermore, 90% of supervisors and administrators felt that line officers received support from supervisors in the event of an accident in which the officer was not at fault, while only 76% of line officers acknowledged that their supervisors supported them. First-line supervisors and administrators were also more likely to report that officers were supported by their supervisors in the event of injuries, than were line officers. And, finally, line officers were less likely to feel that they would receive support from their supervisors in a pursuit matter as long as they followed written policy, than were administrators or supervisors.

Table 4.10(b) - Supervisory Variables

	Line Officers		Supervisors	
	Agree	Disagree	Agree	Disagree
Policy applied equally (Q18)	.64	.36	.75	.25
Generally, sup. support officers (Q20)	.32	.68	.45	.55
Support re:injuries (Q42)	.54	.46	.75	.25
Support/not at fault (Q45)	.76	.24	.90	.10
Support/ follow policy (Q47)	.88	.12	.93	.07

Liability Variables

Table 4.11 - Liability Variables

Dependent Variables	X2	sig	R	Lambda	V
Decisions affected (Q26)	18.2378	.0041	-.0826	.0000	.0826
Fear of discipline (Q3)	4.6546	.0310	-.0621	.0221	.0621

As indicated in Table 4.11, the collapsed categories of road patrol and investigative officers, and first-line supervisors and administrators were more likely to disagree on two of the seven variables identified in this category. Both variables exhibited negative relationships with the independent variable. The level of significance was attributed to the job type of the respondent. The null hypothesis was rejected for two of the seven variables dealing with liability issues.

The data indicate that line officers are much more likely to restrict their actions out of fear of discipline, than are the supervisors. As Table 4.11(b) indicates, 50% of road patrol and investigative officers fear discipline. This may be attributed to the fact that road patrol officers are more likely to be disciplined by the department, than are administrators. Additionally, three/fourth of the line officers state that their decisions are affected by liability issues, while only 67% of the supervisors are affected.

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Operational Variables

Table 4.12 - Operational Variables

Dependent Variables	X2	sig	R	Lambda	V
Vehicle maintenance assures safety (Q21)	13.0636	.0003	.1040	.0000	.1040
Check emergency equipment (Q22)	7.2142	.0071	-.0773	.0000	.0773
Support roadblocks (Q51)	31.3399	.0003	-.1611	.0000	.1611

As the data in Table 4.12 indicate, three of the fourteen variables dealing with operational perceptions were shown to be statistically significant after the categories were collapsed. The data indicate that line officers and supervisors are more likely to disagree when their perceptions of vehicle safety are measured. The null was rejected for three of the fourteen operational variables.

Table 4.12(b) indicates that line officers are more likely to be dissatisfied by the maintenance on departmental vehicles. Only 57% of line officers indicate that maintenance provided by the department on service vehicles, while 67% of the supervisors were satisfied with departmental maintenance. This may be attributed to the fact that road patrol and investigative officers spend the a great portion of their time in police vehicles, while supervisors are more often at the station or other locations. Additionally, patrol officers are often

involved in situations where their cars must be operated at high speeds and in bad conditions.

Table 4.12(b) - Operational variables

	Line Officers		Supervisors	
	Agree	Disagree	Agree	Disagree
Vehicle maintenance safety (Q21)	.58	.42	.68	.32
Check emergency equipment (Q22)	.86	.14	.81	.19
Support roadblocks (Q51)	.81	.19	.68	.32

Perceptual Variables

Table 4.13 - Perceptual Variables

Dependent Variables	X2	sig	R	Lambda	V
More discretion in pursuit decisions (Q10)	52.0755	.0000	-.2091	.0000	.2091
Discretion in ramming a car (Q24)	36.8729	.0000	-.1747	.0000	.1747
Personal problems may cause accidents (Q32)	8.9018	.0029	.0867	.0672	.1867
More discretion with firearms. (Q53)	35.5534	.0000	-.2142	.1009	.2142

As the data in Table 4.13 indicate, after the independent variable was collapsed, significant differences were displayed in four of the eleven variables dealing with individual officers' perceptions of various pursuit related issues. Of the three variables regarding greater discretion for the individual officer, line officers were consistently more likely to support greater discretion. The level of significance in these four variables was the job type of the respondent. The null hypothesis could be rejected for four of the eleven perceptual variables in this section.

