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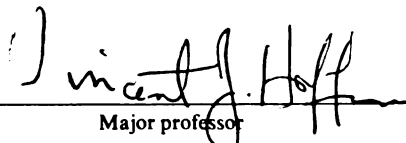
**POLICE VEHICULAR PURSUITS:
AN ANALYSIS OF STATE POLICE
AND STATE HIGHWAY PATROL POLICIES**

presented by

Wendy L. Hicks

has been accepted towards fulfillment
of the requirements for

Ph.D. degree in Criminal Justice


Major professor

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**POLICE VEHICULAR PURSUITS:
AN ANALYSIS OF STATE POLICE AND STATE HIGHWAY PATROL POLICIES**

By

Wendy L. Hicks

AN ABSTRACT OF A DISSERTATION

**Submitted to
Michigan State University
In partial fulfillment of the requirements
For the degree of**

DOCTOR OF PHILOSOPHY

School of Criminal Justice

2001

Dr. Vincent Hoffman

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ABSTRACT

POLICE VEHICULAR PURSUITS:

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By

Wendy L. Hicks

This study was a policy analysis of each State Police and State Highway Patrol agency in the United States. Policies were compared against a Standard Policy, developed by the researcher, based on prior academic and legal research, on a variety of Administrative and Operational elements. A total of 47 written vehicular pursuit policies were received for a 94% return rate. Two state agencies were unable, by law, to divulge their policy, and one agency never replied to the letters of inquiry. States were analyzed on a state-by-state basis as well as on a regional basis. Tables indicating individual states' inclusion of each element are included, as is a table detailing the overall amount of inclusion of the Administrative and Operational elements. Results indicated that the states comprising the Midwest region had developed the most comprehensive written vehicular pursuit policies. The states of the Pacific region had the least comprehensive policies of any other region. Finally, a legislative analysis indicated that states are beginning to implement laws indicating factors that must be included in a written vehicular pursuit policy if the agency is to limit its risks of liability. Currently, California, Minnesota, and Connecticut have legislated bills pertaining to pursuit policies into law.

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This dissertation is dedicated to my parents, Wayne and Joanne

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I would like to take this time to acknowledge my parents, Wayne and Joanne Hicks, without whose constant support and encouragement this degree would not have been possible. I would also like to thank Dr. Dennis Payne who provided immeasurable guidance, research assistance, and who was a constant advocate throughout my education at Michigan State University. I would also like to thank my Committee Chairman, Dr. Vincent Hoffman, who guided me through the bureaucratic administration of the university and supported my research endeavors at every junction. Finally, to the remaining members of my committee, Dr. Cyrus Stewart and Dr. Carol Weissert, I would like to extend my heartfelt thanks for their patience and helpful guidance during the course of the writing of this dissertation.

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Chapter 1

Introduction

Law enforcement is an occupation fraught with uncertainty and danger. Officers are often called upon to analyze critical situations with accuracy, integrity, and resourcefulness. Not only are officers required to make decisions quickly and accurately, they must do so within the confines of constitutional legal standards and administrative guidelines. Police policy is often the only major source of guidance many patrol officers have while in the performance of their daily duties. This reliance on policy is never so evident as in the field of vehicular pursuits. Officers must make split-second decisions while traveling at speeds often in excess of the posted limit all while affording the general public some semblance of protection from unnecessary safety risks. It is the responsibility of police administrators to provide officers with the necessary guidance, in the form of policy, to assist in the decision-making process.

The field of vehicular pursuits is a very important aspect of law enforcement duties. Negative outcomes of police pursuits, in the form of accidents, injuries, fatalities, and property damage can pose some very serious problems and questions for society as a whole. Litigation from negative outcomes of pursuits costs taxpayers and police departments millions of dollars annually as officers and agencies are found liable for negligence incurred during the course of a police pursuit gone awry. Hence, it is vital for a law enforcement agency to have a viable and effective pursuit policy for added protection should tragedy befall an officer or civilian in the course of a vehicular pursuit. The policy is designed to protect not only the organization but civilians and officers as well. It is a guide for officer discretion as to the proper and solicitous course of action during a pursuit.

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Current Study

Early research into police pursuits was occasionally sensational, often finding itself utilized in courts of law for dubious purposes, by unscrupulous attorneys in pursuit litigation. These early endeavors resulted in an environment where police pursuits were regarded with suspicion and cynicism. It would take many subsequent projects throughout the years before the merits of police pursuits could begin to be appreciated. As police administration became more sophisticated the need for effectual policies was ascertained. Comprehensive policies could serve to drastically decrease negative outcomes of police pursuits. As officers are given more effective guidance in the performance of pursuits dangerous situations might become evident sooner and tragedy avoided.

Vehicular pursuits have progressively grown into a major social problem as pursuit litigation continues to cost taxpayers and individual officers millions of dollars annually (Alpert & Fridell, 1992). In addition, there remains some threat to the safety of the officers and the general public associated with many pursuits. While the safety risk is not exorbitantly high, it is nonetheless present. Police officers are charged with protecting the public; placing them in unnecessary risk is counter to established police protocol. Many researchers have studied the dangerousness of police pursuits in depth. Table 1 provides a summary of previous research into injuries, accidents, fatalities, and property damage resulting from vehicular pursuits across the United States. While each study uncovered its own distinctive results, findings have, nonetheless, been relatively similar across time and jurisdiction.

Table 1

Summary of injuries, accidents, fatalities, and property damage resulting from vehicular pursuits across the United States.

Source	Accident Rate		Injury Rate		Fatality Rate		Property Damage		Pursuits
	%	N	%	N	%	N	%	N	
MERS (Payne, 1997)	33	65	16.25	32	0.5	1	16.25	32	197
N. Carolina (Fennessy, Hamilton, Joscelyn, & Merritt, 1970)	11	5	4	2	0	0	7	3	44
Michigan State University (Beckman, 1986)	42	178	14	59	2.9	12	25	106	424
California Highway Patrol (1983)	29	198	11	75	1	7	29	198	683
Charles, Falcone, & Wells (1992)	34	298	17	149	1.7	15	34	298	875
Illinois (Auten, 1991)	41	118	12	34	1.4	4	28	80	286
Miami/Dade (Alpert & Dunham, 1988)	33	314	17	161	0.7	7	15.3	146	959
Kentucky State Police (Oechsli, 1990)	29	68	5.6	13	0.4	1	23	54	235
Chicago Police Department (Patinkin & Bingham, 1986)	24	178	5	37	1	7	18	133	741

As Table 1 demonstrates, of all of the many hundreds of police pursuits initiated across the nation, no study has discovered an accident, injury, or fatality rate nearly as high as that obtained by the Physicians for Automotive Safety, which found a 70% accident rate and a 20% fatality rate. Some academics have contended that police pursuits are, in fact, not as dangerous and do not pose the risks to the general public that was initially believed. Only further research can bring this conjecture full circle from speculation and supposition to empirical actuality.

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Purpose of the Study

The purpose of the current study is to analyze administrative pursuit policies of State Police and State Highway Patrol agencies across the United States. The comprehensiveness of vehicular pursuit policies of agencies across the country will be examined according to various factors derived from legal decisions, established policy, and previous research. Previous research findings, legal precedents, and the pursuit policies of the Connecticut State Police, California Highway Patrol, and Minnesota State Police will be utilized in the creation of a Standard Policy upon which all other policies will be compared and judged. These three policies were chosen based on the fact that each state's legislature has determined what a comprehensive policy should contain to reduce departmental liability, and each policy has been field tested by officers in a practical, real world manner. The policies from these three aforementioned states have withstood the test of time. In addition, a factor analysis technique will be utilized to determine which factors in each policy have been identified as important by the State Police and State Highway Patrol agencies in the operation of a pursuit.

The policies will be then utilized in the development of a modal profile detailing the specific variables and outcomes inherent in a typical vehicular pursuit conducted by a State Police or State Highway Patrol agency. In addition, legislative rulings on issues surrounding police vehicular pursuits will also be examined as they pertain to State Police and State Highway Patrol agencies' pursuit policies. The culmination of this research will be the development of a vehicular pursuit policy by the researcher according to established scholarly standards, State Police and State Highway Patrol policy analysis, and recent legislative and legal decisions.

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Contributions of the study will be an executive summary of findings for the various State Police and State Highway Patrol agencies. In addition, the findings of this study can be used in any practical pursuit policy analysis for any police department. The methods employed to examine the various pursuit policies need not be restricted to state agencies alone. Municipalities and larger urban centers could benefit from the techniques used in the policy analysis. Strong, comprehensive pursuit policies will benefit not only the agency and its officers but society as a whole as negative outcomes of pursuits could decrease as a result of further research and development.

For the purpose of this research, various concepts must be operationalized. A pursuit will be defined as provided in the Michigan Pursuit Driving Research and Training Manual (1986):

“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 officers’ signal to stop.” (p. 2)

The term ‘policy’ will be operationalized according to the definition of Nicolaidis and Donner (1960):

“Policy is a rule for action, manifesting or clarifying specific organizational goals, objectives, values or ideals and often prescribing the obligatory or most desirable ways and means for their accomplishment. Such a rule for action established for the purpose of framing, guiding, or directing organizational activities including decision-making, intends to provide relative stability, consistency, uniformity and continuity in the operations of the organization.” (p. 74)

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Research Question

The primary research question associated with this study concerns the completeness of each State Police and State Highway Patrol pursuit policy. The researcher is asking, how complete is each agency's pursuit policy based upon the components of the standard policies of the Connecticut State Police, Minnesota State Police, and California Highway Patrol? This study will also answer the question of whether each policy incorporates the many issues associated with the dangerousness of pursuits. Here the researcher will ask, how are the administrative and operational factors detailed in Chapter 1 addressed in each agency's policy?

Policy Standard

Various factors gleaned from previous research, legal cases, and pursuit policies were utilized in the development of the model policy. The factors used in the development of this model policy were divided into administrative and operational factors based upon the function of the respective element (New Jersey Task Force on Police Vehicular Pursuit Policy, 1999; Connecticut House of Representatives, 1997; Alpert & Fridell, 1992; Minnesota House of Representatives, 1999; Froman v. City of Detroit, 1989):

Administrative	Operational
1. Mission Statement	1. Initiate Pursuit
2. Safety Caveat	2. Notify Dispatcher/Supervisor
3. Discontinuance of Pursuit	3. Specifics of Pursuit Conditions
4. Noncompliance	4. Provisions for Lights & Sirens
5. Definitions	5. Tactical Considerations
6. Authority to Pursue	6. Jurisdictional Considerations
7. Statutory Duties	7. Pursuit Driving
8. Case Law References	8. Caravaning
9. Pursuit Restrictions	9. Intentional Collisions
10. Seriousness of Offense	10. Shooting from Vehicle
11. Role of Dispatch	11. Unmarked Car/Motorcycle

12. Requirement of Supervisor to Monitor	12. Boxing-in
13. Role of Supervisor	13. Heading Off/Passing
14. Training	14. Paralleling
15. Supervisor at Termination Point	15. Roadblocks
16. Report Requirements	16. Speed
17. Debriefing	17. Passengers
18. Role of Pursuing Officer	18. Tire Deflation Devices
	19. Off Road Pursuit
	20. Termination of Pursuit/reinstating Pursuit
	21. Aerial Assistance

Based upon prior research, policy standards of the Connecticut State Police, Minnesota State Police, and the California Highway Patrol, and legislative decisions each policy will be analyzed in an effort to determine its comprehensiveness. If a policy is to be considered complete, each of the above factors must be mentioned in some fashion within the body of the policy. Detailed definitions of each Administrative and Operational element can be found in Appendix A. A copy of the Standard Policy can be found in Appendix B.

Future Chapters

Further chapters in this dissertation will provide a more detailed description of previous research, legal standards, negligence and liability considerations, and the research methodology. Chapter 2 provides a more thorough treatment of previous research and scholarly debate on the myriad of issues inherent in police pursuits. Chapter 3 contains various legal decisions and Supreme Court rulings on a variety of operational and administrative issues surrounding police pursuits. Chapter 4 details the specifics of the research methodology that will be utilized for the completion of this pursuit study. Chapter 5 provides detailed findings on a state-by-state basis while Chapter 6 furnishes

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regional results of the policy analysis. Finally, Chapter 7, the closing chapter, is a discussion section of implications and concluding remarks. Appendices detailing the Standard Policy, definitions of the elements, and state-by-state tabulations follow the chapters and the reference sections.

Chapter 2

Previous research

The myriad of issues surrounding police pursuits have been sensationalized to the point that the general public has been presented with an inaccurate and highly suspicious picture of pursuits (Barth, 1981). Police officers understand that their actions in many pursuits will be questioned and scrutinized by administrators as well as scholars researching the issues surrounding their decisions. Debate concerning the viability of a national pursuit policy has generated much controversy as speculation and pseudo-science have been used by the unscrupulous in efforts to portray pursuits as highly dangerous and in need of new administrative policy. It is interesting to note that past researchers have debated, in an academic forum, the merits of police pursuits for years. Many studies have found, and continue to discover, that pursuits are not as dangerous as previously considered. The rates of accidents, injuries, and fatalities have been found to be similar in many research endeavors across the nation. No discussion of police pursuits would be complete without a thorough examination of prior scholarly research into the area.

Early research into police pursuits was, at times, sensational, not likening itself to the scientific structure of modern academic projects. Later it was discovered that some studies of police pursuits were to be of limited scholarly value. It became difficult, if not impossible to make generalizations based upon many of these early investigations (Fennessy, Hamilton, Joscelyn, & Merritt, 1970; Physicians for Automotive Safety, 1968; Beckman, 1983). While these studies contributed to the overall store of knowledge

pertaining to pursuits, methodological differences, nonetheless, made the study of pursuits difficult if not suspicious.

Perhaps the most comprehensive study into police pursuits was conducted by Charles, Falcone, and Wells (1992; 1992a). In a study of 51 Illinois police departments researchers conducted an administrative survey, a police field interview form, an administrative telephone survey, and an officer survey. Officers reported 875 police pursuits, indicating an accident rate of 34% ($n = 298$), an injury rate of 17% ($n = 149$), a fatality rate of 1.7% ($n = 15$), and a property damage rate of 34% ($n = 298$) (Charles, Falcone, & Wells, 1992).

In addition, Charles, Falcone, and Wells (1992) in their study of police pursuits in Illinois reported that 16% of the accidents involved third parties. Pursuit-related injuries occurred in only 9% of the pursuits and injuries to officers and innocent third parties were even less frequent. While the National Highway Traffic Safety Administration (NHTSA) reported 314 fatalities resulting from police pursuits for the year 1990, Charles et al. believed this to be an underestimation. This was based partially on other figures provided by the NHTSA, which included an estimation of 20,000 injuries occurring annually from over 50,000 pursuits (Britz & Payne, 1994).

Results from the work of Charles, Falcone, and Wells also indicated that 95.9% of all officers voiced approval for pursuits and 62% reported that felony offenses were more likely to instigate a high-speed chase. Officers also indicated that their approval or tolerance for a pursuit increased in proportionality to the seriousness of the crime. When asked about the possibility of the abolishment of pursuits officers believed that the police as a law enforcement institution would suffer a loss of respect from the general public as

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well as potential offenders. As observed by Britz and Payne (1994) “An overwhelming majority of respondents (96%) supported the notion that more offenders would attempt to elude police if such a policy were implemented” (p. 117). In addition, 76.3% of officers indicated that they believed the danger to the public would increase and 85.4% maintained that crime in general would increase (Charles et. al., 1992a).

While many studies have provided consistent findings, some endeavors have contributed contradictory results and analyses. One noteworthy example of such confusing and contradictory results is that of the 1968 study conducted by the Physicians for Automotive Safety (PAS). The PAS, by relying on three months of newspaper clippings estimated that 20% of all police pursuits resulted in fatalities, while 70% ended in accidents. Charles and Falcone (1992) later reported that the PAS study was fraught with methodological flaws and was an example of a policy-related study with questionable research procedures, poor reporting, and questionable results. Despite its many imperfections the PAS study continues to be utilized by attorneys in litigation against the police in pursuit related suits.

The PAS data were later contradicted in a study conducted by the California Highway Patrol (CHP)(1983) who conducted a 6-month investigation of all CHP pursuits and those of ten cooperating law enforcement agencies in Southern California. The findings collected on the 683 pursuits contradicted earlier studies with the observation that only 1% (n = 7) of all pursuits ended in a fatality with 29% (n = 198) resulting in accidents, and only 11% (n = 75) resulting in injury of any kind (CHP, 1983). Thus, results indicated that the typical law enforcement pursuit did not result in death or injury to innocent persons and injury to third parties was quite rare.

Alpert and Dunham (1988) used a modified version of the CHP instrument in a study of the Metro Dade Police Department and the Miami Police Department. In an analysis of 952 pursuits, results indicated that 31% (n = 298) of the suspects escaped while 68% (n = 646) were apprehended and arrested. Of the suspects who were apprehended 47% (n = 305) were arrested for traffic violations and 48% (n = 314) were arrested for felonies. Alpert and Dunham also found that 33% (n = 314) of the reported pursuits involved accidents, 17% (n = 161) involved injuries, and 0.7% (n = 7) resulted in a fatality. The researchers would later conclude that their analysis of the pursuits failed to provide support for a contention that police pursuits resulted in an unfavorable cost-benefit ratio.

In another recent study of police pursuits in Michigan, Payne (1993) reported that the majority of pursuits were initiated for speeding (30.5%) followed by other traffic violations (24.9%) and suspected felony crimes (24.3%). Upon apprehension of the suspect Payne found that 34.5% of the pursuits resulted in an arrest involving a felony, 33.1% involved a charge of fleeing and eluding with 14.4% involving drunk driving charges. Payne also found that accidents occurred in 67 out of 197 police pursuits amounting to an accident ratio of 34%.

Beckman (1986), in his Michigan State University study, also utilizing a modified version of the CHP questionnaire, surveyed 9 states and 2 U.S. territories over the course of a 5-month investigation. Results indicated an accident rate of 42% (n = 178), injury rate of 14% (n = 59), and a fatality rate of only 2.9% (n = 12). What was absent from the researcher's explanation of the methodology was a comprehensive explanation of how officers were sampled and surveyed for the study. It is still not clear whether officers

completed the survey forms immediately prior to a pursuit or after the fact at some different locale. It is also not clear if all officers of a specific agency were surveyed or if a sample of officers was chosen to complete surveys. Although the researcher failed to provide many details pertinent to his project, the data, nonetheless, proved to be quite useful for a general understanding of accident, injury, and fatality rates associated with police pursuits.

In another study, Auten (1991) used a survey instrument in his study of 86 police agencies in Illinois. In an effort to make the results more generalizeable and less skewed, the researcher omitted the State Police and the Chicago Police, the state's two largest departments. Results indicated an accident rate of 41% ($n = 118$), an injury rate of 12% ($n = 34$), and a fatality rate of 1.4% ($n = 4$). Auten cautioned against attempts to generalize his data to the entire state. Such generalizations must be done with caution, as Illinois is large with vastly differing demographics across sections of the state.

In a study of a more rural nature, Oechsli (1990) worked with the Kentucky State Police collecting data on intra-agency teletypes. While details on the exact methodology used by Oechsli and the State Police were not provided, results, nevertheless, served to bolster arguments that police pursuits were safer than some had posited previously. Results indicated a total of 235 pursuits with an accident rate of 29% ($n = 178$), an injury rate of 5% ($n = 37$), and a fatality rate of 0.4% ($n = 1$).