Of the four perceptual variables found to be statistically significant, three directly involved the issue of discretion. As Table 4.13(b) indicates that line officers are more likely to support various forms of discretion. Of the line officers involved in the study, 71% of them supported the idea of greater discretion for the individual officer in pursuit decisions, while only 52% of the supervisors were supportive of this idea. Likewise, 73% of all line officers supported more discretion in ramming cars in order to stop them, while only 59% of the supervisors answered affirmatively.

Greater discretion in the use of firearms to stop fleeing vehicles was favored by one-half of all line officers. However, only 29% of supervisors were in favor of such an act. This may be attributed to the fact that supervisors and administrators are more aware of and concerned with liability issues. Additionally, line officers are much more likely to be involved in pursuit situations than their administrative counterparts. Thus, they are more likely to feel that certain situations require more immediate action than a pursuit which may last several miles and reach extremely high speeds.

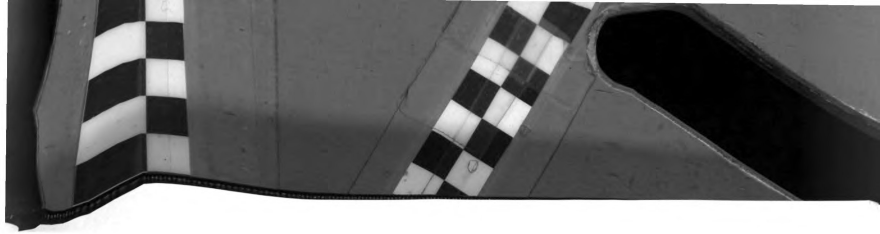

Table 4.13(b) - Perceptual Variables

	Line Officers		Supervisors	
	Agree	Disagree	Agree	Disagree
Discretion in pursuit (Q10)	.70	.30	.52	.48
Discretion/ramming cars (Q24)	.74	.24	.59	.41
Personal problems/accidents(Q32)	.49	.51	.56	.44
Older pursue more younger (Q35)	.07	.93	.06	.94
Greater discretion in firearms(Q53)	.50	.50	.29	.71

External Variables

Table 4.14 - External Factors

Dependent Variables	X2	sig	R	Lambda	V
Public supports pursuit (Q4)	14.2838	.0002	.1089	.0000	.1089

Of the five variables involving perceptions of external influences included in the study, only one was shown to be statistically significant This variable was the job type of the respondent.

Perceptions of support from factions outside of the department were included in this section. The data indicated that supervisors were more likely to believe that the public supported the issue of pursuit. It was found that only 35% of line officers surveyed believed

that the public supported their pursuit endeavors, while 45% of the supervisors answered affirmatively. It is important to note that over 60% of the entire department felt that the public was not in favor of pursuit.

Table 4.14(b) - External Variables

	Line Officers		Supervisors	
	Agree	Disagree	Agree	Disagree
Public supports pursuit (Q49)	.35	.65	.45	.55

NON-STATISTICAL RESULTS

In the pursuit of empirical research, findings are based purely on statistically significant results. Often times in policy research such as this, however, non-significant findings may still be indicative of policy oriented problems, and helpful for police administrators.

The research design resulted in the classification of variables into eight categories, as mentioned previously. Of these eight categories, seven of them posed serious questions for police administrators. These questions posed to administrators were not shown to be statistically significant; however, they may have serious implications for policy-makers. For reporting purposes and increased clarity, the results not proven to be statistically significant are reported below in these categories.

POLICY VARIABLES

Of the nine variables identified as policy variables, only four were found to be statistically significant. However, the proportion

of officers who were unfamiliar with existing policies or exhibited disregard for these policies may be unacceptable for police administrators. As was discussed previously, litigious suits against departments are often based upon lack of adherence to existing departmental pursuit policies. Thus, understanding of and adherence to departmental policy is crucial for a department wishing to minimize litigation regarding pursuit.

The variables classified into the policy section of the questionnaire attempted to ascertain respondent knowledge of departmental pursuit policy (see Table 4.1b). Although not statistically significant, administrators may not wish to accept that over 20% of departmental personnel do not know the pursuit policy of their department. Furthermore, an additional 25% of departmental personnel find the language of the policy ambiguous and difficult to understand. This may be attributed to the reactive nature of departmental pursuit policy, which change regularly with the current trend of the judicial system. Thus, a definite need exists for more extensive training not only in the academy, but also periodically in keeping with the latest litigious developments.

An additional concern for police administrators may be the fact that 27% of the department disagreed with the statement that departmental policy provided guidance for sound decision-making. The design of pursuit policy, as well as other policies, is designed to provide a reference for officers involved in discretionary situations. However, the data indicates that over 25% of the department does not view existing policies as guiding in nature. This is also indicative of the need for further training in pursuit policy.

Finally, the data indicated that 23% of the department seldom reported successful pursuits. Although differences among respondents did not prove to be statistically significant, administrators may feel uncomfortable with the fact that over one-fifth of the department engaged in behavior inconsistent with departmental policy. Additional supervision may appear to be a logical solution. However, the data indicated that supervisors and administrators, respectively, were the most likely to be engaged in this type of activity. Although this type of behavior may not appear to be inherently detrimental to the department, it may be indicative of more serious deviations from policy. Thus, policy makers must develop strategies for reducing this unacceptable type of behavior.

SUPERVISORY VARIABLES

Of the eight supervisory variables identified in the study, seven of them were shown to be statistically significant and were discussed in an earlier chapter. The one variable which did not prove to be statistically significant may indicate supervisory problems. The data indicates (see Table 4.3b) that 87% of all personnel believe that supervisors generally support the agency's policy; however, the remaining 13% indicate that supervisors do not support departmental policy. Administrators, then, must determine whether the department can afford deviation from pursuit policy from over 10% of their supervisors. Administrators may wish to consider further training for supervisors.

OPERATIONAL VARIABLES

The data indicates that almost 25% of officers agree that paper work discourages pursuits. Administrators may wish to educate officers on the necessity of detailed reporting of pursuits.

Certain operational variables which did not prove to be statistically significant still produced results which administrators may wish to evaluate (see Table 4.5b). For example, supervisors were the most likely to report that they had been involved pursuits in which they were instructed to discontinue, and they did not. Once again, implications for further training for supervisors exist and must be considered by police administrators. Furthermore, 26% of the department indicated that they had rammed vehicles in order to stop them. The policy on ramming vehicles is very strict, and provides for the ramming of a car only in the event of a known felon. Administrators may find this indicative of other instances where policy was not followed.

PERCEPTUAL VARIABLES

Of the eleven perceptual variables identified, five were shown to be statistically significant. However, it should be noted that only 57% of the department agreed with the statement that overconfidence causes accidents (see Table 4.6b). It would appear to a casual observer that overconfidence in any endeavor often causes the actor to be more careless in his/her endeavors. Thus, the high proportion of the department which did not view overconfidence as contributory in nature may be a concern for policy-makers.

CHAPTER VI

SUMMARY AND CONCLUSIONS

Introduction

This research consisted of the administration of a self-report questionnaire to the entire sworn population of the Michigan Department of State Police. The analysis of the generated data was used to ascertain whether there existed discontinuity in attitudes regarding pursuit issues consistent with job classification, as was hypothesized.

Certain training and supervisory implications for police administrators and policy makers were found. These implications for further training and increased supervision must be considered by police administrators and policy makers if an effort is to be made to reduce the likelihood of pursuits ending tragically and subsequent litigious activity against the department.