In a limited project, Fennessy, Hamilton, Joscelyn, and Merritt (1970) worked with the North Carolina Department of Motor Vehicles in a six-day study of the Departmental offices in response to claims made by the Physicians for Automotive Safety (PAS) (1968). The survey of the offices indicated a total of 44 pursuits with an accident

rate of 11% (n = 5), an injury rate of 4% (n = 2), and a fatality rate of 0% (n = 0). The researchers themselves reported crucial methodological flaws in the study pointing to the small sample, inadequate questionnaire training, and short duration of the study (November 4, 1968 to November 10, 1968).

Finally, in a 1986 study Patinkin and Bingham worked with the Chicago Police Department in an examination of local pursuits. Results indicated a total of 741 pursuits with an accident rate of 24% (n = 178), an injury rate of 5% (n = 37), and a fatality rate of 1% (n = 7).

In addition to the perceived danger posed by pursuits, the failure of officers to report instances of high-speed chases has repeatedly alarmed researchers and scholars. Charles, Falcone, and Wells (1992), Payne and Corley (1994), and Falcone (1994) have noted the existences of a shocking trend in under-reporting of police pursuits. There has emerged a dramatic disparity between the official record of pursuits and those in which officers actually engage. It has been estimated that the failure to report vehicular pursuits might be as high as a factor of 14.5 (Payne, 1997). Thus is borne the “dark figure” of pursuits.

Public & Police Policy

In an effort to understand and appreciate the theoretical concepts governing police policy, it is perhaps best to begin with a brief discussion of public policy. The American public envisions many things when the topic of public policy is broached: military activities, social security, welfare, agricultural subsidies, or medical expenditures. Congressional representatives, presidents, governors, administrators, and even lobby

groups create policy. Stated most fundamentally, public policy “is the sum of the activities of governments, whether acting directly or through agents, as it has an influence on the lives of citizens” (Peters, 1982, p. 4). Public policy has also been defined as “a course of action intended to accomplish some end” (Heclo, 1972, p. 85). In addition, Eulau and Prewitt maintained that policy is “a standing decision characterized by behavioral consistency and repetitiveness” both by those who create it and those who abide by it (Eulau & Prewitt, 1971, p. 465).

Public policy is cumulative and incremental. It is concerned more with the long-term rather than a short-term guide for behavior. Although much of the popular media attention is directed toward critiquing the federal government and its many and varied policies, it must be understood that in the United States, with a federal system of government, there are a large number of subsidiary governments also creating policy and making decisions. In a perfect political environment every subsidiary government would cooperate with every other to create consistent programs and policies. However, the actions of the many governments existing within the United States are often in conflict with one another.

It is also important to remember that not all government policies are implemented by government employees, whether at the federal or state level. Many government policies are implemented in the private sector by organizations or by individuals. This must be understood if an excessively narrow definition of public policy is to be avoided. Public policy does not concern only those programs that are directly administered in the public sector.

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As this brief introduction to the intricacies of public policy comes to a close it is vital to turn now to the domain of police policy. Police policy is but one facet of public policy. Where public policy is concerned with the provision of many services and programs to society, police policy is concerned primarily with the provision of law enforcement and order maintenance services. Public policy makes police services possible while police policy ensures that this provision of services is in accord with the laws and mores of a democratic society.

In a democratic form of government, the state is considered subservient to the citizens. The purpose of government is to provide the citizenry with services and programs if society is to progress economically and technologically. Although the legislative functions of government remain with the citizens, the executive and judicial functions are, by necessity, rendered by special instruments of the government which remains subordinate to the people (Rousseau, 1948).

Thus, policing is far more than simply enforcing the laws of the land. Designed after the English system, American policing is performed by a variety of federal, state, and local agencies falling under civilian control. For the most part state laws govern the activities of the police within jurisdiction of any particular state. As noted by Kenney (1972), state laws entrusted with the creation of sheriff's offices and local police forces emanate from state constitutions and statutes. Police administration as a function of government exists primarily in the abstract as individual agencies generally operate as autonomous units (Kenney, 1972). Therefore, while the United States has a system for policing its society it does not have a national police system such as those existing in

many European and Asian countries. The system of policing in America is “the sum total of the efforts put forth by each of the multitude of agencies” (Kenney, 1972, p. 7).

Fundamentally, police administration has been defined as “the organization, personnel, practices, and procedures essential to effective performance of the law enforcement and other traditional police functions by those agencies to which responsibility has been entrusted” (Marx, 1963, p. 7). This definition embraces all of the activities of the federal, state, and local government related to execution of the police function.

Guidelines and policies for proper police administration are developed by the U.S. Constitution, city charters, state statutes, and local ordinances (Kenney, 1972). While officers and administrators find themselves adhering to a host of Supreme Court decisions and Constitutional provisions, local legislative bodies also develop guidelines and requisites administrators are obliged to follow. In addition, internal policies provide guidelines for officers and administrators alike as to the proper and effective performance of daily duties. To complicate an administrator’s role, modifications of existing policies and guidelines must be continuous as public pressure, political concerns, and court decision generate new, more contemporary policies, highlighting freedom and liberty of the citizenry.

While the realm of police administration has been defined, the term ‘policy’ is also want of an operational definition. According to Nicolaidis and Donner (1960), “Policy is a rule for action, manifesting or clarifying specific organizational goals, objectives, values, or ideals and often prescribing the obligatory or most desirable ways and means for their accomplishment. Such a rule for action established for the purpose of

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framing, guiding, or directing organizational activities including decision-making intends to provide relative stability, consistency, uniformity, and continuity in the operations of the organization” (p. 74).

As Pfiffner has noted, the preceding definition implies that policy is both “flexible and stable, and dynamic and static” (1960, p. 127). Policy is developed at all levels of the police organization. The chief alone does not have sole responsibility for forming and approving organizational policy. It is true that broad policies become formalized when approved by the chief but there are many more interested parties in the primary development of policy than simply the chief. Smaller policies relating to specific functions of police operations may or may not require approval of the chief, depending on the agency. They may be formalized through approval of an appropriate command officer.

Legal Aspects

The field of police vehicular pursuits is replete with complex, often conflicting, legal issues. The consequences of negligence can have far reaching implications for law enforcement agencies as well as individual officers. Litigation can be financially devastating for a department. The need for comprehensive pursuit policy is never so evident as in a brief synopsis of the many recent pursuit legal decisions. Administrators and policy makers need to continually update policy so as to effect any revisions necessary to take into consideration recent court rulings. While this is not an appropriate venue for an in-depth legal analysis of pursuit ramifications the synopsis below will

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provide the discriminating reader with a guide to understanding the many legal intricacies involved in police pursuits.

4th Amendment

It has been argued that the ultimate issue concerning police pursuit rests on the 4th Amendment question of whether the police ‘seize’ a suspect by initiating a pursuit (Alpert & Fridell, 1992). The 4th Amendment ensures, “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized”.

A number of lower courts have interpreted the ruling in Brower v. County of Inyo (1989) to indicate that a seizure under the 4th Amendment does not occur when a police officer initiates a pursuit of a suspect. It was understood that a seizure under the 4th Amendment does not occur, “...whenever there is a governmentally caused termination or governmentally desired termination of an individual’s freedom of movement..., but only where there is a governmental termination of freedom of movement through means intentionally applied” (Brower v. County of Inyo, 1989, p. 1381). Thus, the court interpreted this ruling to indicate that a pursuit is not in fact a seizure applicable under the 4th Amendment.

The issue of a suspect’s 4th Amendment rights had been considered when United States District Court Judge Lamberth relied upon the Supreme Court’s decision in Michigan v. Chesternut (1988) for the ruling in Wright v. District of Columbia (1990)

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when he stated, “The reasonableness of a seizure is to be assessed by balancing the right of the individual to be free from unreasonable intrusions against the needs of the state to carry out its law enforcement function” (p. 10).

An exception to the position of Justices Kennedy and Scalia would surface in Judge Lamberth’s ruling in Wright v. District of Columbia (1990) when he stated that, “It is undisputed that the police engaged in a high speed vehicular pursuit of plaintiffs and intended to seize plaintiffs. Under these facts, the court finds that a seizure occurred, invoking the Fourth Amendment’s requirements of reasonableness” (p. 9). Thus, it can be argued that the processes involved in police pursuit driving have been identified as a seizure by the Wright court and when found unreasonable, lends itself to consideration as an issue of liability.

42 U.S.C. § 1983

A use of force issue is litigated under 42 U.S.C. § 1983. In Baker v. McCollan (1979) the Court decided that the initial inquiry into any § 1983 suit must isolate and identify the constitutional violation before any subsequent action can begin. As previously noted, most pursuit cases will involve some issues relevant to the 4th Amendment's prohibition against unreasonable searches and seizures.

Title 42 of the United States Code reads, “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 persons 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

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action at law, suit in equity, or other proper proceeding for redress. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia” (p. 1).

The Brower Court (1989) recognized some similarities between the use of a firearm and a police pursuit when it was stated that, “Brower’s independent decision to continue the chase can no more eliminate respondent’s responsibility for the termination of his movement effected by the roadblock than Garner’s independent decision to flee eliminated the Memphis police officer’s responsibility for the termination of his movement effected by the bullet” (p. 1381). The Court has relied upon its ruling in Graham v. Connor (1989) to assist in a determination of reasonableness when an officer effects a pursuit. The reasonableness of the use of deadly force is determined by analyzing “the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, whether he is actively resisting arrest or attempting to evade arrest by flight” (p. 9).

However, the Court in Graham v. Connor (1989) maintained that, “all claims that law enforcement officers have used excessive force—deadly or not—in the course of arrest, investigatory stop, or other ‘seizure’ of a free citizen should be analyzed under the Fourth Amendment and its ‘reasonableness’ standard” (p. 8). In addition, the Court stated in Terry v. Ohio (1968) that a seizure, which establishes the Fourth Amendment’s protections, occurs only when the police have “by means of physical force or show of authority...in some way restrained the liberty of a citizen” (p. 19). Thus, the opportunity for an examination of police pursuit as a 4th Amendment issue has existed for many years.

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The status of police pursuits as subject to 4th Amendment standards is still hotly debated within the ranks of the legal profession. The District of Columbia in Wright v. District of Columbia (1990) held that a police pursuit constitutes a seizure of the suspect and is, therefore, subject to the 4th Amendment's standards of reasonableness and probable cause. However, the Sixth Circuit Court in Galas v. McGee (1986) remained dubious when it stated that, "without question high-speed pursuit places the suspect, the officer, and the public in general at risk of death or serious bodily injury. In that respect high-speed pursuits are no different than the use of a firearm to apprehend fleeing suspects. We conclude that the minimal intrusion on a traffic offender's Fourth Amendment rights occasioned by the officer's participation in a high-speed pursuit does not outweigh a longstanding police practice which we consider essential to a coherent scheme of powers'. Accordingly, we hold that the use of high-speed pursuits to apprehend traffic violators is not unreasonable, and, thus, not violative of the Fourth Amendment" (p. 4).

14th Amendment

Questions have also arisen in regards to various 14th Amendment considerations raised by police pursuits. In County of Sacramento v. Lewis (1998) the issue of police culpability was again examined. The case involved the death of a motorcyclist involved in a high-speed police chase. The Court was called upon to determine whether the officers involved in the pursuit had violated the defendant's 14th Amendment guarantee of substantive due process. Litigants claimed that the due process clause had been violated after the officers caused the death of the cyclist through deliberate and reckless

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indifference to life in a high-speed pursuit. In response to the claim, Justice Souter delivered the Court's decision by stating, "We answer no, and hold that in such circumstances only a purpose to cause harm unrelated to the legitimate object of arrest will satisfy the element of arbitrary conduct shocking to the conscience, necessary for a due process violation" (p. 15).

Policy Considerations

The field of vehicular pursuits abounds with many important topics of which police administrators must be constantly aware. Researchers continue to develop new, more effective tools, the use of which only serves to strengthen police pursuit policies and protect agencies and officers alike from claims of negligence and liability. Policy makers and administrators must first understand the issues behind claims of liability and negligence as well as the basis behind fundamental policy development. Once the basic building blocks of policy development are understood and appreciated departmental pursuit policies will offer more protection to civilians, officers, and the agency as a whole.

Emergency vehicles, among which are included police squad cars, are afforded certain privileges exempting them from traffic laws during the performance of law enforcement duties. The ability to refrain from obeying traffic laws related to speed, traffic signals, and right of way poses several dilemmas for police administrators. Therefore, many states have borrowed language from the Uniform Vehicle Code for assistance with the creation of departmental pursuit policies. The Uniform Vehicle Code states that a driver of an emergency vehicle is not relieved "from the duty to drive with

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due regard for the safety of all persons using the highway, nor protect him from the consequences of an arbitrary exercise of the privileges granted under the exemption” (National Committee on Uniform Traffic Laws and Ordinances, 1967, p. 106). Although the driver of an emergency vehicle is exempt from obeying traffic laws while in the course of professional duties, an officer is, nonetheless, held to a higher standard than a citizen due to their special status within the community.

This special status has come under fire in several noteworthy legal cases. In Thornton v. Shore (1983) the Kansas University Police Department was sued by plaintiffs arguing that the officer in question failed to drive with due regard after the deaths of two innocent motorists. Plaintiffs maintained that due to the reckless nature of the suspect being pursued the officer should have terminated the pursuit based on the foreseeability of an accident or injury. The defending officer maintained that he was immune from liability ”pursuant to the state law permitting him to disregard certain traffic laws but not to disregard the duty to drive with due regard for the safety of all persons” (Alpert & Fridell, 1992, p. 22). The court ruled the officer’s driving to be reasonable and in accord with the clause of due regard for the safety of citizens.

Chambers v. Ideal Pure Milk Company (1952)

In Chambers v. Ideal Pure Milk Company the Court (1952) stated, “Charged as they were with the obligation to enforce the law, the traffic laws included, they (the police) would have been derelict in their duty had they not pursued him. The police were performing their duty when Shearer, in gross violation of his duty to obey the speed laws, crashed into the milk wagon. To argue that the officers’ pursuit caused Shearer to speed

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may be factually true, but it does not follow that the officers are liable at law for the results of Shearer's negligent speed. Police, cannot be made insurers of the conduct of the culprits they chase." (1952, p. 590).

West Virginia v. Fidelity Gas & Casualty Company of New York (1967)

In West Virginia v. Fidelity Gas & Casualty Company of New York (1967) the court maintained that, "We are not prepared to hold an officer liable for damages inflicted by the driver of a stolen vehicle whom he was lawfully attempting to apprehend for the fortuitous reason only that the criminal drove through an urban area. To do so would open the door for every desperado to seek sanctuary in the congested confines of our municipalities, serene in the knowledge that an officer would not likely give chase for fear of being liable for the pursued recklessness. Such now is not the law nor should it be the law." (1967, p. 90).

This sentiment, however, is on the cusp of a major transformation in the contemporary views of the courts. In the dissenting opinion of Thornton Justice Herd stated that, "Even with the [emergency] warnings, however, the driver must operate the [police] vehicle with due regard for the safety of all persons. The majority holds whenever a high speed chase results in a collision between the person pursued and a third party, the pursuing officer has, as a matter of law, met the 'due regard' standard...by merely turning on his warning signals...There are numerous scenarios where an accident is caused by one not a party to a collision. It is a question of causation." (Thornton v. Shore, 1983, p. 668).

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Dissenting opinions such as that of Justice Herd demonstrate just one of the many issues facing police administrators and policy makers as they attempt to solve the intricacies inherent in policy development. While it is not possible, or even wise, to attempt to second guess the decisions of legal professionals in rulings pertaining to liability and negligence claims arising from police pursuits, administrators can be aware of the legal risks imposed whenever an officer pursues a lawbreaker.

Legal issues aside there is a definite need for adequate policy relating to vehicular pursuits. Officer's discretion and performance must be properly guided before they can become efficient and effective law enforcers. Not only is a policy designed as legal protection for the agency but officer development and the protection of the general public must also be under consideration as administrator's outline a pursuit policy. As stated by James Fyfe (1979) there is a need for written departmental policy, "To do otherwise is to simply leave employees "in the dark" in the expectation that they will intuitively divine the proper and expected course of action in the performance of their duties...Discretion must be reasonably exercised within the parameters of the expectations of the community, the courts, the legislature and the organization, itself" (p. 1).

Conclusion

As iterated in the opening paragraphs of this chapter there have been numerous efforts to arrive at quantitative data demonstrating pursuits to be more or less dangerous. Due to methodological variation, studies continue to obtain contradictory and confusing results. In addition, officers have repeatedly voiced approval for pursuits stating that they are an important and integral part of law enforcement's efforts to apprehend and bring to

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justice suspected violators of the law. The one constant in all pursuit research continues to be the necessity for comprehensive and effective policy. Administrators must constantly be aware of recent court rulings on pursuit litigation. Updated, effective policy can protect the department, officer, and public from risks involved with negligence, liability, and needless danger.

Beginning with the study by the Physician's for Automotive Safety (PAS), which found an accident rate of 70% and a fatality rate of 20%, researchers have endeavored to bring the true nature of danger in police pursuits to the forefront. Despite methodological and jurisdictional variations, researchers have consistently demonstrated pursuits to be less dangerous than originally believed. Accident rates have consistently been found to be below the previous level observed by the PAS. Researchers have found accident rates to vary between a low of 11%, found by Fennessy, Hamilton, Joscelyn, and Merritt (1970), to a high of 29% discovered by Oechsli (1990).

In addition, fatality rates have been demonstrated to range from a low of 0% in one study of the North Carolina Department of Motor Vehicles (Fennessy, Hamilton, Joscelyn, & Merritt, 1970) to a high of 2% in a study by Beckman at Michigan State University (1986). Some variation has also been noticed in the rates of injuries observed by researchers. Fennessy, Hamilton, Joscelyn, and Merritt (1970) discovered an injury rate of 4% while Charles, Falcone, and Wells (1992) observed an injury rate of 17%.

Despite the variation in rates of accidents, injuries, and fatalities, police pursuits, nonetheless, have been identified and supported by researchers and officers, alike, as a necessary and integral component of police work. Routine vehicular pursuits serve to apprehend numerous wanted felons and dangerous suspects. In a study by Payne (1993)

it was observed that 24.3% of police pursuits were initiated for felony crimes. In another study by Alpert and Dunham, (1988) it was discovered that, of the suspects who were apprehended upon termination of a pursuit, 48% were arrested for a felony.

Police pursuits have also involved the legal system to a large extent. The Supreme Court as well as District Courts have been called upon to rule on issues such as 4th Amendment seizure considerations, 14th Amendment due process concerns, and uses of force in pursuits.

The Supreme Court refuses to specifically detail the circumstances under which a pursuit amounts to a 4th Amendment seizure but suggests that a pursuit “communicate to a reasonable person that he was not at liberty to ignore the police presence and go about his business” (Michigan v. Chesternut, 1988, p. 56). Originally, the Court would agree with the District Courts and state that a pursuit alone did not constitute a seizure protected under the 4th Amendment. Later, a more substantive ruling would be offered when Justice Lamberth stated that, “It is undisputed that the police engaged in a high speed vehicular pursuit of plaintiffs and intended to seize plaintiffs. Under these facts, the court finds that a seizure occurred, invoking the Fourth Amendment’s requirements of reasonableness” (Wright v. District of Columbia, 1990, p. 9).

Additionally, the Court was called upon to rule on issues related to the 14th Amendment’s guarantee of substantive due process. Justices ruled that only arbitrary conduct shocking to the conscience unrelated to the legitimate object of arrest would satisfy the requirements of the 14th Amendments guarantee of due process.