Conclusions

Collectively, there exists certain inconsistencies of perceptions among job types. Using the respondent job type as the independent variable, it was learned that road patrol officers, investigators, first-line supervisors and administrators exhibit significant differences on issues regarding perceptions of policy, supervisory support, adequacy of training, liability issues and discretionary issues regarding police pursuit.

Of the sixty-three dependant variables contained in the study, thirty-three were found to be statistically significant. Of the nine variables identified as policy related, four were found to be significant which may suggest the need for reevaluation or further training. It was found that line officers feel that departmental policies discouraged pursuits and were too restrictive. Administrators, on the other hand, did not view written policies as overly restrictive. Police administrators may wish to further educate officers on the need for written policies. Furthermore, these administrators may also wish to re-evaluate departmental policies more objectively.

It was also found that almost one-half of the administrators, who viewed the policy as adequate, reported engaging in pursuits inconsistent with policy restrictions. Additionally, a large portion of the department reported practices in violation of current policies. This may be attributed to the 45% of the department who reported that they were unfamiliar with written policy or felt the policy was ambiguous. Furthermore, supervisors were most likely to find the policy ambiguous. Administrators, on the other hand, were the lease likely. This indicates a definite lack of communication between administrators, the ones formulating policies for the troops, and supervisors, the ones responsible for instructing and supervising the troops. Thus, a meeting between administrators and supervisors is essential if clarification is to occur.

It was also found that administrators were the most likely to report that they had been tested on departmental pursuit policy after graduation from the academy. However, line officers, the

individuals most likely to be involved in an actual pursuit, reported that they were not tested post-academy. Furthermore, 44% of road patrol and 48% of the entire department did not feel adequately trained in pursuit policy. This may indicate a strong need for more extensive training in departmental policies at the academy, and periodic post-academy training sessions.

Various other training variables displayed discrepancies between supervisors and line officers. The data indicated that line officers are more likely to feel adequately trained in high speed driving techniques, while supervisors were less confident of their abilities. Administrators may feel uncomfortable with this discrepancy, and implement defensive driving sessions for road patrol officers and their supervisors. This would enable supervisors to evaluate the skills and capabilities of individual officers.

More extensive training for line officers is essential if perceptual equilibrium is desired. However, the findings indicate that supervisors are also deficient in training. For example, it was found that supervisors were the least likely to follow the written policy, yet were responsible for instructing subordinates on proper procedures and policies. Administrators may not be satisfied that line officers are receiving proper instruction from their supervisors. Thus, they may wish to consider implementation of periodic management seminars and random testing of supervisors on departmental policies.

Lack of communication between supervisors and line officers also needs to be addressed by administrators. Typically, supervisors reported supporting their officers. However, line officers did not

feel that supervisors supported them in pursuit decisions. This skewed relationship must be reconstructed into a more realistic picture. Administrators may wish to consider implementation of fifteen minute workshops, where supervisors would meet for fifteen minutes each day with rotating members of their shifts.

Perceptions of maintenance on departmental vehicles displayed discontinuity between administrators, supervisors and line officers. Line officers were the least confident in departmental maintenance of police vehicles, while administrators were more so. Officers also reported that the safety of their vehicle was a primary factor in their pursuit decisions. Administrators must realize that perceptions of safety among officers affects their behavior. They may wish to re-evaluate their vehicle maintenance program.

Finally, it is apparent that line officers favor greater discretion in the pursuit decisions, ramming cars and use of firearms. Generally speaking, however, officers are following policy. It must be concluded, then, that policy does make a difference, and is essential for maintaining socially acceptable police practices. The strengths and weaknesses of existing policies must be reviewed.

SUMMARY

Reporting of empirical findings is essential for the furtherance of knowledge. Empirical results are ones in which statistical significance has been shown to be present. From these empirical results, program implementation and training implications may be formulated. However, in policy oriented research, data which has not been shown to exhibit statistical significance must not be

discarded. Rather, administrators may be provided with useful insight into differences of perception, which although not empirically significant - may display some practical significance.

The study reported both empirical results and practical implications. Academians may consider the statistical analysis more beneficial. However, police administrators and policy-makers must carefully examine all findings, and ascertain the areas of training and supervision which need to be addressed.

This study illumined many target areas for police administrators. However, administrators should keep in mind that although officers desire greater latitude in decision-making, i.e. ramming, use of firearms, etc., there is no evidence that they exercise such discretion. Therefore, administrators, working within this framework, should concentrate on further training of policy, periodic evaluation and revision of policy, and greater communication and supervisory instruction of policy, as it does make a difference.

APPENDICES

MICHIGAN EMERGENCY RESPONSE STUDY

GENERAL OPINION QUESTIONNAIRE

The questions that follow were designed to determine the opinions of officers when making decisions relative to police pursuits. The data obtained may be used to 1) assist police agencies in the development of training, 2) the development or refinement of current policies, and 3) to provide feedback to officers to assist them in their decision making on such matters There are no right or wrong answers, only your opinions. Though you may not be assigned to patrol functions at this time, your past experience and opinions based on that experience are of interest in determining organizational attitudes and perceptions on this subject.

Your responses are anonymous. Results of this survey will be reported in the aggregate and a final report will be given to the department. An executive summary will be made available to all respondents.

Please express your honest feelings about each statement by indicating whether you Strongly Agree (SA), Agree (A), Disagree (D), or Strongly Disagree (SD). Circle the appropriate answer. **Please choose only one answer per question. Feel free to use pencil or pen.**

	SA	A	D	SD
1. Reporting details of pursuit to a dispatcher provides support for the officer.	1	2	3	4
2. Reporting details to dispatcher puts officer in a favorable position should an accident result.	1	2	3	4
3. I have been involved in pursuits in the past in which the dispatcher or supervisor was not informed.	1	2	3	4
4. Because of potential law suits-the more detail reported the better.	1	2	3	4
5. My agency policy is clearly written.	1	2	3	4
6. Department policy provides guidance to me for making sound decisions.	1	2	3	4
7. My agency policy is too restrictive.	1	2	3	4
8. Paper work following pursuits discourages officers to report pursuits.	1	2	3	4
9. I have been involved in pursuits which were not reported.	1	2	3	4
10. Officers should have more discretion in pursuit decisions.	1	2	3	4
11. There have been occasions when I felt I should have pursued and did not.	1	2	3	4
12. Supervisors generally support my agency's pursuit policy.	1	2	3	4

Next Page Please

Page Two	SA	A	D	SD
13. Existing policies on emergency response and pursuits discourage officers from initiating or continuing pursuits.	1	2	3	4
14. I have been adequately trained in high speed driving techniques.	1	2	3	4
15. I have been adequately trained in pursuit policy.	1	2	3	4
16. Since graduation from the academy I have been tested on pursuit policy.	1	2	3	4
17. My supervisors have instructed me on pursuit policy.	1	2	3	4
18. The policy of my agency is applied to all officers equally.	1	2	3	4
19. Supervisors always follow the written policy.	1	2	3	4
20. Supervisors generally support officers-regardless of policy.	1	2	3	4
21. Our vehicle maintenance program assures me a safe vehicle.	1	2	3	4
22. I check my emergency equipment prior to going on patrol.	1	2	3	4
23. I make a physical check of my tires and brakes prior to going on patrol.	1	2	3	4
24.Deciding to ram a car should be an option of the officer.	1	2	3	4
25. I have rammed vehicles in order to stop them .	1	2	3	4
26. My decision to pursue is affected by liability issues.	1	2	3	4
27. The more serious the incident the more risks I will take.	1	2	3	4
28. I have pursued vehicles after being instructed to discontinue.	1	2	3	4
29. I feel like I failed when I discontinue a pursuit.	1	2	3	4
30. An officer's physical condition affects the success of pursuit.	1	2	3	4
31. Training affects the success of a pursuit.	1	2	3	4
32.Officers with personal problems are more apt to have accidents when pursuing.	1	2	3	4
33. Fear of discipline affects my decision to pursue.	1	2	3	4
34. Generally, I am confident when driving at high speeds.	1	2	3	4