Thus, it is evident that the area of police vehicular pursuits is replete with many interesting and often conflicting ideas and legal decisions. Many studies have presented

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pursuits in a context of posing serious safety risks to the general public while other studies have stressed the fact that empirical results indicate pursuits to be relatively safe. Legal rulings, too, have posed fascinating questions for both police administrators as well as academics studying this area of law enforcement. It is the responsibility of police administrators to synthesize the findings of academics with the decision of judges and Justices to arrive at the ideal pursuit policy. This would serve the officers, the public, and the department well as pursuit litigation is destructive to all involved.

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Chapter 3

Liability & Negligence

There exists an exceedingly complex relationship between police pursuits, the use of force, and the realm of policy with which administrators strive to contend. Policy makers rarely witness the barrage of daily tensions experienced by patrol officers as they enforce traffic laws, quell domestic disputes, or help a lost child. Policy makers and administrators alike must be fully aware of the often tense atmosphere within patrol officers worn on a daily basis. In efforts to draft effective and efficient policy, administrators are responsible for a vast array of liability issues and departmental training conceptualizations. There is no single best method through which to incorporate policy into the daily business of a department. It is the responsibility of policy makers and administrators to generate methods by which officers can effectively learn and implement policy in their daily interactions with the civilian population.

The operation of vehicles by the police can be classified into two distinct categories: routine and emergency operations. Police officers are required to operate vehicles during the performance of their daily duties. An officer operating a vehicle under normal, routine conditions is held to the same standard of reasonableness required of the general public. Under routine conditions any accident or injury incurred during the performance of patrol duties is litigated under the general theory of negligence (Kappeler, 1993). If a violation of law is to be considered negligent the complainant must demonstrate that the law was designed to prevent the damage or injury inflicted. In addition, the law must have been designed to protect a specific class of persons (Kappeler, 1993).

The second type of operation of vehicles by police officers involves emergency situations. Due to the inherent dangers posed by the use of emergency vehicles in responses by police, all states have enacted statutes governing the operation of emergency vehicles (Silver, 1991). Many jurisdictions grant emergency vehicles limited statutory immunity for any violations of state or municipal traffic regulation incurred during an emergency response (Kappeler, 1993). Thus, police officers are afforded some level of protection while responding to emergency calls for assistance.

Questions have arisen as to what constitutes an emergency situation for police officers. This query is to be determined by the courts based on situational factors and individual officers' perception (Kappeler, 1993). It has been decided by the courts that, basically, an "officer must be involved in emergency use of the vehicle and the officer must reasonably feel that an actual emergency exists" (Kappeler, 1993, p. 99).

Previously the Washington Supreme Court had ruled that, "The test for determining whether a publicly owned vehicle is at a given time responding to an emergency call is not whether an emergency in fact exists at the time but rather whether the vehicle is being used in responding to an emergency call. Whether the vehicle is being so used depends upon the nature of the call that is received and the situation as then perceived to the mind of the driver" (Lakoduk v. Cruger, 1956, p. 699).

In some instances, for purposes of immunity, courts hold that the chase or attempted apprehension of a law violator is not always an emergency. Therefore, an officer's negligence in violating traffic regulations is determined by the surrounding circumstances dictating the use of the vehicle and the seriousness of the suspect's behavior (Fiser v. City of Ann Arbor, 1983). The Michigan Supreme Court stated that

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“in order for [statutory immunity] to apply, defendants must show that the officers reasonably believed an emergency existed. The chase or apprehension of violators of the law does not necessarily constitute an emergency situation” (Fiser v. City of Ann Arbor, 1983, p. 417).

In states with limited statutory immunity, the officer is not held liable for the violation of a state or municipal traffic regulation while responding to an emergency. A violation of a traffic regulation resulting in injury or damage is not conclusive proof of the officer’s negligence (Kappeler, 1993). If a plaintiff should desire to establish proof of negligent operation of an emergency vehicle, factors beyond the mere violation of a traffic must be established if the claim of negligence is to be supported. Limited statutory immunity varies from state to state and is restricted to the use of vehicles in actual emergency situations.

Liability

One area with which policy makers and administrators must become intimately aware is in the area of liability. Although criminal liability is generally a rarity for the vast majority of police departments it is, nonetheless, a possibility that must be examined. Under federal law, the most likely criminal liability for improper police conduct would be under Title 18 of U.S. Code Section 242, Criminal Liability for Deprivation of Civil Rights. Another section with which administrators and policy makers should become familiar is Title 18 of the U.S. Code Section 245, Violation of Federally Protected Activities.

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Although the federal law has many proclamations against police misconduct, state law has its share of precepts discouraging police indiscretion. Under state law, an officer may be charged with “penal code provisions specifically addressing public officers for offenses such as official oppression or official misconduct” (Carter & Payne, 1988, p. 119). It is also true that an officer could be charged with a standard criminal offense if the officer in question used improper force against a citizen. It is a safe assumption that if an officer were charged with gross misconduct the department and jurisdiction would also be held liable for a civil lawsuit.

There are jurisdictions across the country where police negligence is barred by statutes immunizing officers from liability claims in the emergency operation of vehicles (Kappeler, 1993). Generally these statutes immunize officers from claims of liability when they attempt to apprehend escaping suspects. An example of such a statute was interpreted by the California Supreme Court in the ruling that, “the purpose of the legislation was to immunize public entities and employees from the entire spectrum of potential injuries caused by persons actually or about to be deprived of their freedom who take physical measures of one kind or another to avoid the constraint or escape from it” (Kisbey v. State of California, 1984, p. 1096).

While it has been stated that the probability of an officer or department being held criminally liable is not dramatically high, the possibility of a civil suit is, indeed, much higher. Civil lawsuits aimed at police personnel may be based on either state tort law or federal law as found under the Civil Rights Act (Carter & Payne, 1988).

A tort may be defined as, “a wrong, either intentional or unintentional (as when caused by negligence), wherein the action of one person causes injury to the person or

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property of another in violation of a legal duty imposed by law” (Carter & Payne, 1988, p. 119). If a tort lawsuit is to be brought against an officer or department it is necessary first that the officer or department act with care toward the suing party. If the duty of the officer was breached and that subsequent breach created the proximate cause of injury to the party as a result, liability may be established. “Injury” in such a case is not limited merely to physical harm but includes injury to the rights of the person under consideration. There are a myriad of torts for which an officer can be found liable: wrongful death, use of excessive force, invasion of privacy, libel or slander, negligent vehicle operation, or negligent administration of first aid (Siegel, 1989).

The most widely utilized provision of law used in police liability cases is 42 U.S.C. 1983, Deprivation of Civil Rights, a section of the Civil Rights Act of 1964 (Carter & Payne, 1988). Section 1983 of the U.S. penal code states, “Every person who, under color of any statute, ordinance, regulation...of any State or Territory...causes to be subjected, any citizen of the United states...the deprivation of any rights, privileges...shall be liable to the party injured in an action at law, in suit in equity, or other proper proceeding for redress” (42 U.S.C. 1983, p. 1). It is necessary to establish officer or department liability under Section 1983 through the presence of four elements: 1) the defendant must be a natural person or a local government; 2) the officer must be acting under color of law; 3) the violation must be of a constitutional or federally protected right; 4) the violation must reach a constitutional level (Carter & Payne, 1988). For an officer or a department to act under color of law the entity must be acting “with the appearance of legal authority; in actual or purported performance of one’s duties as a state official” (Clapp, 1996, p. 274).

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Once liability has been established the plaintiff in a Section 1983 suit may request three types of relief: monetary relief, declaratory relief, or injunctive relief. Monetary relief, on which there is no set limit amount, is awarded when defendants are required to pay the plaintiff for damages incurred as a result of actions of the officer. Declaratory relief is characterized by a declaration of the court that the officer and/or department acted improperly and bears the full brunt of responsibility for the actions in question. The court grants, in injunctive relief, the plaintiff's request that a change in operations or behavior of the officer and/or department. The impact of injunctive relief cannot be underestimated. The court can mandate policy and managerial operations for which a department has little choice but to follow.

Policy makers must also understand that liability can be both a direct as well as vicarious phenomenon. If an individual is the direct cause of the resultant injury or violation, it is defined by a claim of direct liability. Substituted responsibility, where supervisors, administrators, and others in the hierarchical chain of command, are held responsible for the actions of their subordinates is characteristic of vicarious liability. A plaintiff wishing to establish vicarious liability must demonstrate that the police department acted negligently, or with deliberate indifference, in permitting improper police conduct. Generally, it is necessary for the plaintiff to be required to demonstrate a pattern of misconduct to exist within a department. However, in instances of gross impropriety, it may not be necessary to establish a pattern of behavior.

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Municipal Liability

Municipal liability should be a central concern to administrators and policy makers within a law enforcement organization. Eventually municipalities would be exposed to unprecedented liability by the Supreme Court (Monroe v. Pape, 1961). Here, the Court ruled that municipalities were not liable as “persons” under Section 1983 (Hall, 1988). This decision would later be overturned when the Supreme Court concluded that “the legislative history of the act supported a statutory construction that defined “persons” to include municipalities” (Lewis, 1991, p. 556; Monell v. Department of Social Services, 1978). Therefore the Court determined that a government entity may be held liable under 42 U.S.C. 1983. However, such liability must be found upon evidence “that the government unit itself supported a violation of constitutional rights” and not on the basis of the “respondent superior doctrine or vicarious liability” (Lewis, 1991, p. 556).

Thus, municipal liability applies only when the execution of a government’s policy or custom inflicts the subsequent injury. Generally, the presentation of evidence of statutes, official proclamations, or policy directives suffices to establish expressed municipal policy (Lewis, 1991). A single application of an expressed policy deemed unconstitutional is sufficient to invoke court action.

While it might seem a relatively simple task to establish municipal liability through the presentation of statutes, proclamations, and directives, it is quite another to prove a custom a violation of constitutional rights. In response to this question the Supreme Court ruled that “proof of a single incident of unconstitutional activity is not sufficient to impose liability under Monell, unless proof of the incident includes proof

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that it was caused by an existing unconstitutional municipal policy that can be attributed to the municipal policy maker” (Lewis, 1991, p. 557; Oklahoma v. Tuttle, 1985).

Barriers to Liability

Findings of police liability in some jurisdictions are limited by an adoption of the ministerial/discretionary function distinction (Johnson v. State of California, 1987). A ministerial function is any behavior that is considered a line or operational function such as duties an officer must perform as part of daily operations. Discretionary functions, on the other hand, entail policy development or planning tasks such as the introduction of a new drunk driving policy.

The dichotomy of ministerial and discretionary functions has brought some confusion to the courts. Some courts have ruled that the emergency operation of vehicles is a discretionary function. Thus, in such a case the courts have rejected claims of police liability for negligent operation of emergency vehicles. However, other jurisdictions have concluded that police pursuits are a ministerial function allowing for claims of liability to be imposed (Gibson v. Pasadena, 1987). To assuage some of the confusion brought about by the ministerial/discretionary dichotomy Kappeler and del Carmen (1988) have noted that courts often maintain that an officer’s decision to engage in a pursuit is a discretionary function, while operation of the vehicle is ministerial in nature.

In states retaining some vestiges of sovereign immunity such as Virginia, police pursuit is considered conduct within the “scope of official employment and therefore” negligence action is barred (Kappeler, 1993, p. 101). The State of Michigan has a much different position on the issue of police negligence. The position presented in the

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Michigan Compiled Law Annotated states, “Governmental agencies shall be liable for bodily injury and property damage resulting from the negligent operation by an 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” (Michigan Compiled Laws Annotated 691.1405). Courts are increasingly holding officers, departments, and municipal governments liable for their actions as well as those of the suspect.

Negligence

As administrators and policy makers become familiar with the concepts and issues surrounding liability it is necessary to examine the variety of areas within which officers, supervisors, and their departments can create an environment ripe for claims of negligence.

Negligence has been defined as “inadvertent behavior that results in damage or injury” (Kappeler, 1993, p. 23). In negligence tort a lesser degree of foreseeability of danger is required than in intentional tort. The mental state of the officer in question is not an issue in an application of negligence tort. Inadvertent behavior leading to injury or damage can be a cause to action under negligence tort. The fundamental standard applied in negligence tort actions is whether the “officer’s actions created an unreasonable risk to another member of society” (Kappeler, 1993, p. 23).

There are four basic elements needed to establish a case of police negligence: Legal duty, a breach of that duty, actual damage or injury to another party, and the

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proximate cause of such damage due to actions of the officer (Kappeler, 1993).

Negligence is generally determined by the facts of the case and the utilization of the reasonableness standard (Payne & Corley, 1994). The task is left to the courts to determine what any reasonable and prudent emergency driver would do in the circumstances surrounding an emergency (Rutherford v. State, 1979). Once reasonableness has been determined, it is left to the plaintiff to demonstrate proof of negligence providing evidence showing a duty to the injured party, a breach of that duty, and an injury proximately resulting from that breach (Brooks v. Lundeen, 1981).

Basically, there are eight areas where an officer, supervisor, or department can be held responsible for negligence in the fulfillment of basic duties: negligent hiring, negligent assignment, failure to train, negligent entrustment, failure to supervise, failure to direct, negligent retention, and failure to protect. In a case alleging negligent hiring, liability may ensue if it can be established that an employee is unfit for appointment as a police officer and such unfitness was known by the department. Negligent hiring can also be established if it can be shown that the department should have been aware of an employee's unsuitability as an officer (Carter & Payne, 1988).

Negligent assignment refers to the assignment of an officer to a job or task without ascertaining if the individual was prepared to adequately perform the responsibilities required for the task. Negligent assignment can also occur when an officer remains in a position for which incompatibility has been demonstrated (Carter & Payne, 1988).

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An allegation of failure to train is a failure of the department to properly provide a subordinate with the skills, training, knowledge, or activities required to adequately perform the tasks incumbent of employment as a police officer.

Negligent entrustment occurs when there is a failure of a supervisor to properly supervise an officer's custody or use of equipment provided for completion of the duties required of a police officer. It has been stated that in a case alleging negligent entrustment it is a "test of deliberate indifference. The plaintiff must be able to prove that the officer was incompetent, inexperienced, or reckless, and that the supervisor knew or had reason to know of [the] officer's incompetence" (del Carmen, 1986, p. 318).

In a case of failure to supervise it must be shown that a superior officer, at any step along the hierarchy of command, was negligent in the duty to oversee subordinate performance of official duties in accordance with the law. Liability can be established if a supervisor failed to enforce organizational policy in a regular manner.

Very similar to failure to train is failure to direct. The police department has the responsibility of instructing its employees in the specific procedures, conditions, and limits associated with performance of their respective duties.

Negligent retention occurs when the police department fails to take appropriate disciplinary actions or retraining efforts of an officer who has demonstrated unsuitability for the position as a police officer to a dangerous degree (Swanson, Territo, & Taylor, 1993).

The final area of organizational negligence is failure to protect. A claim of failure to protect asserts that the police failed to take affirmative or preventive measures to protect an individual from injury or harm (Carter & Payne, 1988).

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Legal Duty

A legal duty is any behavior recognized by the court requiring police officers to either take appropriate action or to refrain from taking action in certain situations (Kappeler, 1993). The duties required of police officers arise from various sources including law, custom, judicial decisions, and departmental policy. Previously, many plaintiffs were unsuccessful in establishing the fact that this duty was not owed to individuals. However, lately this has begun to change. Many courts now recognize that under certain circumstances the police may owe a special duty to individual citizens. In such a case the actions of the police serve to set the individual apart from the general public (Kappeler, 1993).

Breach of Duty & Proximate Cause

The existence of a legal duty of protection is not sufficient in and of itself to establish officer liability in negligence suits. The plaintiff must demonstrate that the officer breached the duty of protection to the citizen (Kappeler, 1993). Courts recognize that the police are only liable to specific individuals and not to the general public as a whole. As noted by Kappeler (1993), "There must exist some special knowledge of circumstances that sets the individual citizen apart from the general public and shows a relationship between that citizen and the police" (p. 25). However, it is important to point out that courts recognize a duty of care by police officers operating emergency vehicles (Kappeler, 1993). Operators of emergency vehicles are required to drive with "due care for the safety of all persons using the public roadways (Kappeler, 1993, p. 102).

Once a plaintiff has successfully demonstrated the existence of a police duty and has established the parameters of the breach of that duty to a specific citizen, it is still required that the plaintiff prove that the officer's action was the proximate cause of the injury or damage (Kappeler, 1993). The proximate cause of an injury or damage can be established by determining if the injury or damage would have been sustained were it not for the actions of the officer. If proximate cause can be established then the officer can be held liable for the damage or injury. The proximate cause requirement of negligence suits is designed to bar liability in instances where damage or injury would have been suffered regardless of the actions of the police.

Courts have utilized two distinct techniques when dealing with issues of proximate cause. The first approach treats cause as a doctrinal barrier to findings of police liability for injuries sustained by third parties in a pursuit (Kappeler, 1993). Courts using this line of reasoning maintain that the conduct of an officer in the midst of a pursuit cannot be the proximate cause for injuries or damage suffered by an innocent third party (Kappeler, 1993). Hence, such courts are reluctant to discover police liability if an officer's vehicle is not directly involved in an accident with the injured party's vehicle. Courts operating under this philosophy do not extend the zone of proximate cause beyond the actual collision of the police vehicle and the third party.

Kappeler (1993) has stated that such reasoning is based on three points:

1. Police officers have a duty to pursue, apprehend, and arrest law violators. The courts deem this duty so important that it outweighs any other policy concern. From this position, the duty of care becomes subordinate to the duty to apprehend.

2. Police officers and public entities should not become the insurers of the negligence damage caused by law violators.
3. The actions of a fleeing law violator are an intervening cause which negates the possibility of an officer's conduct constituting the proximate cause of injury (p. 111).

The second approach uses the principle of proximate cause as a guide to determine whether specific police conduct is the cause of injury or damage (Kappeler, 1993). This approach also reflects a growing trend among state courts. Courts examine the situational factors surrounding the conduct of the officer in efforts to determine proximate cause. Rather than formulating a blanket pronouncement on proximate cause courts using this approach adopt a case by case method. In utilizing a case by case method courts do not automatically confine proximate cause to the zone of contact between the police vehicle and the injured party. Instead, the conduct of a "pursuing police officer may be the proximate cause of injuries sustained in an accident even where the police vehicle did not directly become involved in the collision" (Kappeler, 1993, p. 102). This frees the court to determine proximate cause and police liability by examining the extent to which the officer's conduct and the situational factors surrounding the accident contributed to the injury or damage.

Similar to the first approach, this judicial approach to proximate cause is based on certain legal principles. Courts have recognized a refusal to recognize an absolute duty to apprehend suspected law violators. Thus, officers cannot utilize any method available in an effort to apprehend a suspected law violator. Care must be taken to protect the lives and property of citizens and bystanders. Second, courts have noted a refusal to relegate

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the duty of care to the duty to apprehend. Here again, officers must use due care for the safety and well being of innocent bystanders when endeavoring to apprehend an offender. The duty to apprehend an offender is not necessarily more important than the duty of care for the general public.

Third, courts have accepted the possibility of a concurring cause modification of proximate cause doctrine. It has been noted that the cause of an accident might have a secondary causal factor other than that of the officer in pursuit of a suspect. Fourth, higher courts have demonstrated deference to subjective jury decision making. Lower courts have been afforded the opportunity to allow juries to render verdicts in many instances of police liability and negligence. Finally, courts have adopted an application of a failure to warn doctrine (Kappeler, 1993, p. 111). Officers in pursuit of a suspected offender have a duty to warn bystanders of danger while engaged in a pursuit by means of the use of a siren and warning lights.

If a plaintiff is successful in establishing duty of protection, a breach of duty, and proximate cause, it is still necessary to determine if actual injury or damage has been suffered. The plaintiff must demonstrate that the damage or injury was such that it “substantially interfered with an interest of an individual or his/her property” (Kappeler, 1993, p. 26).

Breach of Reasonableness

Courts have determined that negligence is a question of fact and law that is established by proving the existence of duty and then observing a behavior that constitutes a breach of that duty (Kappeler, 1993). The traditional approach of the courts

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considering issues of negligence is to develop principles that negate breaches of the reasonableness standard (Kappeler, 1993). In so doing the courts do not consider every specific action by the officer that may breach a duty. Legal principles developed by the courts exclude certain types of conduct from constituting a breach of duty. Theoretically, this practice provides consistency in judicial decision making.

The principles negating a breach of duty are derived from two legal distinctions. First, courts distinguish between the “actual operation of an emergency vehicle and the initial decision making process of the pursuing officer” (Kappeler, 1993, p. 112). Courts have held that the duty of care standard and reasonableness test are invoked only by the actual operation of the emergency vehicle. The officer’s decision to pursue a suspect is not applied to the reasonableness test or the duty of care standard. This, in effect, shields officers from claims of liability associated with their decision making processes.

The second distinction deals with the physical operation of the police emergency vehicle. In this instance, the court isolates certain types of conduct and removes them from other actions which constitute conclusive proof of officer negligence. The courts have held that an officer exceeding the speed limit in pursuit of a suspect is not an instance of police negligence (Brown v. City of New Orleans, 1985; Riggs v. State, 1986). The distinction is based on the totality of circumstances, not simply officer decision making.

Under this distinction a plaintiff is forced to establish that an officer’s conduct was a breach of reasonableness (Kappeler, 1993). This can prove to be a daunting task when the totality of circumstances is considered instead of the individual aspects of the pursuit. A single factor such as high speeds or failure to use emergency sirens is not

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conclusive proof of police negligence. Generally, state courts consider a variety of factors in determining negligence in police pursuit cases. The factors considered by the state courts can be grouped together into four zones of negligence: Justifications for pursuits, actual vehicle operation, circumstances of operation, and external factors (Kappeler, 1993).

The first justification courts have taken into consideration has been the presence of a real or apparent emergency (Hamilton v. Town of Palo, 1976; Keating v. Holston's Ambulance Service, Inc., 1989). As stated previously, an emergency has been demonstrated if an officer honestly believes an emergency to exist. A second justification considered by the courts pertains to whether the officer's conduct was serious (Gibson v. Pasadena, 1978). A serious breach of the reasonableness standard would surely place the officer, as well as the department, in danger of negligence liability. However, reasonable conduct on the part of the officer greatly lessens any threat of liability for the department and the officer in question. Third, the court contemplates whether alternatives to pursuit were available to the officer (Mason v. Britton, 1975). If an officer is faced with viable alternatives to a pursuit then claims of negligence can be substantiated. However, the court will recognize if an officer has no option but to pursue an offender. Finally, the court considers whether the apprehension of the suspect was feasible. If apprehension of a suspect is dubious an officer and the department may face charges of negligence. However, if a suspect is easily apprehended by means of a pursuit then claims of negligence and liability are not likely to be substantiated.

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Factors in the actual physical operation of the vehicle considered by the courts include the speed at which the vehicle was operated, the use of emergency equipment (Fowler v. North Carolina Department of Crime Control, 1989), violation of traffic regulations, and disregard of traffic control devices (Brown v. City of Pinellas Park, 1990). If any of these factors are blatantly violated with little regard to the safety of citizen's claims of negligence and liability can be confirmed. However, if an officer takes reasonable care in the pursuit of a suspect a plaintiff is provided less evidence of officer negligence.

Factors in the circumstances of operation considered by the courts include the physical conditions of the roadway, weather conditions (Bickel v. City of Downey, 1987), density of traffic (Brown v. City of Pinellas Park, 1990), presence of pedestrians, presence of audio or visual warning devices, and area of pursuit (Brown v. City of Pinellas Park, 1990). An officer demonstrating due care and regard for the safety of citizens will take each environmental factor into consideration prior to implementing a pursuit. If a pursuing officer can be demonstrated to have rendered due care with respect to considering each factor during the pursuit, claims of liability and negligence are much more difficult for a plaintiff to prove.

External factors considered by the courts include the violation of departmental policy regarding police pursuits, officer's training in pursuit driving (West v. United States, 1985), and the physical and visual condition of the police vehicle. Claims of negligence are much more difficult for a plaintiff to validate if an officer has been trained in pursuit driving by the department and adheres to departmental policy regarding pursuits. The condition of the police vehicle enables a court to determine whether the

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officer in question drove with reckless abandon in attempts to apprehend the suspected law violator. If a plaintiff can prove any one of these factors it is a much easier task to support claims of police liability and negligence in court.

Deliberate Indifference

The area of deliberate indifference poses some interesting problems for policy makers. Officers need to understand instances where suspects might genuinely require medical care. The failure to be sensitive to the personal needs of suspects and prisoners can be a serious issue of liability for officers and department, alike.

The Supreme Court has rejected the contention that a municipality can be held liable under Section 1983 only if the policy of the municipality was itself unconstitutional (Canton v. Harris, 1989). This ruling required plaintiffs to bridge the gap between policy and injury in a stringent manner. The Court adopted the deliberate indifference standard that was required to be met to establish a constitutional violation by a municipality. Deliberate indifference is utilized by many plaintiffs seeking compensation for instances of police shootings and the use of excessive force. Most of the claims center around a municipality's failure to effectively train its officers so as to avoid the constitutional deprivation (Lewis, 1991).

Court Rulings

After administrators and policy makers are adept with the terminology required to understand policy they must next embark on an endeavor to untangle the intricate web of court rulings relating directly to the use of force by police. It is a basic necessity, when

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writing effective and efficient policy, to take into consideration the decisions of the courts. It does a department little benefit to write policy with no conscious effort to synthesize the organizational mission, requirements of law, and court rulings.

Administrators must be intimately familiar with what is considered improper police conduct by the courts if they are to draft formal policy.

Due to the fact that this is not the proper venue for a detailed legal analysis of all of the many legal intricacies highlighting police pursuits, a matrix has been developed to assist in a brief synopsis of the variety of legal issues placed before the courts. This matrix has been divided into discrete categories detailing operational considerations ruled upon in the court system and administrative aspects on which the courts have ruled.

Table 2 and Table 3 provide the legal matrix of operational/tactical and administrative issues inherent in police pursuits.

Table 2

Operational/Tactical rulings of various vehicular pursuit cases.

	Roadblock	Environmental Conditions	Traffic Regulations & Conditions	Emergency Equipment	Speed	Existence Of Emergency
<u>City of Sacramento v. Superior Court in and for Sacramento County (1982)</u>				X		
<u>Georgia Dept. of Public Safety v. Collins (1977)</u>				X		
<u>Littell v. Maloney (1979)</u>				X		
<u>City of Akron v. Charley (1982)</u>				X		
<u>Semple v. Hope (1984)</u>				X		
<u>Knaggs v. Lewis (1939)</u>						X
<u>Stanulonis v. Marzec</u>	X					

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<u>(1986)</u>						
<u>Brower v. County of Inyo (1987)</u>	X					
<u>Bickel v. City of Downey (1987)</u>		X				
<u>Brown v. City of Pinellas Park (1990)</u>			X			
<u>Brown v. City of New Orleans (1985)</u>					X	
<u>Riggs v. State (1986)</u>					X	
<u>Hamilton v. Town of Palo (1976)</u>						X
<u>Keating v. Holston's Ambulance Service (1989)</u>						X
<u>Fiser v. City of Ann Arbor (1983)</u>						X
<u>Lakoduk v. Cruger (1956)</u>						X
<u>Rutherford v. State (1979)</u>						X
<u>Simkins v. Barcus (1951)</u>						X

Table 3

Administrative rulings of various vehicular pursuit cases.

	Government Liability	Officer Conduct & Force	Negligence	Due Care	Policy & Training
<u>Tennessee v. Garner (1985)</u>		X			
<u>Graham v. Connor (1989)</u>		X			
<u>Fiser v. City of Ann Arbor (1983)</u>	X				
<u>Canton v. Harris (1989)</u>	X				
<u>Gibson v. Pasadena (1987)</u>	X				
<u>West v. United States (1985)</u>					X
<u>Brooks v. Lundeen (1981)</u>			X		
<u>Oklahoma v. Tuttle (1985)</u>	X				
<u>Monroe v. Pape (1961)</u>	X				
<u>Monell v. Department of Social Services (1978)</u>	X				
<u>Kisbey v. California (1984)</u>	X				
<u>Silva v. City of Albuquerque (1980)</u>				X	

<u>Thornton v. Shore (1983)</u>				X	
<u>Vicknair v. Malbrough (1986)</u>				X	
<u>Lee v. Mitchell Funeral Home Ambulance Service (1980)</u>				X	
<u>Stark v. City of Los Angeles (1985)</u>				X	
<u>Zulauf v. State (1983)</u>					X
<u>Dodge v. Stine (1984)</u>					X
<u>Smith v. City of West Point (1985)</u>					X

Elements of Policy

As administrators and policy makers strive to identify issues of liability, it is their next responsibility to understand the areas inherent in a more encompassing policy.

Departmental orders or directives should become a standard part of every law enforcement organization. Specific departmental orders and directives form the administrative foundation upon which the organization rests. Without a firm foundation eventually an organization will become a target for liability and negligence suits. The administrative foundation of a department must specify the parameters of organizational behavior through policies, procedures, and rules or regulations. Authority, responsibility, and duties of each rung of the hierarchical ladder is contained in departmental policy (Carter, 1986).

In light of the recent litigation it is imperative that each police department, no matter how small, have a precise, written, comprehensive, and substantively strong policy and directives. Administrators and policy makers must be aware of the differences in terminology of the specific directives contained in the composition of the policy. Policy, objectives, procedures, rules, general orders, special orders, memoranda, and written directives are each unique entities unto themselves and each provide a small portion of

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the larger departmental directive. Appendix A provides a detailed listing of each of the unique elements required of any sound policy statement.

Training

Once administrators and policy makers are adept at recognizing when an issue might pose a problem of negligence or liability it is necessary to consider the methods by which the new policy is to be disseminated to officers in the department. Administrators must acknowledge the importance of the use of training, supervision, evaluation, and guidance when presenting officers with policy.

One strategy to understand and appreciate the domain of police pursuits is within the frame of police use of force. In much the same manner that a police firearm is considered an instrument of deadly force so it is that the patrol cruiser can, at times, be a mechanism of death. As Alpert and Anderson (1986) have stated, "...when a police officer engages in a high-speed chase in a high-powered police car, that vehicle becomes a potentially deadly weapon" (p. 2). The myriad of liability and legal issues contained within the sphere of police pursuits are extremely interesting and important to understand for the greater good of society.

The argument can also be established that the constitutional debates developed out of pursuit litigation parallel those generated by instances of police use of force. Many of the same legal tactics and issues involved in use of force cases are utilized in suits alleging liability or negligence in instances of police pursuit. Thus, as the topic of pursuit is of considerable consequence to the field of policing, it is perhaps wise to couch such polemic in the context of the police use of force.

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Additionally, it is incumbent upon administrators to place constraints upon officers' use of force. The incorporation of a use of force continuum in policy is one technique to curtail unrestrained uses of force by officers. There are numerous use of force continuums available for a department to utilize in its use of force policy. A department should critically evaluate a use of force continuum, examining the model to determine if it is easily understandable and easily recalled by officers under stressful circumstances. It is also necessary for a department to incorporate a statement into the policy dealing with such issues as officer age, size, gender, strength, skill, injury, and exhaustion. A strong affirmative stance by the department will provide officers with confidence and support when trying to make decisions in the field (O'Linn, Cotkins, Collins, & Franscell, 1992).

Due to the fact that the use of force does not occur in a vacuum, it is imperative that officers be properly trained in use of force techniques as a separate entity. Many departments train officers in defense techniques in a static environment. Recruits never experience a realistic training scenario. Thus, it is vital that training in the use of force be as realistic in nature as possible. This allows officers an opportunity to evaluate their own understanding of the department's policies regarding force. Areas of potential difficulties for officers in the field include handcuffing suspects, transporting prisoners, searching suspects, extracting suspects from vehicles, and making arrests following pursuits (O'Linn et al., 1992).

Not only is it imperative for line officers to be properly trained, it is also important for supervisory personnel to understand and appreciate the training that such officers receive. Frequently supervisory and administrative personnel fail to continue

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with updated hands- on training. The result of this neglect by administrators and supervisors is not only a loss of technical expertise but a loss of understanding concerning this fundamental portion of a field training officer's (FTO's) duty. As stated by O'Linn et al. (1992), "FTO's must possess a thorough understanding of current use-of-force training and policy as it was provided to recent graduates of the police academy, since new officers look to the FTO for guidance on implementing their new skills" (p. 53).

One potential result of the lack of administrators' continued training is a failure to consistently judge instances of the use of force by officers in the field. Without the same training as field officers, administrators and supervisors may not evaluate a situation in the same manner as officers who were trained by departmental instructors. The consequence of differing evaluation schema can be a dichotomy between rules followed by line officers and those adhered to by administrators. This inconsistency leads only to confusion and morale problems. It may also lead to hesitancy by officers in the field, public distrust of the department, and increased liability exposure for the organization and its employees (O'Linn, et al., 1992).

To lessen the risk of liability a periodic review of use of force incidents may indicate a trend within the organization. Analyzing use of force incidents in terms of various techniques employed, devices used, individual problems, an indication of officers misunderstanding policy, lack of confidence, or lack of self-control is prudent for administrators seeking ways to lessen potential liability risks for the organization.

Officers also require guidance concerning the proper understanding of the department's use of force policy. Officers are required to be split second decision-makers

and they depend upon the guidance and supervision of the training officers to provide them with the confidence and comprehension to act with deliberation and speed. The law enforcement agency needs to provide its officers with precise and consistent appraisal during training and evaluation.

Conclusion

In summation, there are myriads of legal and constitutional issues surrounding police vehicular pursuits. Due to the inherent dangerousness associated with emergency driving, legal questions have arisen as to what constitutes an emergency situation. During an actual emergency officers are allowed by law to disobey traffic signals and posted speed limits but are nonetheless obliged to drive with due care for the safety of all other pedestrians and motor vehicles. The courts have been called upon numerous times to decide precisely what constitutes an emergency situation under which officers are allowed to disregard traffic signals and speed limits.

The court has ruled that even if a situation proves not to be an actual emergency, the police are not liable if the responding officer honestly believes the situation to be an emergency. Here, the court found that an “officer must be involved in emergency use of the vehicle and the officer must reasonably feel that an actual emergency exists” (Kappeler, 1993, p. 99). The Washington Supreme Court had already laid out a similar ruling when it stated that, “The test for determining whether a publicly owned vehicle is at a given time responding to an emergency call is not whether an emergency in fact exists at the time but rather whether the vehicle is being used in responding to an emergency call. Whether the vehicle is being so used depends upon the nature of the call

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that is received and the situation as then perceived to the mind of the driver” (Lakoduk v. Cruger, 1956, p. 699).

Municipal liability is also of fundamental importance to police administrators as the actions of individual officers can have a dramatic impact on the agency as a whole. It was in this regard that the Supreme Court would, in time, expose municipalities to unprecedented liability when it ruled that municipalities were not liable as “persons” under Section 1983. The Court later overturned this decision, stating that municipalities were liable as persons under Section 1983. It concluded that, “the legislative history of the act supported a statutory construction that defined “persons” to include municipalities” (Lewis, 1991, p. 556).

The duties required of police officers arise from various sources; law, custom, judicial decisions, and departmental policy. Police officers have a duty to protect the citizenry from unnecessary and unreasonable harm while simultaneously pursuing and apprehending law violators. The legal duty of protection and breach of that duty can place officers and departments alike at risk for claims of liability and negligence. Administrators must caution officers to proceed with due care whenever engaging in pursuit of a violator.

It is evident that the creation of policy with regard to pursuits is a complicated, analytical process. Administrators and policy makers must be aware of current liability trends, tort law, federal civil rights law, negligibility requirements, and liability issues. These legal details must then be incorporated into a concise, available, and comprehensible policy. Officers must be thoroughly trained on the proper use of force and the implications for improper conduct in the field. As administrators develop and

implement policy they lessen any chances of subsequent liability or negligence suits from becoming reality.

Chapter 4

Methodology

Introduction

This study is an analysis of State Police and State Highway Patrol vehicular pursuit policies of agencies across the United States. Each policy was analyzed to determine its comprehensiveness utilizing the administrative and operational factors defined in Chapter 1 as well as those features found in the Standard Policy. As stated in Chapter 1, the Standard Policy was created through the use of previous academic research, legal suits, and the written pursuit policies of the Minnesota State Police, California Highway Patrol, and Connecticut State Police. A factor analysis technique was utilized to determine which factors in each policy contribute most to the overall dangerousness of the pursuit. In addition, legislative rulings on issues surrounding police vehicular pursuits were also examined as they pertain to State Police and State Highway Patrol agencies across the nation.

Research Questions

For the purpose of this study there were two major research questions being asked. The researcher was asking how complete are the pursuit policies of each State Police and State Highway Patrol agency as judged against the Standard Policy? In addition, the researcher was interested in which elements each agency identifies as the most important with regard to the written pursuit policy. Here the researcher is asking, which elements have been identified as important by State Police and State Highway Patrol agencies through inclusion in their written vehicular pursuit policies?

Factors

Various factors related to police pursuits were identified in Chapter 1. These factors were divided into Administrative and Operational factors based upon the function of each respective element.

Administrative Factors refer to those facets of policy that address internal regulatory parameters surrounding the dynamics found in internal and external demands placed on the agency. Operational factors refer to those actions, decisions, and considerations officers make prior to and during the course of a pursuit. These administrative and operational factors were utilized to address the research question of inclusion of elements pertaining to the dangerousness of a pursuit.

Definitions

Due to the fact that there exist many different definitions of police pursuits it is, perhaps, wise to provide a few working definitions of a pursuit utilized by researchers in the past. Alpert (1987) has defined a police vehicular pursuit as:

“an active attempt by a law enforcement officer operating a vehicle with emergency equipment to apprehend a suspected law violator in a motor vehicle, when the driver of the vehicle attempts to avoid apprehension” (p. 299).

In a similar tone, Alpert and Fridell (1992) have defined a vehicular pursuit as:

“the driver of a vehicle is aware that an officer driving a police vehicle with emergency lights and siren is attempting to apprehend him or her and the driver of this vehicle attempts to avoid apprehension by increasing speed or taking other evasive actions or refuses to stop” (p. 124).

Some consensual elements can be observed in the two definitions. However, each could be coupled to provide a more thorough definition. Therefore, a more inclusive definition is preferable. For the purpose of this study the definition provided in the

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Michigan Pursuit Driving Research and Training Manual (1986) was used to operationalize the term pursuit. The Michigan Pursuit Driving Research and Training Manual 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 a driving off a highway, making sudden or unexpected turning movements, or maintaining a legal speed, but willfully failing to yield to the officers’ signal to stop” (1986, p. 2).