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Page Three	SA	A	D	SD
35. Older officers pursue much more than younger officers.	1	2	3	4
36. I have experienced intentional collisions in pursuits.	1	2	3	4
37. I have experienced non-intentional collisions in pursuits.	1	2	3	4
38. I know the pursuit policy of my department.	1	2	3	4
39. I frequently watch T.V. police shows depicting pursuits.	1	2	3	4
40. I understand reasonable and unreasonable driving behavior.	1	2	3	4
41. Pursuits depicted on T.V. are realistic.	1	2	3	4
42. Generally, supervision will support me when there are injuries resulting from pursuits.	1	2	3	4
43 The risk of injury to other people is a primary factor in my decision to discontinue a pursuit.	1	2	3	4
44. I have pursued less since becoming aware of law suits.	1	2	3	4
45. Supervisors in my department will back me up if I am not at fault.	1	2	3	4
46. The courts generally support the police in pursuit matters.	1	2	3	4
47 As a general rule: My agency supports officers who follow policy in pursuit matters.	1	2	3	4
48. The State Legislature has given adequate support to police in pursuit matters.	1	2	3	4
49. Generally,the public supports police pursuits.	1	2	3	4
50. I seldom report successful pursuits.	1	2	3	4
51. I support the use of a road block as a tactic.	1	2	3	4
52. I support the use of boxing-in as a tactic.	1	2	3	4
53. I support greater officer discretion in the use of firearms to stop fleeing vehicles.	1	2	3	4
54. I continue pursuits because I suspect a serious crime.	1	2	3	4
55. Over confidence is a primary cause in emergency response accidents.	1	2	3	4

Next Page Please

Page Four	SA	A	D	SD
56. Experience is a primary factor in avoiding emergency response accidents.	1	2	3	4
57. I am sometimes confused: "I feel I can't pursue the people I am supposed to apprehend."	1	2	3	4
58. It is difficult to balance a police need to apprehend violators against a demand for public safety.	1	2	3	4
59. My personal safety is a primary factor in my decision to initiate or terminate a pursuit.	1	2	3	4
60. I have been disciplined as a result of pursuing.	1	2	3	4
61. I have been involved in litigation as a result of a pursuit.	1	2	3	4
62. I personally know officers who have been involved in litigation as a result of a pursuit.	1	2	3	4
63. Patrol car "cornering and handling" characteristics is a primary factor in my decision to initiate or terminate a pursuit.	1	2	3	4

64. My job can best be described as:

Road Patrol	1
First Line Supervision	2
Investigative	3
Administrative	4

PLEASE RETURN COMPLETED SURVEY
NO LATER THAN MARCH 15, 1991

PER INSTRUCTIONS
PLEASE PLACE YOUR SURVEY IN THE ENVELOP PROVIDED
AND DEPOSIT IT IN THE COLLECTION CONTAINER PROVIDED
AT YOUR WORK STATION

THANK YOU FOR PARTICIPATING IN THIS STUDY

If you have any questions regarding this survey
feel free to call:
Dennis M. Payne (517) 353-5452 or Terry M. Nerbonne (616) 592-2536

MICHIGAN STATE UNIVERSITY

COLLEGE OF SOCIAL SCIENCE • SCHOOL OF CRIMINAL JUSTICE
BAKER HALL

EAST LANSING • MICHIGAN • 48824-1118

February 27, 1991

TO: Enforcement Personnel, Michigan Department of State Police

FROM: Dennis M. Payne, Ph.D., School of Criminal Justice
Michigan State University, East Lansing, Michigan

SUBJECT: Michigan Emergency Response Study, General Opinion Questionnaire

Enclosed is a questionnaire dealing with the topic of police pursuits. You are being asked to complete this questionnaire at your earliest convenience in the next two weeks. This questionnaire is the first phase of the Michigan Emergency Response study which was recently outlined in a joint letter from Colonel R. T. Davis and MSPTA President Richard Darling.