In addition, as detailed in Chapter 1, the term “policy” was operationalized according to the definition of Nicolaidis and Donner (1960),

“Policy is a rule for action, manifesting or clarifying specific organizational goals, objectives, values or ideals and often prescribing the obligatory or most desirable ways and means for their accomplishment. Such a rule for action established for the purpose of framing, guiding, or directing organizational activities including decision-making intends to provide relative stability, consistency, uniformity and continuity in the operations of the organization” (p. 74).

Design

Policy Analysis & Policy Standards

This study proposes to examine the melange of variables inherent in police vehicular pursuits of State Police and State Highway Patrol agencies across the United States for the 1990’s. The chiefs, directors, or superintendents of each State Police and State Highway Patrol agency in the United States were contacted via mail with a request for their departmental vehicular pursuit policy. A copy of the letter can be viewed in Appendix C at the end of this proposal. After the initial contact via U.S. mail the heads of each organization were contacted with a follow-up telephone call to reiterate the researcher’s request for copies of the pursuit policies. Each agency was also mailed a follow-up letter of thanks upon receipt of their respective pursuit policy.

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These policies were compared against the Standard Policy for comprehensiveness and inclusion of the many administrative and operational factors discussed in Chapter 1. As stated earlier, the policy standard was created through a synthesis of previous research, legal suits, and the California Highway Patrol, Minnesota State Police, and Connecticut State Police pursuit policies. These policies were selected based on the fact that they have been tested in the field and they have withstood legislative and legal scrutiny. The legislature of each respective state has passed laws regarding what a pursuit policy should include to decrease liability for each agency. Thus, it is believed that the policies from these three states represent the best, most inclusive and complete pursuit policies in the nation. It was also of interest to determine whether agencies adhere to recent legal rulings and include such decisions in the pursuit policies. Additionally, interests include whether considerations of liability and negligence claims are noted in the actual policy used to train recruits.

Standard Policy

The policies of the California Highway Patrol, Minnesota State Police, and Connecticut State Police along with legal suits, and previous academic research were utilized in an effort to detail a modal profile of a typical pursuit policy characteristic of State Police and State Highway Patrol agencies. The Standard will detail as many aspects of a typical police pursuit policy as possible. As stated earlier the Administrative and Operational elements included in the Standard can be seen in Chapter 1.

Grounding the new policy in practical as well as scholarly applications will allow the researcher to go beyond the consideration of situational circumstances in which

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pursuits can occur by offering protections for the agency and officer from unsubstantiated claims of liability and negligence. The new policy will build on established, practical policies, and use prior academic research to strengthen and exceed the limits of current policy. The Standard Policy can be seen in Appendix B.

Population

The population used in this study was all of the 49 State Police and State Highway Patrol agencies as well as the Honolulu Police Department. The Honolulu Police were selected to represent the State of Hawai'i due to the fact that this state does not have an actual state police or highway patrol agency.

Factor Analysis

A factor analysis technique was also utilized to analyze each policy for the most prominent elements included in each vehicular pursuit policy. Each of the administrative and operational factors described in Chapter 1 were given a numerical weight. These 17 administrative and 21 operational factors were part of a factor analysis to determine which factors were deemed most important by the State Police and State Highway Patrol agencies by inclusion in their written pursuit policies. Dangerousness was operationalized as the occurrence of any accidents, injuries, fatalities, and property damage. The factors receiving the highest loading on the various elements serving the function of increasing dangerousness of a pursuit were considered as having the greatest impact on the potential peril of a police pursuit.

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Legislative Analysis

Once the analysis of the actual pursuit policies was completed, the Standard Policy developed, legislative decisions pertaining to pursuits were examined for each State Police and State Highway Patrol agency. Many of these documents were available directly on-line. The States of Pennsylvania, Minnesota, and Connecticut maintain legislative sites where congressional records, court documents, and recent decisions can be located by the general public. When official documents were not available on-line they were retrieved from the library or a request was made via mail, e-mail, or telephone to the respective congressional district liaison for relevant materials.

These legislative decisions were analyzed in an effort to determine if police pursuit policies adhere to recent congressional decisions and to detect if these decisions reflect the many and varied circumstances that exist in pursuit events. Legislative decisions were also examined in a search for any effects of negative outcomes in recent police pursuits such as the occurrence of accidents, injuries, or fatalities. The serious nature of negligence and liability claims brought by the general public for accidents, injuries, and fatalities associated with police vehicular pursuits is never so evident as in an examination of legislative and court decisions and the monetary compensation awarded citizens for careless police actions during a pursuit. If police administrators and policy makers remain up to date on recent decisions, adjustments to existing policy should have been made to account for liability and negligent protection for both the officer and department.

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Chapter 5

State Results

Data

Data, in the form of written pursuit policies from each State Police and State Highway Patrol agency in the nation was obtained primarily through the use of a written letter addressed to each agency's commanding officer. After the initial mailing a period of four weeks was allowed to pass before a reminder letter was mailed to the agencies failing to respond to the initial inquiry. After the reminder letter another four-week time span was allowed to pass before each agency failing to respond was telephoned. Several agencies telephoned the researcher with questions pertaining to data distribution and requests for copies of the final executive summary. Any agency voicing any reservations concerning the confidentiality of their pursuit policy was placated by the assertion that all data and results would only be reported in the aggregate. No agency would be singled out for mention in the final write-up and no policy would be distributed publicly or placed into the text of the dissertation. E-mail was also utilized to contact agencies from differing regions of the country. This tool served the project well as agencies could be contacted quickly with return messages often received after only a few minutes or hours. Regular U.S. mail required a much lengthier amount of time.

After the initial mailing, two reminder letters were required to obtain the needed policies. A total of 47 written pursuit policies were received, amounting to a 94% return rate. Only three agencies failed to respond to the queries initiated through U.S. mail, e-mail, and telephone. One state agency commander stated that the department was unable, by law, to relinquish a copy of the vehicular pursuit policy. The commanding officer of

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the agency asserted that the state legislature had placed into law a bill limiting the amount of policy information the agencies could relinquish to the public. While this information might be available via the Freedom of Information Act of (1974) three reference librarians at two major Research I institutions stated that it was the responsibility of the researcher to obtain the needed information. In essence, it was the researcher's responsibility to travel to both locations, locate the policies within the bureaucratic structure of the organization and copy what was allowed. Logistics and monetary considerations negated any further consideration of this tactic.

Findings

Numerous elements contained within the Standard Policy raise pertinent questions regarding 4th and 14th Amendment issues. Elements contributing, or potentially contributing, to the comparative safety of the general public, the pursuing officer, and even the suspect need to be studied and appreciated for their inherent dangerousness.

The 4th Amendment reads, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized" (Kappeler, 1993, p. 39). The Administrative element of Seriousness of Offense raises important 4th issues, as does the Operational element of Initiate Pursuit.

The 14th Amendment states, "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the

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privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of laws (Kappeler, 1993, p. 39). The Administrative elements of Discontinuance of Pursuit, Noncompliance, Role of Supervisor, and Training raise issues related to the 14th Amendment. In addition, the majority of the Operational elements relate to the safety of the overall pursuit, therefore, they raise important 14th Amendment issues for the agency, officer, suspect, and general public.

Upon analysis of the policies, the frequency and percentage of inclusion of the Administrative and Operational elements was tabulated. The frequency and percent of inclusion of each Administrative and Operational element in the vehicular pursuit policies of the State Police and State Highway Patrol agencies can be seen in Table 4.

Table 4

Administrative and Operational elements included in State Police and State Highway Patrol agency vehicular pursuit policies.

Element	# Including	% Including		# Including	% Including
Administrative			Operational		
1. Mission Statement/Purpose	38	80.85	1. Initiate Pursuit	41	87.23
2. Safety Caveat	47	100	2. Notify Dispatch	43	91.49
3. Discontinuance of Pursuit	41	87.23	3. Specifics of Pursuit Conditions	39	82.98
4. Noncompliance	16	34.04	4. Provisions for Lights & Sirens	44	93.62
5. Definitions	40	85.11	5. Tactical Considerations	40	85.11
6. Authority to Pursue	26	55.32	6. Jurisdictional Considerations	39	82.98
7. Statutory Duties	33	70.21	7. Pursuit Driving	40	85.11
8. Case Law References	2	4.26	8. Caravaning	44	93.62
9. Pursuit Restrictions	45	95.74	9. Intentional Collisions	30	63.83

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10. Seriousness of offense	40	85.11	10. Shooting from Vehicle	29	61.70
11. Role of Dispatch	37	78.72	11. Unmarked Car/Motorcycle	37	78.72
12. Requirement of Supervisor to Monitor	35	74.47	12. Boxing-in	12	25.53
13. Role of Supervisor	39	82.98	13. Heading- off/Passing	12	25.53
14. Training	13	27.66	14. Paralleling	12	25.53
15. Supervisor at Termination Point	14	29.79	15. Roadblocks	36	76.60
16. Report Writing	39	82.98	16. Speed	20	42.55
17. Debriefing	14	29.79	17. Passengers	26	55.32
			18. Tire Deflation Devices	30	63.83
			19. Off Road Pursuit	1	2.13
			20. Termination of Pursuit	46	97.87
			21. Aerial Assistance	20	42.55

It is important to note that the vast majority of state agency's pursuit policies contained references to safety. The Administrative element of Safety Caveat was contained within the text of 47 (100%) of the agencies' policies. Discontinuance of Pursuit, which can also relate to the safety of officers, third parties, and suspects, was included in 41 (87.23%) policies. Pursuit Restrictions, also pertaining to safety related functions during a vehicular pursuit was included in 45 (95.74%) of the state policies. Seriousness of Offense, which can pose 4th Amendment issues was contained in 40 (85.11%) of the state policies. Finally, Training, which can increase safety during a pursuit and limit officer and agency liability, was included in only 13 (27.66%). Thus, as observed in Table 4, the majority of state agencies included these elements in their departmental vehicular pursuit policy.

When analyzing the Operational elements safety was again the primary consideration. The elements of Intentional Collisions, Shooting from a Vehicle, Boxing-in, Heading-Off/Passing, Paralleling, Roadblocks, and Speed were believed to pose the most danger to the pursuing officer, suspects, and general public. These factors also pose

important 4th and 14th Amendment liability risks for a department. While safety has been emphasized by the inclusion of the majority of Administrative elements serving to diminish the potential dangerousness of a pursuit, many Operational elements serving a similar function failed to be included in many state policies. It was observed that only 30 (63.83%) of the state agencies contained the element of Intentional Collisions in their pursuit policies. The factor of Shooting from a Vehicle was included in 29 (61.70%) of the policies. Boxing-in was included in 12 (25.53%) of the state policies. Heading-Off/Passing was contained in 12 (25.53%) of the policies. Paralleling was included in 12 (25.53%) of the policies, Roadblocks was contained in 36 (76.60%) of the policies, and Speed was included in 20 (42.55%). Finally, Termination of Pursuit was included in 46 (97.87%) of the state policies.

State Distribution

Due to agreements with the agencies participating in this study, the results for individual states are numerically coded to ensure confidentiality. For ease of display and to emphasize the importance of some potentially hazardous Operational elements, Administrative elements are presented first, with Operational elements divided into contextual and active categories. Frequency tables for individual states can be observed in Appendix D.

Operational elements were divided into contextual and active categories based upon the nature of the respective element. Contextual Operational elements were those factors inherent in the surrounding environment of the pursuit. These elements did not contain any potentially dangerous forcible stop techniques or driving maneuvers.

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Characteristics of the circumstances surrounding the pursuit such as Initiate Pursuit, Notify Dispatch, Specifics of Pursuit Conditions, Jurisdictional Considerations, Unmarked Car/Motorcycle, Passengers, Off Road Pursuit, and Aerial Assistance were all considered contextual Operational elements. All other Operational elements were grouped under the active category. These elements contained all forcible stop techniques and potentially dangerous driving maneuvers.

Administrative Elements

As Table 5 demonstrates, 63.64%, an average of 6.28, of the Administrative elements were included in the vehicular pursuit policies for the nation as a whole. Therefore, 36.36%, an average of 10.72, of these elements failed to be included in the written pursuit policies of the participating agencies. All state agencies share a need to develop more comprehensive vehicular pursuit policies. If a total of 63.64%, an average of 6.28, of the Administrative elements are included in the policies that leaves 36.36% of the elements missing. While the Administrative elements pose no immediate danger to the general public, officers, or suspects involved in a pursuit, these elements, nonetheless, serve to bolster an agency's pursuit policy. Legal issues regarding supervision, training, and compliance need to be integrated into a written pursuit policy to serve as additional protection for the department, officer, suspect, and general public.

In the Pacific region 55.29% of the Administrative elements were included in the state pursuit policies, despite the fact that, 44.71% of the elements failed to be included in the written policies of the agencies in this region. An average of 2.76 Administrative elements were included in the vehicular pursuit policies of state agencies in this region.

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States in the Northeast region included 67.91%, or an average of 7.47, of the Administrative elements in their pursuit policies. Again, 32.09% of the elements were missing from these states' policies.

Agencies in the Mountain region included 63.03%, an average of 5.29, of the Administrative elements in their written vehicular pursuit policies but failed to include 36.97% of the elements. Agencies in the South region included 63.64%, an average of 7.0, of the Administrative elements but failed to include 36.36% of the elements. Mid-West agencies included 68.33%, an average of 8.88, of the Administrative elements but failed to include 31.67% of the elements.

Table 5

Administrative elements included in the vehicular pursuit policies of State Police and State Highway Patrol agencies on a regional basis.

Administrative Elements	Region					Total
	Pacific	North East	Mountain	South	Mid-West	
1. Mission Statement/Purpose	2	9	6	9	12	38
2. Safety Caveat	5	11	7	11	13	47
3. Discontinuance of Pursuit	4	9	6	11	11	41
4. Noncompliance	1	4	3	4	4	16
5. Definitions	5	8	6	10	11	40
6. Authority to Pursue	2	8	2	7	7	26
7. Statutory Duties	2	10	3	9	9	33
8. Case Law References	0	1	0	0	1	2
9. Pursuit Restrictions	5	11	7	10	12	45
10. Seriousness of Offense	1	10	6	10	13	40
11. Role of Dispatch	4	9	5	8	11	37
12. Requirement of Supervisor to Monitor	3	9	5	7	11	35
13. Role of Supervisor	4	10	6	8	11	39
14. Training	2	2	2	3	4	13

15. Supervisor at Termination Point	1	1	3	2	7	14
16. Report Writing	4	10	5	8	12	39
17. Debriefing	2	5	3	2	2	14
Total	47	127	90	119	151	534
Percentage	55.29%	67.91%	63.03%	63.64%	68.33%	63.64%
Mean	2.76	7.47	5.29	7.0	8.88	6.28

States of the Pacific Region

The percent of inclusion of individual states in the Pacific region can be seen in Table 6.

Table 6

Administrative elements included in the vehicular pursuit policies of individual states in the Pacific region.

	State [Pacific Region]				
Administrative Elements	1	2	3	4	5
1. Mission Statement/Purpose	0	0	1	1	0
2. Safety Caveat	1	1	1	1	1
3. Discontinuance of Pursuit	1	1	1	0	1
4. Noncompliance	0	0	1	0	0
5. Definitions	1	1	1	1	1
6. Authority to Pursue	1	0	0	1	0
7. Statutory Duties	1	0	1	0	0
8. Case Law References	0	0	0	0	0
9. Pursuit Restrictions	1	1	1	1	1
10. Seriousness of Offense	1	0	0	0	0
11. Role of Dispatch	1	1	1	0	1
12. Requirement of Supervisor to Monitor	1	1	1	0	0
13. Role of Supervisor	1	1	1	0	1
14. Training	1	0	0	0	1
15. Supervisor at Termination Point	0	1	0	0	0
16. Report Writing	1	1	1	0	1
17. Debriefing	0	0	1	0	1
Total	12	9	12	5	9

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Percentage	70.59%	52.94%	70.59%	29.41%	52.94%
Total Mean	2.76				
Total Percentage	55.29%				

Administratively State 1 fared fairly well. This agency's pursuit policy was recently revised and finalized February 1, 2000 and contains most, 70.59%, of the Administrative elements. Noncompliance was the only glaring omission in this agency's pursuit policy. This element is important due to the fact that officers need to be aware of any consequences of a failure to follow departmental policy. This element has also been utilized in courts by attorneys in efforts to substantiate negligence and liability claims (Tucker v. Branford, 1988).

Although State Two's pursuit policy, revised May 1998, does contain an initial reference to safety in the Administrative Safety Caveat, the policy, nonetheless, fails to provide any reference to Training. The proper training of patrol officers in the safety of various pursuit tactics is imperative if an agency is to avoid claims of negligence and liability. There have been numerous liability and negligence suits brought against an agency that might have been avoided if an officer would have received supplemental training in the safest course of action during a vehicular pursuit (Fielder v. Stonack, Jenkins, Township of Neptune Police Department, and Township of Neptune, 1995; Nelson v. Thomas, 1996; Coryell v. Town of Pinedale, 1987).

The pursuit policy of State Three, revised February 20, 1998, was found to be reasonably comprehensive. Administratively there were two noticeable omissions; Seriousness of Offense and Training. Both of these factors have been the impetus for legal action in claims of negligence and liability (Day v. State of Utah, 1999; Weaver v. The State of California, 1998; State of Connecticut v. Hannon, 2000; Travis v. The City

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of Mesquite Texas, 1992). Officers need to be aware of what constitutes an appropriate offense for which a high-speed vehicular pursuit is warranted. In addition, Training only serves to enhance officer discretion when deciding upon the most decisive course of action during involvement in a pursuit.

Administratively, the policy of State Four, revised August 7, 2000, is missing some pertinent elements. Discontinuance of Pursuit, Seriousness of Offense, Role of Supervisor, and Training failed to be included in the agency's vehicular pursuit policy. While Administrative elements might act primarily as agency protection in legal suits, they nonetheless alert officers to factors the agency finds important in the proper course of action during a high-speed pursuit. The missing elements have been demonstrated in court to act as important considerations to the safety of the pursuit (Sciuto v. State of Connecticut, 1999; DeWald v. State of Wyoming, 1986; Tucker v. The Town of Branford, 1998; State of Connecticut v. Hannon, 2000).

The policy of State Five, written in the year 2000, fares well Administratively. The only glaring omission being a failure to include the element of Seriousness of Offense. Nonetheless, this single omission has been identified as important in legal suits involving claims of negligence and liability (City of Dallas v. Garcia, 1998; Travis v. The City of Mesquite Texas, 1992; Weaver v. The State of California, 1998; Day v. State of Utah, 1999). Officers need discretionary guidance to determine when it is appropriate to initiate a high-speed pursuit for certain offenses.

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States of the Mountain Region

Table 7 displays the Administrative elements included in the vehicular pursuit policies of states in the Mountain region.

Table 7

Administrative elements included in the vehicular pursuit policies of individual states in the Mountain region.

	State [Mountain Region]						
Administrative Elements	6	7	8	9	10	11	12
1. Mission Statement/Purpose	1	1	1	1	1	1	0
2. Safety Caveat	1	1	1	1	1	1	1
3. Discontinuance of Pursuit	1	1	1	1	1	1	0
4. Noncompliance	0	1	0	1	0	1	0
5. Definitions	1	1	1	1	1	1	0
6. Authority to Pursue	1	0	0	1	0	0	0
7. Statutory Duties	0	0	1	1	0	1	0
8. Case Law References	0	0	0	0	0	0	0
9. Pursuit Restrictions	1	1	1	1	1	1	1
10. Seriousness of Offense	1	1	1	1	1	1	0
11. Role of Dispatch	1	1	0	1	1	1	0
12. Requirement of Supervisor to Monitor	1	1	1	1	0	1	0
13. Role of Supervisor	1	1	1	1	1	1	0
14. Training	1	0	0	0	0	1	0
15. Supervisor at Termination Point	1	0	0	1	0	1	0
16. Report Writing	1	1	1	0	1	1	0
17. Debriefing	1	0	0	0	1	1	0
Total	14	11	10	13	10	15	2
Percentage	82.35	64.71	58.82	76.47	58.82	88.24	11.76
Mean	5.29						
Total Percentage	63.03						

The vehicular pursuit policy of State Six, written in January 26, 1996, contains nearly all of the Administrative elements included in the Standard Policy.

Noncompliance, Statutory Duties, and Case Law References were the only

Administrative elements not included in the pursuit policy. While it is important for a fully comprehensive policy to contain each element of the Standard Policy, the failure of an agency to include Statutory Duties or Case Law References will not be cause for a plaintiff to bring a claim of negligence or liability against the department or an officer. The element of Noncompliance is fairly important and should be contained, as officers need to realize the consequences of a failure to comply with policy and departmental regulations. This element has been utilized in courts of law as a springboard to substantiate claims of liability and negligence of an officer and agency (Tucker v. Branford, 1998).

Administratively, the pursuit policy of State Seven, revised March 1995, was found to be very inclusive. The primary omission discovered in the policy was a failure to include the factor of Training. This element is important due to the fact that it has been utilized in courts of law in efforts to substantiate suits alleging negligence and liability (Sciuto v. State of Connecticut, 1999). While this policy states the consequences for an officer's noncompliance with policy guidelines there is no mention of the proper training officers will undergo to ensure this compliance.

The pursuit policy of State Eight, revised August 1, 1995, was found to be reasonably complete Administratively. The omissions of Case Law References, Report Writing, and Debriefing were not considered conspicuous oversights. These elements, while providing for a more comprehensive pursuit policy, do not contribute to pursuit safety. An agency would not find itself involved in legal action simply for disregarding these three elements. However, the failure to include the element of Training and Noncompliance in the policy was considered a large oversight. As stated previously,

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Training allows officers to recognize the seriousness of the pursuit condition and allows them to know when and in what methods they will be trained for pursuit duties. A failure of an agency to properly train officers in the appropriate conduct during the course of a pursuit can lead to claims of negligence and liability (Sciuto v. State of Connecticut, 1999). Additionally, a failure to adequately train officers can increase the dangerousness of a pursuit and can pose unneeded risks to officers, suspects, and the general public.

Administratively, the pursuit policy of State Nine, revised April 6, 1999, was missing one necessary component: Training. As stated in the analysis of the previous state, it is necessary for an agency to include the element of Training in their pursuit policy. It allows officers to understand precisely when and under what circumstances they will be trained for the proper conduct of a pursuit. Additionally, a failure of an agency to include this element can aid prosecuting attorneys in negligence suits as they can insinuate a lack of proper training in the area of pursuits. This places the agency in an increased risk of liability and negligence claims if tragedy should occur during the course of a pursuit (Sciuto v. State of Connecticut, 1999).

The pursuit policy of State Ten, revised December 1, 1997, failed to include the Administrative elements of Noncompliance, Authority to Pursue, Statutory Duties, Case Law References, Requirement of Supervisor to Monitor, Training, and Supervisor at Termination Point. The most glaring omissions in the policy were those items relating to the safety of the officer, suspect, or innocent bystanders. As stated previously, it is the duty of the officer to protect the public, not place them in unreasonable harm. Therefore, Noncompliance, Requirement of Supervisor to Monitor, and Training were considered the most serious omissions. The failure of an officer to follow the departmental policy

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precisely can lead to negligence suits and can unnecessarily increase the dangerousness of a police vehicular pursuit. In addition, the failure of an agency to properly train officers in the proper course of action during a high-speed pursuit can place the officer and the agency at risk for claims of negligence and liability (Sciuto v. State of Connecticut, 1999). Finally, the failure of a supervisor to properly monitor the actions of the pursuing officer during a pursuit can place the officer in an unnecessarily stressful position of relying solely upon discretionary powers to decide the most prudent course of action during the pursuit. It is the supervisor's responsibility to monitor the actions of the both the officer and the suspect and to determine if and when a pursuit should be called off.

The policy of State Eleven, revised February 9, 2000, was, by far, the most comprehensive of all policies analyzed. Administratively the only elements missing were Authority to Pursue, and Case Law References. As stated earlier, the omission of these two elements will not increase the safety of a pursuit, nor will they be cause for legal action against a department or an individual officer. However, they do relate to the overall comprehensiveness of a written vehicular pursuit policy and, therefore, should be included.

The vehicular pursuit policy of State Twelve, revised June 12, 2000, was one of the least comprehensive policies analyzed. The Administrative elements of Safety Caveat and Pursuit Restrictions were the only elements included in the policy. While it is essential to establish some reference to safety, the Administrative Safety Caveat cannot stand alone on this factor. This policy states a concern for public safety and the well-

being of the pursuing officer in the form of Safety Caveat and Pursuit Restrictions but fails to include any reference to training or supervision that also serve a safety function.

States of the South Region

Table 8 displays the Administrative elements included in the vehicular pursuit policies of states in the South region.

Table 8

Administrative elements included in the vehicular pursuit policies of individual states in the South region.

Administrative Elements	State [South Region]										
	13	47	14	15	16	17	18	19	20	21	22
1. Mission Statement/Purpose	1	0	1	0	1	1	1	1	1	1	1
2. Safety Caveat	1	1	1	1	1	1	1	1	1	1	1
3. Discontinuance of Pursuit	1	1	1	1	1	1	1	1	1	1	1
4. Noncompliance	0	1	0	0	0	0	0	1	1	1	0
5. Definitions	1	1	1	1	1	1	1	1	1	1	0
6. Authority to Pursue	0	1	1	1	0	1	1	1	0	1	0
7. Statutory Duties	1	1	1	0	1	1	0	1	1	1	1
8. Case Law References	0	0	0	0	0	0	0	0	0	0	0
9. Pursuit Restrictions	1	1	1	1	1	1	0	1	1	1	1
10. Seriousness of Offense	1	1	1	1	1	1	1	1	1	1	0
11. Role of Dispatch	1	1	1	1	1	1	0	0	1	1	0
12. Requirement of Supervisor to Monitor	0	1	1	0	1	1	1	1	0	1	0
13. Role of Supervisor	1	1	1	0	1	1	1	0	1	1	0
14. Training	0	0	0	1	0	0	1	0	1	0	0
15. Supervisor at Termination Point	0	0	1	0	0	0	1	0	0	0	0
16. Report Writing	0	1	1	1	1	1	0	1	1	1	0
17. Debriefing	0	0	1	0	0	1	0	0	0	0	0
Total	9	12	14	9	11	13	10	11	12	13	5
Percentage	52. 94	70. 59	82. 35	52. 94	64. 71	76. 47	58. 82	64. 71	70. 59	76. 47	29. 41
Mean	7.0										
Total Percentage	63.										

The Administrative elements serving a function of lessening departmental liability failing to be included in the pursuit policy of State Thirteen, revised October 1, 1991, were Noncompliance, Requirement of Supervisor to Monitor, and Training. Any comprehensive pursuit policy should contain these three elements due to the fact that they pertain to officer, suspect, and public safety. The failure of the department to include these elements in their pursuit policy increases the risks of liability and negligence suits (Sciuto v. State of Connecticut, 1999; DeWald v. State of Wyoming, 1986; Tucker v. The Town of Branford, 1998; State of Connecticut v. Hannon, 2000).

The pursuit policy of State Forty-Seven was considered fairly comprehensive. The only Administrative element potentially pertaining to officer or departmental liability was Training. This element should always be included in a vehicular pursuit policy as officers should be aware of the need for supplemental training in pursuit techniques. The inclusion of this element in the text of the policy also provides the agency with the added safety measures of a more comprehensive policy. The element of Training has been utilized in court to substantiate negligence claims (Sciuto v. State of Connecticut, 1999; DeWald v. State of Wyoming, 1986; Tucker v. The Town of Branford, 1998; State of Connecticut v. Hannon, 2000).

The pursuit policy of State Fourteen, revised February 1, 1996, was found to be reasonably comprehensive. Administratively, the only missing elements were Noncompliance, Case Law References, and Training. The element of Case Law References might provide for a more comprehensive policy for an agency but, ultimately, elements pertaining to safety are the causes for negligence and liability suits. There have

been numerous liability and negligence suits brought against an agency due to the failure of an agency to properly train officers and ensure compliance with departmental policy (Fielder v. Stonack, Jenkins, Township of Neptune Police Department, and Township of Neptune, 1995; Nelson v. Thomas, 1996; Coryell v. Town of Pinedale, 1987).

The pursuit policy of State Fifteen, revised August 27, 1998, was also found to be reasonably comprehensive. The Administrative factors of Noncompliance, Requirement of Supervisor to Monitor, and Role of Supervisor failed to be included in the pursuit policy. There have been numerous liability and negligence suits brought against agencies due to the failure to train or supervise officers (Fielder v. Stonack, Jenkins, Township of Neptune Police Department, and Township of Neptune, 1995; Nelson v. Thomas, 1996; Coryell v. Town of Pinedale, 1987; City of Canton v. Harris, 1989). The failure of an agency to include these Administrative elements places the department at a much greater risk of liability suits.

The Administrative elements serving a basic safety function failing to be included in the policy of State Sixteen, revised March 1, 2000, were Noncompliance and Training. An agency failing to include these safety elements is left open for suits alleging negligence or liability. In addition, the failure of an agency to properly train officers in proper pursuit procedures have been used in legal maneuvers in many suits alleging negligence or liability (Fielder v. Stonack, Jenkins, Township of Neptune Police Department, and Township of Neptune, 1995; Nelson v. Thomas, 1996; Coryell v. Town of Pinedale, 1987; City of Canton v. Harris, 1989).

The policy of State Seventeen, revised February 9, 1999 was found to be fairly comprehensive. The Administrative elements pertaining directly to liability that failed to

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be included were Noncompliance and Training. As iterated previously, the failure of an agency to include these two elements has been used in courts of law in efforts to substantiate claims of negligence and liability (Sciuto v. State of Connecticut, 1999; Fielder v. Stonack, Jenkins, Township of Neptune Police Department, and Township of Neptune, 1995; Nelson v. Thomas, 1996). Therefore, an agency, endeavoring to protect its own interests, must include in the written policy, any elements relating to the safety of the officer, suspect, and general public.

The pursuit policy of State Eighteen failed to include the Administrative elements, serving a safety or liability function, of Noncompliance, Pursuit Restrictions, and Role of Dispatch. These three elements should be included in a pursuit policy as added protection against liability suits and as added safety measures for the general public. The failure of an agency to set restrictions on pursuits places the officer in the position of relying exclusively on discretion during the course of a vehicular pursuit. With little guidance the officer is forced to rely on individual discretion or the supervisory capabilities of the commanding officer during the pursuit. This is an added liability burden for the agency and the officer.

The pursuit policy of State Nineteen, revised October 12, 1999, failed to include the Administrative elements of Role of Dispatch, Role of Supervisor, and Training. There have been numerous liability and negligence suits brought against an agency due to the failure of an agency to train or supervise officers (Fielder v. Stonack, Jenkins, Township of Neptune Police Department, and Township of Neptune, 1995; Nelson v. Thomas, 1996; Coryell v. Town of Pinedale, 1987; City of Canton v. Harris, 1989). In addition, the dispatch officer must know their responsibilities during the course of a

vehicular pursuit as they are often the ones notifying the commanding officer, who, in turn, generally supervises the pursuing officer. This serves the dual purpose of alerting the supervisor to the pursuit and of assisting in communications during the actual pursuit.

The pursuit policy of State Twenty, revised February 26, 1996, was found to be quite comprehensive in the Administrative elements serving functions of safety and liability. The only element missing which could possibly serve a safety related function was Requirement of Supervisor to Monitor. Some state agencies allow the pursuing officer to control the course of the pursuit, with the dispatch assisting in communications between pursuing officers or jurisdictions as the case arises. However, for purposes of liability a supervising officer needs to be alerted to the initiation of a pursuit and should maintain contact with the ongoing status of the pursuit. This provides the pursuing officer with the added assistance of a supervisor to advise on the most appropriate course of action during the pursuit itself.

Administratively, the pursuit policy of State Twenty-One, revised September 30, 1999, was found to be relatively comprehensive. The elements of Noncompliance and Training failed to be included in the policy, however. These elements are fairly important and should be contained, as officers need to be aware of their training obligations and they should realize the consequences of a failure to comply with policy and departmental regulations. The elements have been utilized in courts of law as springboards to substantiate claims of liability and negligence of an officer and agency (Tucker v. Branford, 1998). Apart from this omission the policy contained all of the Administrative elements relating to safety.

The pursuit policy of State Twenty-Two, written January 1, 1986, was found to be the least comprehensive policy analyzed. None of the important Administrative elements serving to lessen departmental liability were included in the policy. Administrative elements such as Training, Seriousness of Offense, or Requirement of Supervisor to Monitor raise important 4th and 14th Amendment issues. Officers need to be aware of their duty to apprehend a fleeing suspect while simultaneously guarding the welfare of the general public. While the failure to include most Administrative elements will not jeopardize an agency legally, it is, nonetheless, important to include any pertinent elements to better serve the public's interest. A comprehensive policy can only mean a safer pursuit.

States of the Northeast Region

Table 9 displays the Administrative elements contained in the vehicular pursuit policies of the states in the Northeast region.

Table 9

Administrative elements included in the vehicular pursuit policies of individual states in the Northeast region.

Administrative Elements	State [Northeast Region]										
	23	24	25	26	27	28	29	30	31	32	33
1. Mission Statement/Purpose	0	1	1	1	0	1	1	1	1	1	1
2. Safety Caveat	1	1	1	1	1	1	1	1	1	1	1
3. Discontinuance of Pursuit	1	1	1	1	1	1	1	0	0	1	1
4. Noncompliance	1	1	0	0	0	1	0	0	0	0	1
5. Definitions	1	1	1	1	0	1	1	1	0	0	1
6. Authority to Pursue	1	1	1	0	1	1	1	0	1	0	1

7. Statutory Duties	1	1	1	1	0	1	1	1	1	1	1
8. Case Law References	1	0	0	0	0	0	0	0	0	0	0
9. Pursuit Restrictions	1	1	1	1	1	1	1	1	1	1	1
10. Seriousness of Offense	1	1	1	1	1	1	1	1	1	0	1
11. Role of Dispatch	1	1	1	1	0	1	1	1	0	1	1
12. Requirement of Supervisor to Monitor	1	1	1	1	1	0	1	1	0	1	1
13. Role of Supervisor	1	1	1	1	1	1	1	1	0	1	1
14. Training	0	0	1	0	0	1	0	0	0	0	0
15. Supervisor at Termination Point	1	0	0	0	0	0	0	0	0	0	0
16. Report Writing	1	1	1	1	1	1	1	1	0	1	1
17. Debriefing	1	0	1	0	0	1	1	1	0	0	0
Total	15	13	14	11	8	14	13	11	6	9	13
Percentage	88. 24	76. 47	82. 35	64. 71	47. 06	82. 35	76. 47	64. 71	35. 29	52. 94	76. 47
Mean	7.4 7										
Total Percentage	67. 91										

As can be seen in Table 10 the only Administrative elements missing from the pursuit policy of State Twenty-Three were Mission Statement/Purpose and Training. This policy was found to rely heavily on Administrative components. However, the failure of an agency to properly train officers in the proper course of action during a high-speed pursuit can place the officer and the agency at risk for claims of negligence and liability (Sciuto v. State of Connecticut, 1999). In a court of law an attorney can use the failure of an agency to include Training in its written policy as an indication that this element is neglected in all patrol officers.

The pursuit policy of State Twenty-Four failed to include only one Administrative element serving a safety function. The Training element was not included in this vehicular pursuit policy. Training allows officers to recognize the seriousness of the pursuit condition and allows them to know when and in what methods they will be trained for pursuit duties. A failure of an agency to properly train officers in appropriate

conduct during the course of a pursuit can lead to claims of negligence and liability (Sciuto v. State of Connecticut, 1999).

The vehicular pursuit policy of State Twenty-Five, revised July 2, 1997, failed to include only one Administrative element that could potentially serve a safety function: Noncompliance. Officers should always be aware of any consequences associated with a failure to comply with departmental regulations. This element has been utilized in courts of law to substantiate claims of liability and negligence of an officer and agency (Tucker v. Branford, 1998).

Administratively, there were two elements not included in the policy of State Twenty-Six, revised September 14, 1998, which could serve a safety function. Noncompliance and Training failed to be included in the policy. The failure of an agency to properly train officers in the appropriate conduct during the course of a pursuit can lead to claims of negligence and liability (Canton v. Harris, 1989; Sciuto v. State of Connecticut, 1999). In addition, the failure of an officer to follow the departmental policy can lead to negligence suits and can unnecessarily increase the dangerousness of a police vehicular pursuit (City of Pinellas Park v. Brown, 1992). This, in turn increases the potential for additional legal suits.

The vehicular pursuit policy of State Twenty-Seven, revised January 31, 2001, did not include the Administrative elements of Noncompliance and Training, which could potentially impact upon the safety of a pursuit. The failure of an agency to properly train officers in pursuit conduct can lead to claims of negligence and liability (Sciuto v. State of Connecticut, 1999; Canton v. Harris, 1989). In addition, the failure of an officer to follow the departmental policy can lead to negligence suits and can unnecessarily

increase the dangerousness of a police vehicular pursuit. This, in turn increases the potential for additional legal suits.

The vehicular pursuit policy of State Twenty-Eight, revised December 1, 2000, failed to include the safety element of Requirement of Supervisor to Monitor. The importance of proper monitoring during the course of a pursuit is important for safety considerations and to assist the pursuing officer in following departmental policy. Attorneys have utilized this element in court in attempts to substantiate claims of negligence and liability (Tucker v. The Town of Branford, 1998).

The only Administrative element missing from the vehicular pursuit policy of State Twenty-Nine, revised April 7, 1999, pertaining to safety was Training. There have been numerous liability and negligence suits brought against an agency due to the failure of an agency to properly train officers (Fielder v. Stonack, Jenkins, Township of Neptune Police Department, and Township of Neptune, 1995; Nelson v. Thomas, 1996; Coryell v. Town of Pinedale, 1987). Officers properly trained in pursuit operations can conduct the pursuit safely and more efficiently. If tragedy should befall an officer during the course of a pursuit a comprehensive policy can be a safeguard against legal suits alleging officer misconduct.

The Administrative elements serving a safety function not included in the vehicular pursuit policy of State Thirty, revised February 4, 2000, were Discontinuance of Pursuit, Noncompliance, and Training. These three elements serve a safety-related function and need to be included in any written pursuit policy as an added measure of protection for the agency, officer, suspect, and public. These elements have been utilized

in courts in efforts to substantiate claims of negligence and liability (Sciuto v. State of Connecticut, 1999; City of Dallas v. Garcia, 1998).

The Administrative elements pertaining to safety not included in the vehicular pursuit policy of State Thirty-One, revised April 1, 1999, were Discontinuance of Pursuit, Noncompliance, Role of Supervisor, and Training. These elements have been utilized in courts in efforts to substantiate claims of negligence and liability (Sciuto v. State of Connecticut, 1999; City of Dallas v. Garcia, 1998). An inclusive pursuit policy should contain all elements related to the safety of the officer, suspect, and public. This, in turn offers protection for the agency against unsubstantiated claims of negligence and liability.