Work station supervisors were asked to provide collection boxes for the completed questionnaires. After you have finished the questionnaire, please put the completed forms in a plain envelope and place it in the work station collection receptacle. Because the answers will be coded onto computer forms prior to data entry, you may use a pencil or pen to circle your responses. The survey instrument should take no more than 10 minutes to complete.

The overall response rate on this survey is important; therefore, your cooperation in completing the survey is critical to the overall success of the study. Do not sign the form or identify your specific work station, as this study is designed to be anonymous.

Enclosure

FILE: 14 (2) 1991

UD-40(2/90)

MEMORANDUM

STATE OF MICHIGAN

DEPARTMENT OF STATE POLICE

DATE: January 18, 1991

TO : Departmental Work Units

FROM : Col. R. T. Davis, Director R.T. Davis
Sgt. Richard J. Darling, President, MSPTA R.J. Darling

SUBJECT: Michigan Emergency Response Study

The department, with the active participation of the Michigan State Police Troopers Association, will be conducting an emergency response driving study. This comprehensive research project was initiated by the department and is a cooperative effort between the Michigan State Police, Michigan State University, and Ferris State University. We are jointly requesting and soliciting your cooperation and support in this important endeavor.

Emergency response and pursuit driving by police officers have generated much concern in recent years. They have all too often resulted in mishaps causing property damage, injury, and even death. Enforcement members, guided by their training and departmental policy, must make critical decisions pertaining to initiating, continuing, and terminating a pursuit and what tactics are most appropriate under the circumstances presented to them by those who elude enforcement members. The balancing point for an officer's decision is the most reasonable point between the government's need to apprehend and the public interest to be protected from unreasonable risk of harm. Police attempt to preserve, protect, and defend the public. This action includes apprehending violators or quick response to an emergency. The manner in which an officer apprehends or responds to an emergency often places others at risk. The balancing point in this paradox is the test of reasonableness. It is the policy and training provided to the officer, supported by the officer's experience and judgement, that leads to the decision of what is reasonable at the time.

The department has an obligation to provide its enforcement members with sound, rational policy and informed training in such matters. Policy and training are best when based upon empirical data. This valuable data is currently unavailable. Past research has failed to provide a comprehensive look into this area. We believe this study will provide this much needed data.

This project is a study of police driving behavior with motor vehicles which reflect a correlation between accidents and/or injury and various forms of police response. The data collected should provide insight into environmental, demographic, and judgmental conditions that exist at the time pursuit decisions are made. The results of the study should provide police managers with empirical data and conclusions,

based on analysis of that data, which can be used to produce sound policy, realistic training, and appropriate supervision in matters relating to police emergency responses with a particular emphasis on pursuits.

This study is designed to be implemented in two phases. The first phase is the distribution and completion of a General Opinion Questionnaire to be completed by all enforcement members of the department (includes all ranks/levels). This questionnaire is designed to determine the opinions of enforcement members when making decisions while at work performing police pursuits. It is also designed to see if there are significantly different opinions or attitudes among the various ranks of the department. The questionnaire was constructed after careful analysis of previous research findings, a review of previous pursuit accidents, and a review of the literature. The effort has been supported by input and counsel from a resource committee of departmental members. The results of the first phase will be analyzed and reported in a final report. The questionnaire is anonymous.

The second phase involves the distribution and administration of a survey instrument to be completed anonymously by all enforcement members shortly after each pursuit, medical emergency response, response to a crime in progress, alarm response, and incidents of high-speed driving. Each enforcement member on patrol will be provided with a supply of survey instruments for his/her use, instructions for completion, and collection envelopes for return to the researchers. Both short and long forms will be provided along with instructions for completion. The survey instruments will be used by each enforcement member for a specific period (actual dates will be determined). However, actual pursuits, as specifically defined by the research instrument, will cause a survey instrument to be completed as soon as possible following the pursuit. All enforcement members will complete a survey form for all actual pursuits of this nature each time they occur over the entire one (1) year period of the research project.

After the researchers receive the survey instruments, the data will be analyzed in the aggregate and published in a final report. A pilot test of the survey will soon be conducted at three posts. Following this pilot test, further specific information and direction will be disseminated to actually implement this research process.

We strongly solicit the support and cooperation of all enforcement members in this exciting research project.

Although this project is being coordinated by the Executive Division, any specific questions or concerns regarding the survey instrument or other related research matters should be directed to either of the following researchers at their respective university:

Dennis M. Payne, Ph.D.
School of Criminal Justice
Baker Hall, Room 504
Michigan State University
East Lansing, MI 48823-1118
(517) 355-2197

Terry Nerbornne, Ph.D.
Director, Law Enforcement Programs
Ferris State University
Big Rapids, MI 49307
(616) 592-2836

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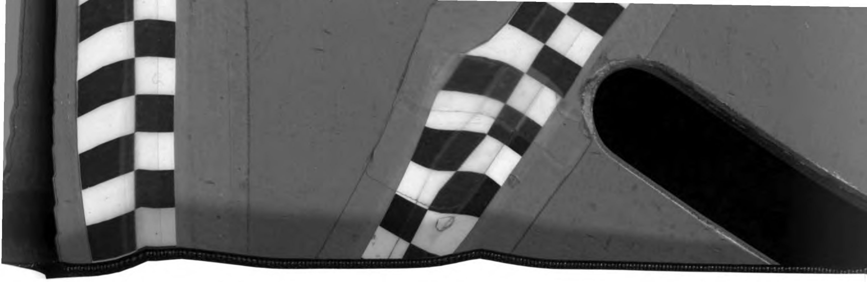

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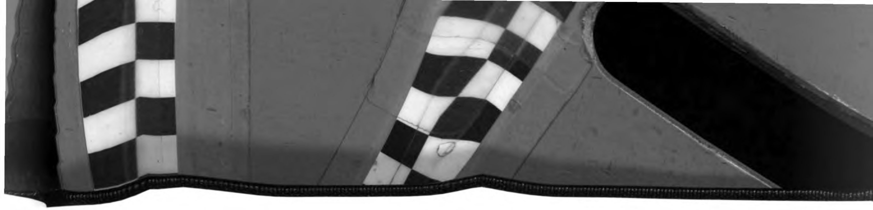

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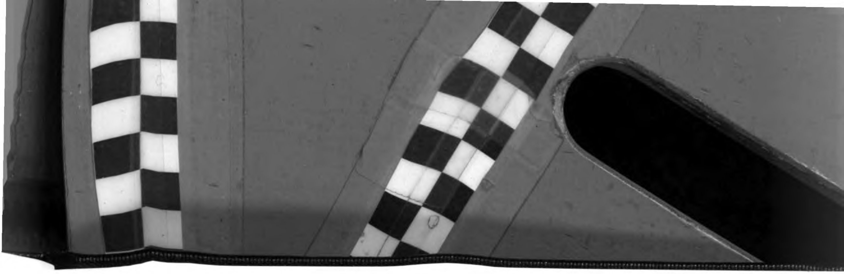

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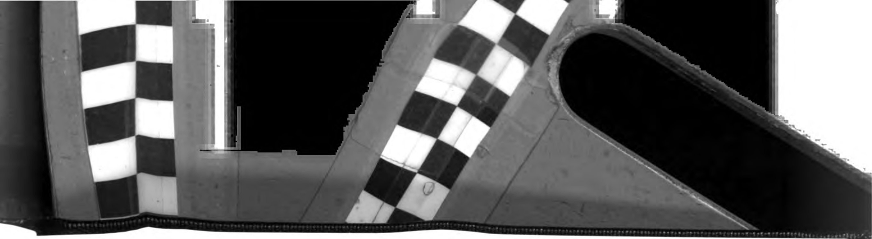

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