Administrative elements related to safety not included in the vehicular pursuit policy of State Thirty-Two were Noncompliance, Training, and Seriousness of Offense. As stated earlier these missing elements serve the function of increasing the safety of the pursuit. The failure of the agency to include these elements can place the agency in the position of increasing its liability risks. Attorneys have utilized these elements in courts to confirm claims of liability and negligence (City of Dallas v. Garcia, 1998; DeWald v. The State of Wyoming, 1986; Sciuto v. State of Connecticut, 1999).

Administratively, the policy of State Thirty-Three was quite complete. The Administrative element of Training was the only missing factor pertaining directly to safety. As iterated previously, Training is an element that must be included in any comprehensive pursuit policy. The absence of a Training element in a policy serves to aid prosecutors in liability and negligence cases as the agency can appear remiss in its duty to properly train its officers in the appropriate conduct of a high-speed pursuit. The

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inclusion of Training in a policy offers officers the knowledge that they will be trained in pursuit tactics.

States of the Mid-West Region

Table 10 displays the Administrative elements included in the vehicular pursuit policies of the states in the Mid-West region.

Table 10

Administrative elements included in the vehicular pursuit policies of individual states in the Mid-West region.

Administrative Elements	State [Mid-West Region]												
	34	35	36	37	38	39	40	41	42	43	44	45	46
1. Mission Statement/Purpose	1	1	1	1	1	1	1	1	1	1	0	1	1
2. Safety Caveat	1	1	1	1	1	1	1	1	1	1	1	1	1
3. Discontinuance of Pursuit	1	1	1	1	1	1	1	1	1	1	1	0	0
4. Noncompliance	0	1	0	0	1	1	0	0	0	1	0	0	0
5. Definitions	1	0	1	1	1	1	1	1	1	1	0	1	1
6. Authority to Pursue	1	0	0	1	1	1	1	0	0	0	1	0	1
7. Statutory Duties	1	1	0	0	1	1	1	1	1	1	0	0	1
8. Case Law References	0	0	0	0	0	0	1	0	0	0	0	0	0
9. Pursuit Restrictions	1	1	1	1	1	1	1	1	1	1	0	1	1
10. Seriousness of Offense	1	1	1	1	1	1	1	1	1	1	1	1	1
11. Role of Dispatch	1	1	1	1	1	1	1	1	1	1	0	0	1
12. Requirement of Supervisor to Monitor	1	1	1	1	0	1	1	1	1	1	0	1	1
13. Role of Supervisor	1	1	1	1	0	1	1	0	1	1	1	1	1
14. Training	1	0	0	0	1	1	0	1	0	0	0	0	0

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15. Supervisor at Termination Point	0	0	1	1	0	0	0	1	1	1	1	1	0
16. Report Writing	1	1	1	1	1	1	1	1	1	1	0	1	1
17. Debriefing	1	0	0	0	0	0	1	0	0	0	0	0	0
Total	14	11	11	12	12	14	14	12	12	13	6	9	11
Percentage	82. 35	64. 71	64. 71	70. 59	70. 59	82. 35	82. 35	70. 59	70. 59	76. 47	35. 29	52. 94	64. 71
Mean	8.8 8												
Total Percentage	68. 33												

The vehicular pursuit policy of State Thirty-Four, revised October 1, 1999, failed to include the Administrative element of Noncompliance, potentially serving a safety function. Although this element does not jeopardize the general public directly, it, nonetheless places the agency and the officer at risk for legal suits if there is a failure to follow departmental regulations properly. Indirectly, the public could be placed in the position of unreasonable risk. The element of Noncompliance has been used by attorneys in court to authenticate negligence claims (Sciuto v. State of Connecticut, 1999; City of Dallas v. Garcia, 1998).

The only Administrative element serving a safety related function missing from the vehicular pursuit policy of State Thirty-Five, revised April 1, 1999, was Training. Although this policy was quite comprehensive Administratively, the element of Training regardless, should be included in a written pursuit policy. The element has been utilized in courts to bring substantiation to negligence claims and places the officer at a greater risk of liability (DeWald v. The State of Wyoming, 1986; City of Dallas v. Garcia, 1998).

The vehicular pursuit policy of State Thirty-Six, revised August 1993, failed to include the Administrative element of Training, potentially serving a safety function.

Training is essential for effective officer conduct during a pursuit and should be contained in the written policy. The failure of an agency to properly train officers in the proper course of action during a high-speed pursuit can place the officer and the agency at risk for claims of negligence and liability (Sciuto v. State of Connecticut, 1999).

The Administrative elements pertaining to safety not included in the vehicular pursuit policy of State Thirty-Seven were Noncompliance and Training. The element of Noncompliance is fairly important and should be contained, as officers need to realize the consequences of a failure to comply with policy and departmental regulations. This element has also been utilized in courts of law as a springboard to substantiate claims of liability and negligence of an officer and agency (Tucker v. Branford, 1998). The element of Training has also been used in courts to substantiate negligence suits (Sciuto v. State of Connecticut, 1999). This can increase an agency's liability risks as a failure to incorporate this element in a written policy can make it appear as though officers are not fully trained in appropriate pursuit conduct.

The only Administrative element related to safety not included in the vehicular pursuit policy of State Thirty-Eight, revised July 24, 2000, was Requirement of Supervisor to Monitor. The importance of proper monitoring during the course of a pursuit is important for safety considerations and to assist the pursuing officer in following departmental policy. Attorneys have utilized this element in court in attempts to substantiate claims of negligence and liability (Tucker v. The Town of Branford, 1998).

There were no Administrative elements pertaining to safety missing from the pursuit policy of State Thirty-Nine, revised April 1, 2001. This agency's pursuit policy,

from the standpoint of Administrative elements was considered very comprehensive. The missing elements of Case Law References, Supervisor at Termination point, and Debriefing would certainly provide the policy with all Administrative elements but considering safety alone the policy is quite comprehensive.

The only Administrative element missing from the vehicular pursuit policy of State Forty, revised November 9, 1998, related to safety was Noncompliance. This element has been demonstrated in courts to be a factor in the safety of vehicular pursuits (City of Dallas v. Garcia, 1998; Sciuto v. State of Connecticut, 1999). Despite the absence of this element, the policy of this state agency was found to be quite comprehensive. Most major Administrative elements related to safety were included in the policy. This is important for the added safety of the general public and the pursuing officer. A comprehensive policy also lessens the liability risks for a department.

The only Administrative elements missing from the vehicular pursuit policy of State Forty-One, revised July 1, 2000, related to safety were Noncompliance and Role of Supervisor. These elements have been demonstrated in courts to be factors in the safety of vehicular pursuits (City of Pinellas Park v. Brown, 1992; City of Dallas v. Garcia, 1998; Sciuto v. State of Connecticut, 1999). While the policy was generally found to be inclusive, the omission of the Noncompliance and Role of Supervisor could prove to increase the liability risks for an agency.

Administrative elements missing from the vehicular pursuit policy of State Forty-Two, revised November 1, 1999, related to safety were Noncompliance and Training. The element of Noncompliance should be included in the policy, as officers need to realize the consequences for the failure to comply with policy and departmental

regulations. This element has also been utilized in courts of law as a springboard to substantiate claims of liability and negligence of an officer and agency (Tucker v. Branford, 1998). The element of Training has also been used in courts to substantiate negligence suits (Sciuto v. State of Connecticut, 1999). This can increase an agency's liability risks as a failure to incorporate this element in a written policy can make it appear as though officers are not fully trained in correct pursuit conduct.

The pursuit policy of State Forty-Three, revised April 25, 2000, contained all but one of the pertinent Administrative elements. The element of Training failed to be included in this agency's pursuit policy. While it is important for officers to understand the emphasis placed upon training by the department, the incorporation of this element ideally serves to protect the agency from liability suits. By stressing Training in the text of the written policy the agency can place added emphasis upon this element. Training has often been used in court by attorneys to substantiate negligence claims (City of Pinellas Park v. Brown, 1992; Tucker v. The Town of Branford, 1998).

The Administrative elements pertaining to safety not included in the vehicular pursuit policy of State Forty-Four, revised January 20, 1988, were Noncompliance, Pursuit Restrictions, Requirement of Supervisor to Monitor, and Training. These elements serve a safety-related function and increase agency liability. Officers need to be aware of restrictions placed on them during the course of pursuits. In addition, officers should be aware of the need for training and the consequences of their failure to follow departmental regulations. Supervision is also essential in a vehicular pursuit. A supervisor should monitor a pursuit to provide the pursuing officer with additional assistance with tactical decisions and policy regulations. Attorneys have used these

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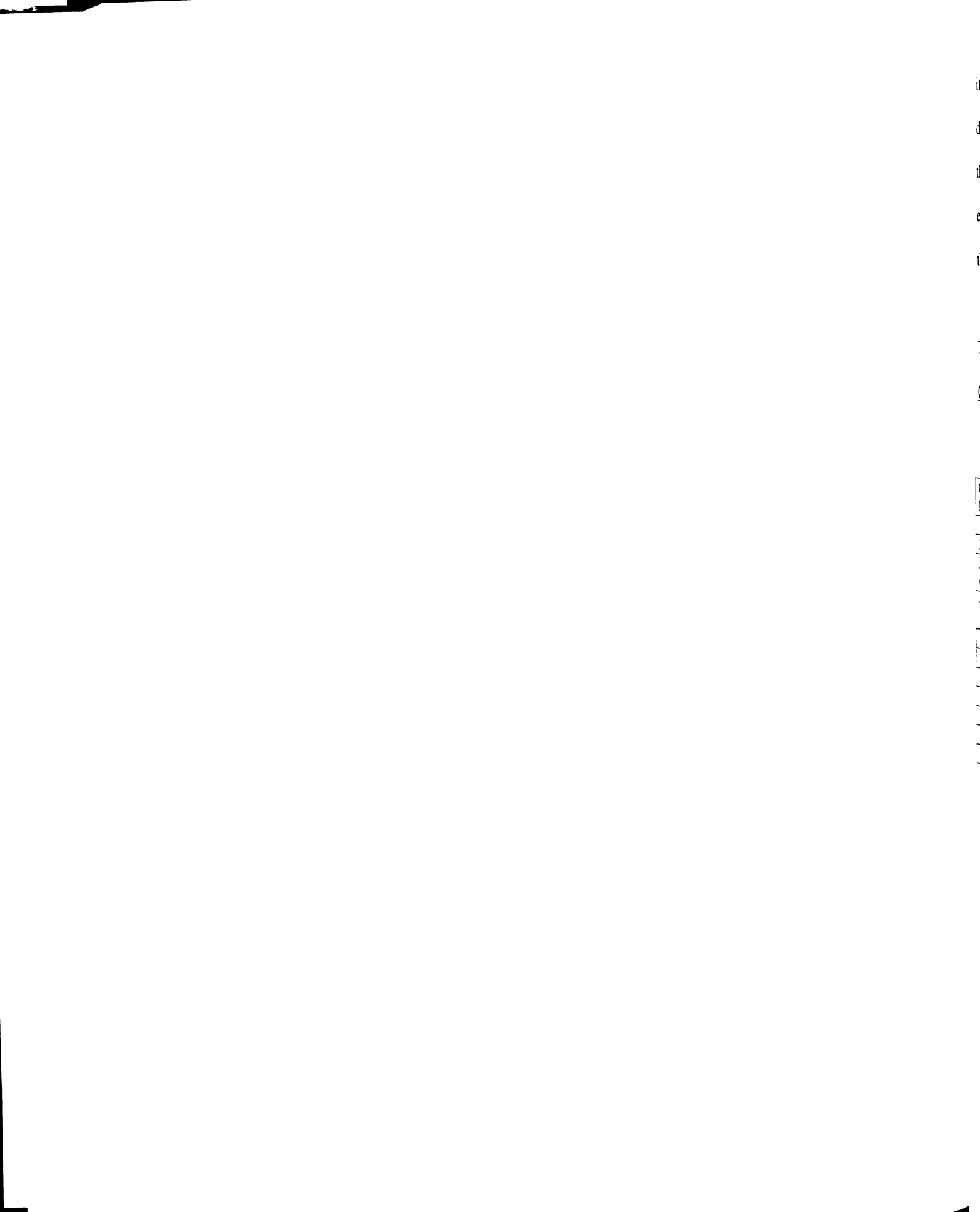
elements in court to substantiate negligence claims (City of Dallas v. Garcia, 1998; Weaver v. The State of California, 1998; Day v. State of Utah, 1999).

The Administrative elements pertaining to safety not included in the vehicular pursuit policy of State Forty-Five, revised December 5, 2000, were Discontinuance of Pursuit, Noncompliance, and Training. While the policy of the agency was highly comprehensive the missing elements, nonetheless, pertain to safety thus increasing the possibility of claims of officer or agency negligence (City of Dallas v. Garcia, 1998; Weaver v. The State of California, 1998; Day v. State of Utah, 1999).

The Administrative elements pertaining to safety not included in the vehicular pursuit policy of State Forty-Six, revised July 1, 1998, were Discontinuance of Pursuit, Noncompliance, and Training. As stated in previous analyses any elements pertaining to safety should always be contained in any written vehicular pursuit policy. The three missing Administrative elements have been demonstrated in court to act as important considerations to the safety of the officer, suspect, and third party (Sciuto v. State of Connecticut, 1999; DeWald v. State of Wyoming, 1986; Tucker v. The Town of Branford, 1998; State of Connecticut v. Hannon, 2000). By failing to include these elements in the pursuit policy the agency and officer are placed in increased risk of legal suits alleging negligence or liability.

Operational Elements

As stated earlier, the Operational elements were divided into Contextual and Active categories. Contextual Operational elements were those items deemed either non-dangerous or on the periphery of the pursuit. Active Operational elements were those



items encompassing hazardous driving tactics or forcible stop techniques. Table 11 displays the Contextual Operational elements included in the vehicular pursuit policies of the state agencies in each region of the nation. Table 12 displays the Active Operational elements included in the vehicular pursuit policies of the state agencies in each region of the nation.

Table 11

Contextual Operational elements included in each region of the United States.

Contextual Operational Elements	Region					Total
	Pacific	North East	Mountain	South	Mid-West	
1. Initiate Pursuit	3	10	6	9	13	41
2. Notify Dispatcher	3	10	7	10	13	43
3. Specifics of Pursuit Conditions	2	10	5	9	13	39
6. Jurisdictional Considerations	4	9	6	10	10	39
11. Role of Dispatch	3	10	4	10	10	37
17. Passengers	1	6	4	7	8	26
19. Off Road Pursuit	0	0	0	0	1	1
21. Aerial Assistance	3	4	7	3	7	24
Total	19	59	39	58	75	250
Percentage	47.50%	67.05%	69.64%	65.91%	72.12%	64.44%
Mean	2.375	7.375	4.875	7.25	9.375	6.25

As is evident in Table 11, the written pursuit policies of the state agencies contained 64.44%, an average of 6.25, of the Contextual Operational elements. The vehicular pursuit policies of states in the Pacific region contained 47.50%, an average of 2.375, of the Contextual Operational elements. Policies of states in the Northeast region included 67.05%, an average of 7.375, of the Contextual Operational elements. Written vehicular pursuit policies of agencies in the Mountain region included 69.64%, an average of 4.875, of the Contextual Operational elements. Policies in the South region

contained 65.91%, an average of 7.25, of the Contextual Operational elements. Finally, the states in the Mountain region included 72.12%, an average of 9.375, of the Contextual Operational elements in their written vehicular pursuit policies.

Table 12

Active Operational elements included in each region in the United States.

	Region					
Active Operational Elements	Pacific	North East	Mountain	South	Mid-West	Total
4. Provisions for Lights and Sirens	3	11	6	11	13	44
5. Tactical Considerations	4	9	4	10	13	40
7. Pursuit Driving	5	11	5	9	10	40
8. Carvaning	5	9	7	10	13	44
9. Intentional Collisions	2	5	5	5	13	30
10. Shooting from Vehicle	2	6	4	8	9	29
12. Boxing-in	1	4	1	3	3	12
13. Heading-Off/Passing	1	3	2	1	5	12
14. Paralleling	2	4	2	2	2	12
15. Roadblocks	3	10	5	7	11	36
16. Speed	2	4	2	4	8	20
18. Tire Deflation Devices	2	6	5	7	10	30
20. Termination of Pursuit	5	10	3	11	13	42
Total	37	92	51	88	123	391
Percentage	56.92%	64.34%	56.04%	61.54%	72.78%	62.32%
Mean	2.85	7.08	3.92	6.77	9.46	6.02

As observed in Table 12, the pursuit policies of the state agencies contained 62.32%, an average of 6.02, of the Active Operational elements. The vehicular pursuit policies of states in the Pacific region contained 56.92%, an average of 2.85, of the Active Operational elements. Policies of states in the Northeast region included 64.34%, an average of 7.08, of the Active Operational elements. Written vehicular pursuit

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policies of agencies in the Mountain region included 56.04%, an average of 3.92, of the Active Operational elements. Policies in the South region contained 61.54%, an average of 6.77, of the Contextual Operational elements. Finally, the states in the Mountain region included 72.78%, an average of 9.46, of the Active Operational elements in their written vehicular pursuit policies.

State-by-State Analysis

The following text and accompanying tables provide a state-by-state analysis of the Contextual and Active Operational elements included in the vehicular pursuit policies of the State Police and State Highway Patrol agencies. To ensure confidentiality states have been numerically coded.

Tables 13 and 14 display the Contextual and Active Operational elements contained in the vehicular pursuit policies of the states in the Pacific region.

Table 13

Contextual Operational elements included in the vehicular pursuit policies of individual states in the Pacific region.

Contextual Operational Elements	State [Pacific Region]				
	1	2	3	4	5
1. Initiate Pursuit	1	1	1	0	0
2. Notify Dispatcher	1	0	1	0	1
3. Specifics of Pursuit Conditions	1	0	1	0	0
6. Jurisdictional Considerations	1	1	0	1	1
11. Role of Dispatch	0	1	0	1	1
17. Passengers	0	0	0	0	1
19. Off Road Pursuit	0	0	0	0	0
21. Aerial Assistance	0	1	1	0	1

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Total	4	4	4	2	5
Percentage	50.0	50.0	50.0	25.0	62.50
Mean	2.375				
Total Percentage	47.50				

Table 14

Active Operational elements included in the vehicular pursuit policies of individual states in the Pacific region.

Active Operational Elements	State [Pacific Region]				
	AK	CA	HI	OR	WA
4. Provisions for Lights and Sirens	1	0	1	0	1
5. Tactical Considerations	1	1	1	0	1
7. Pursuit Driving	1	1	1	1	1
8. Caravaning	1	1	1	1	1
9. Intentional Collisions	0	0	1	0	1
10. Shooting from Vehicle	0	1	1	0	0
12. Boxing-in	0	0	0	0	1
13. Heading-Off/Passing	0	0	1	0	0
14. Paralleling	0	1	1	0	0
15. Roadblocks	1	0	1	0	1
16. Speed	0	0	1	0	1
18. Tire Deflation Devices	1	0	0	0	1
20. Termination of Pursuit	1	1	1	1	1
Total	7	6	11	3	10
Percentage	53.85	46.15	84.62	23.08	76.92
Mean	2.85				
Total Percentage	56.92				

It was somewhat unsettling to discover that State One was remiss in including several Active Operational elements pertaining to safety in their vehicular pursuit. This department's vehicular pursuit policy was recently revised and finalized February 1, 2000. While the policy contains an initial reference to safety in the form of an Administrative Safety Caveat, Operationally the policy fails to contain Active elements

such as Intentional Collisions, Shooting from a vehicle, Boxing-in, Heading-Off/Passing, Paralleling, and Speed. These factors leave the officer as well as the agency open for claims of negligence and liability. In addition, they can potentially serve to increase the level of danger inherent in a police vehicular pursuit. Issues associated with the overall safety of a pursuit have been utilized in courts to substantiate claims of agency and officer negligence (State of Connecticut v. Hannon, 2000; Robinson v. City of Detroit, 2000; Madison v. Weldon, 1984; Coryell v. Town of Pinedale, 1987; City of Pinellas Park v. Brown, 1992).

Although this relatively short policy of 10 pages fails to contain many important references to safety this agency's patrol area is quite large with few people per square mile. The home state for this department is 570,374 square miles with a total population of 619,500 amounting to only 1.1 persons per square mile. Thus, the fact that the population is small and scattered does not negate the necessity for the agency to have a comprehensive written vehicular pursuit policy. The concern for public safety, as well as desire to protect the agency and the officer from unnecessary risks of liability and negligence, should prompt the department to devise a more safety conscious pursuit policy.

The vehicular pursuit policy of State Two failed to include a variety of Contextual and Active Operational elements in their policy. Specifics of Pursuit Conditions, Provisions for Lights and Sirens, Intentional Collisions, Boxing-in, Roadblocks, Heading-Off/Passing, Speed, and Tire Deflation Devices failed to be mentioned in this agency's written pursuit policy. It is important to note that, although the policy failed to contain reference to Intentional Collisions, Boxing-in, Roadblocks, Heading-Off/Passing,

and Tire Deflation Devices the policy did contain a section pertaining to forcible stops and legal intervention. None of the actual stop techniques detailed by the researcher were mentioned but a pursuing officer could use discretion to determine the appropriate forcible stop or legal intervention technique to use in any given situation.

State Two covers an area of 155,973 square miles with a population of 33,145,211 people, amounting to a total of 212.5 people per square mile. Therefore, with such a large population density it is important for the police to have a very comprehensive pursuit policy. This not only serves to protect the agency and officer from wrongful claims of negligence and liability, it also serves to protect the general public from needless endangerment associated with high-speed pursuit conditions.

The pursuit policy of State Three was found to be rather comprehensive and complete. State Three has a population of 1,185,497 covering an area of 6423 square miles for 184.6 people per square mile. With a relatively large, dense population it is necessary and imminently desirable for the police to have in effect a very comprehensive pursuit policy. The pursuit policy, revised February 20, 1998, covers most of the important Contextual and Active Operational elements such as Specific of Pursuit Conditions, Tactical Considerations, Pursuit Driving, Carvaning, Shooting from a Vehicle, Heading-Off/Passing, Paralleling, Roadblocks, and Speed. The only Active Operational elements pertaining to safety that failed to be included in the policy were Boxing-in, and Tire Deflation Devices.

Although the pursuit policy of State Three was reasonably comprehensive, the policy, nonetheless, fails to contain several Contextual and Active Operational safety measures. Specifics of Pursuit Conditions, Tactical Considerations, Intentional

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Collisions, Shooting from a Vehicle, Boxing-in, Heading-Off/Passing, Paralleling, Roadblocks, and Tire Deflation Devices failed to be mentioned in the text of the policy. These elements can serve to increase the dangerousness of a vehicular pursuit. If properly trained in the appropriate tactics best employed during the course of a pursuit the Operational elements pertaining to safety can also serve to increase the well-being of the pursuing officer, suspect, and third parties.

State Four covers an area of 96,003 square miles with a population of 3,316,154, amounting to 34.5 per square mile persons. While this population density is not as high as some states in the same region, nevertheless, it is high enough to warrant extra safety precautions in the vehicular pursuit policy of the primary state agency. In more densely populated areas of the state the potential for a vehicular pursuit increases and, therefore, the risks to the general public increase. In addition, a more comprehensive policy would serve to protect the general public, the pursuing officer, and the suspect in any pursuit, no matter where it occurred.

Operationally, the policy of State Five was quite comprehensive. Specifics of Pursuit Conditions, Shooting from a vehicle, Heading-Off/Passing, and Paralleling were the only elements pertaining to safety failing to be included in the pursuit policy. The most obvious omission in the Active Operational elements was Shooting from a Vehicle. Any element involving deadly force raises certain 4th and 14th Amendment issues. The 4th Amendment concerns the rights of persons to be secure in their persons, secure from any unwarranted searches and seizures. Deadly force is the ultimate seizure therefore it is necessary to include this element in any vehicular pursuit policy. The 14th Amendment

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is the protection against a deprivation of life, liberty or property. Again, the use of deadly force certainly qualifies as a deprivation of life.

State Five covers an area of 66,581 square miles with a population of 5,756,361 amounting to an 86.5 per person square mile average. While the population density of the state centers primarily around three major metropolitan centers it is, nevertheless, important to provide the rest of the state with the same level of safety as afforded to the greater urban centers.

Tables 15 and 16 display the Contextual and Active elements included in the vehicular pursuit policies of states in the Mountain region.

Table 15

Contextual Operational elements included in the vehicular pursuit policies of individual states in the Mountain region.

Contextual Operational Elements	State [Mountain Region]						
	6	7	8	9	10	11	12
1. Initiate Pursuit	1	1	1	1	1	1	0
2. Notify Dispatcher	1	1	1	1	1	1	1
3. Specifics of Pursuit Conditions	1	1	1	0	1	1	0
6. Jurisdictional Considerations	1	1	1	1	1	1	0
11. Role of Dispatch	1	1	0	0	1	1	0
17. Passengers	1	0	0	1	1	1	0
19. Off Road Pursuit	0	0	0	0	0	0	0
21. Aerial Assistance	1	0	0	1	1	0	0
Total	7	5	4	5	7	6	1
Percentage	87.5	62.5	50.0	62.5	87.5	75.0	12.5
Mean	4.875						
Total Percentage	62.5						

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Table 16

Active Operational elements included in the vehicular pursuit policies of individual states in the Mountain region.

Active Operational Elements	State [Mountain Region]						
	6	7	8	9	10	11	12
4. Provisions for Lights and Sirens	1	1	0	1	1	1	1
5. Tactical Considerations	1	1	0	0	1	1	0
7. Pursuit Driving	1	1	1	1	0	1	0
8. Caravaning	1	1	1	1	1	1	1
9. Intentional Collisions	0	1	1	1	0	1	1
10. Shooting from Vehicle	1	0	1	0	1	1	0
12. Boxing-in	0	0	0	0	0	1	0
13. Heading-Off/Passing	0	0	1	0	0	1	0
14. Paralleling	0	1	0	0	0	1	0
15. Roadblocks	0	1	1	1	1	1	0
16. Speed	0	0	1	0	0	1	0
18. Tire Deflation Devices	1	1	1	1	0	1	0
20. Termination of Pursuit	1	1	1	1	1	1	1
Total	7	9	9	7	6	13	4
Percentage	53.85	69.23	69.23	53.85	46.15	100	30.77
Mean	3.92						
Total Percentage	60.44						

Operationally, State Six failed to include several pertinent elements in their vehicular pursuit policy. The Active Operational elements of Intentional Collisions, Boxing-in, Heading-Off/Passing, Paralleling, Roadblocks, and Speed failed to be included in the vehicular pursuit policy. These elements pertain to safety and the possibility of claims of officer or agency negligence and liability increase as these factors are omitted in a policy (City of Dallas v. Garcia, 1998; Weaver v. The State of California, 1998; Day v. State of Utah, 1999).

State Six covers an area of 103,729 square miles with a population of 4,056,133 amounting to a 39.1 per square mile person average. The policy of this state was found to be fairly inclusive although the omission of several Operational elements pertaining directly to safety was a serious oversight for the agency in question. Any element directly serving a safety function necessarily should be included in any comprehensive policy.

Operationally the policy of State Seven was found to be lacking in one area: Dangerous tactics. The Active Operational elements of Shooting from a Vehicle, Boxing-in, Heading-Off/Passing, and Speed failed to be included in the pursuit policy. Any element raising any 4th or 14th Amendment issues should, by necessity, be included in any agency's vehicular pursuit policy. In addition, any element with potentially dangerous consequences for the pursuing officer, suspect, and general public should be included in any vehicular pursuit policy. This offers additional protection for the general public not involved in the actual pursuit, the pursuing officer, and the fleeing suspect. It also affords protection against claims of negligence and liability for the agency. A comprehensive policy only serves to bolster an agency's legal defense in instances of tragedy during a pursuit.

Although State Seven has a small population of 1,251,700, a low per person square mile average at 15.1 and covers a large area of 82,751, it is nonetheless important for purposes of safety to have an inclusive pursuit policy. While the possibility of a high-speed pursuit in a densely populated area in such a rural environment is not dramatically high for the legal protection of the agency and officer, not to mention the safety of the pursuit itself, a more comprehensive policy always serves the greater good.

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Operationally, the policy of State Eight did not fare well. The elements of Provisions for Lights and Sirens, Tactical Considerations, Boxing-in, Paralleling, and Termination of Pursuit were missing. The Contextual Operational elements of Unmarked Car/Motorcycle, and Passengers were also not included in the policy. While it is considered important for every Operational element to be included in a policy, any element pertaining to safety was considered too important not to be included in a policy. The failure of an agency to include any reference to Tactical Considerations or Provision for Lights and Sirens can lead to dangerous encounters with the general public during a pursuit and can place the agency and the officer at risk for claims of liability and negligence (DeWald v. The State of Wyoming, 1986; Tucker v. The Town of Branford, 1998; State of Connecticut v. Hannon, 2000). An officer can follow departmental policy but still appear negligent due to an inadequate pursuit policy. An incomplete policy increases the dangerousness of a police pursuit unnecessarily.

State Eight is in a similar situation as State Seven. This is a primarily rural environment covering an area of 145,556, with a population of 882,779, and a per person square mile average of only 6.1. Nonetheless, however rural the environment, there are certain elements, both Administrative and Operational, that must be included in any comprehensive vehicular pursuit policy.

The policy of State Nine was lacking a few very essential elements: Specifics of Pursuit Conditions, Tactical Considerations, Shooting from a Vehicle, Boxing-in, Heading-Off/Passing, Paralleling, and Speed. Each of the missing elements can raise issues actionable under the 4th and 14th Amendments. Any element pertaining to safety, whether it be the pursuing officer or the general public, should be included in any

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departmental pursuit policy. Elements related to safety considerations during the course of a pursuit have been used in courts to substantiate negligence claims against an agency or officer (Tucker v. The Town of Branford, 1998; State of Connecticut v. Hannon, 2000).

State Nine is, again, a relatively rural environment covering an area of 109, 806 square miles, with a population of 1,809,253 people, amounting to a 16.5 per person square mile average. Although the state is rural the pursuit policy of the primary state agency should be complete. Elements pertaining to safety should always be included in a pursuit policy. This serves the public interest, as innocent bystanders are not unnecessarily endangered during a police pursuit. It also serves the interests of the officer, suspect, and agency as all parties involved in a pursuit are afforded a semblance of additional safety. It is assumed a more complete policy will increase the safety factor in a high-speed police pursuit.

The policy of State Ten failed to include the Active Operational elements associated with safety of Pursuit Driving, Intentional Collisions, Boxing-in, Heading-Off/Passing, Paralleling, Speed, and Tire Deflation Devices. As stated previously it is necessary for all law enforcement agencies to include in their vehicular pursuit policies reference to any technique utilized in a pursuit that could potentially prove deadly. Deadly force raises a multitude of 4th and 14th Amendment issues. Agencies without comprehensive written pursuit policies are placed at a much greater risk of the possibility of legal suits. The failure of an agency to include these dangerous tactics ultimately creates a situation of increased risk to the officer, suspect, and general public. It also

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serves to increase the possibility of a prosecutor successfully demonstrating departmental or officer negligence.

This state is in a similar position as many others in the same region. The total population is 1,739,844 covering an area of 121,365, amounting to a per person square mile average of 14.3. As stated previously the small population density does not negate the necessity for a fully comprehensive pursuit policy. The well being of the public should always be a concern for law enforcement agencies. A comprehensive policy serves to protect the general public as well as those parties directly involved in the pursuit.

The policy of State Eleven contained all elements, both Contextual and Active Operational, related to danger and safety considerations. The agency has insured that the pursuing officer, suspect, and general public is offered an added degree of safety by the inclusion of dangerous pursuit tactics and a safety caveat. In addition, the agency is not open to any unsubstantiated claims of negligence or liability.

The state is, like many others in the region, primarily rural with a total population of 2,129,836, covering an area of 82,168 square miles, amounting to 25.9 people per square mile. Despite the rural nature of the state the agency had a very comprehensive written pursuit policy. This fact serves several purposes. The agency and officer are protected from unsubstantiated claims of negligence and liability while the safety of the parties involved in the pursuit is also safeguarded.

The pursuit policy of State Twelve was found to be severely lacking in several Operational elements. While it is essential to establish some reference to safety, an Administrative Safety Caveat cannot stand alone on this factor. This policy states a

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concern for public safety and the well-being of the pursuing officer in the form of Safety Caveat and Pursuit Restrictions but fails to include any reference to training or supervision that also serve a safety function. Operationally, the policy does not contain elements concerning 4th and 14th Amendment safeguards. Shooting from a Vehicle, Specific of Pursuit Conditions, Boxing-in, Heading-Off/Passing, Paralleling, Speed, Roadblocks, and Tire Deflation Devices were not included anywhere in the written policy. The missing Contextual and Active Operational elements have been demonstrated in court to act as important considerations to the safety of the officer, suspect, and third party (Sciuto v. State of Connecticut, 1999; DeWald v. State of Wyoming, 1986; Tucker v. The Town of Branford, 1998; State of Connecticut v. Hannon, 2000).

Although this state is considerably rural in nature, it is still advisable for a department to have a more comprehensive policy than this state has on file. The state's population is 479,602, covering an area of 97,105 square miles, summing to a per person square mile average of 4.9. With such a low population density it might not be vital for an agency to have in effect a completely comprehensive policy Administratively. Apart from safety considerations the majority of Administrative elements will not place the officer or the general public in harm's way during a pursuit. A department will not be taken to court due to non safety related missing Administrative elements. However, despite the small population density it is necessary for any department to have a comprehensive written pursuit policy. Operational elements are those elements pertaining to officer actions, tactics, and maneuvers. These elements pose the greatest

danger to the officer, suspect, and general public. They are also the main components for which agency's are brought to court.

Tables 17 and 18 display the Contextual and Active Operational elements found in the vehicular pursuit policies of states in the South region.

Table 17

Contextual Operational elements included in the vehicular pursuit policies of individual states in the South region.

	State [South Region]										
Contextual Operational Elements	13	47	14	15	16	17	18	19	20	21	22
1. Initiate Pursuit	0	1	1	1	1	1	1	1	1	1	0
2. Notify Dispatcher	1	1	1	1	1	1	1	1	1	1	0
3. Specifics of Pursuit Conditions	1	1	0	1	1	1	1	1	1	1	0
6. Jurisdictional Considerations	1	1	1	1	1	1	1	1	1	1	0
11. Role of Dispatch	1	1	1	1	1	1	1	1	1	1	0
17. Passengers	0	1	0	1	1	1	1	1	1	0	0
19. Off Road Pursuit	0	0	0	0	0	0	0	0	0	0	0
21. Aerial Assistance	0	0	1	0	0	1	0	1	0	0	0
Total	4	6	5	6	6	7	6	7	6	5	0
Percentage	50.0	75.0	62.5	75.0	75.0	87.5	75.0	87.5	75.0	62.5	0
Mean	7.25										
Total Percentage	65.91										

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Table 18

Active Operational elements included in the vehicular pursuit policies of individual states in the South region.

	State [South Region]										
Active Operational Elements	13	47	14	15	16	17	18	19	20	21	22
4. Provisions for Lights and Sirens	1	1	1	1	1	1	1	1	1	1	1
5. Tactical Considerations	1	1	1	1	1	1	1	1	1	1	0
7. Pursuit Driving	0	1	1	1	1	1	1	1	1	1	0
8. Caravaning	1	1	1	1	1	1	1	1	1	1	0
9. Intentional Collisions	0	1	1	0	0	1	0	0	1	1	0
10. Shooting from Vehicle	0	1	1	1	1	1	1	0	1	1	0
12. Boxing-in	0	1	1	1	0	0	0	0	0	0	0
13. Heading-Off/Passing	0	0	1	0	0	0	0	0	0	0	0
14. Paralleling	0	0	1	0	0	0	0	0	0	1	0
15. Roadblocks	0	1	1	1	1	1	1	0	0	1	0
16. Speed	0	0	1	1	1	0	0	0	0	1	0
18. Tire Deflation Devices	0	1	1	1	1	1	1	0	1	0	0
20. Termination of Pursuit	1	1	1	1	1	1	1	1	1	1	1
Total	4	10	13	10	9	9	8	5	8	10	2
Percentage	30. 77	76. 92	100	76. 92	69. 23	69. 23	61.5 4	38.4 6	61.5 4	76.9 2	15.3 8
Mean	6.7 7										
Total Percentage	61. 54										

The vehicular pursuit policy of State Thirteen failed to include numerous Active Operational elements. The missing Operational elements serving a primarily safety function not contained in the pursuit policy were Pursuit Driving, Intentional Collisions, Shooting from a Vehicle, Boxing-in, Heading-Off/Passing, Paralleling, Roadblocks, Speed, and Tire Deflation Devices. These elements pertaining to safety can serve to increase the safety of the pursuing officer, suspect, and third parties. As stated previously, these elements pertain to safety and the possibility of claims of officer or

agency negligence and liability increase as these factors are omitted in a policy (City of Dallas v. Garcia, 1998; Weaver v. The State of California, 1998; Day v. State of Utah, 1999).

The state's population is 4,369,862, covering an area of 50,750 square miles, summing to a per person square mile average of 486.1. With a dense population it is imperative that an agency patrolling such an environment have in effect a comprehensive written vehicular pursuit policy. An inclusive pursuit policy provides for a safer pursuit for the officer, suspect, and public. A comprehensive policy also lessens the liability risks an agency faces.

Operationally, vehicular pursuit policy of State Fourteen was missing few vital elements. The elements of Specific of Pursuit Conditions, Passengers and Off Road Pursuit failed to be included in the pursuit policy. This policy was considered fairly comprehensive due to the fact that any potentially dangerous pursuit tactics or forcible stop techniques were included in the written policy. The omission of Passengers and Off Road Pursuit is, ultimately, not going to pose any real threat to the general public, pursuing officer, or suspect. The omission of these three Operational elements is also not going to place the agency in unnecessary jeopardy of negligence or liability suits.

The state's population is 15,111,244, covering an area of 53,937 square miles, summing to a per person square mile average of 280.2. With a dense population the policy fared well. The Administrative elements of Noncompliance and Training should necessarily be contained in a written policy for liability protection for the agency and for the added safety of the general public and pursuing officer. However, the policy

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contained the majority of elements that could pose a danger to the general public or pursuing officer.

The Active Operational elements of Intentional Collision, Heading-Off/Passing, and Paralleling were not included in the policy of State Fifteen. As iterated previously, it is imperative for an agency to include in its written vehicular pursuit policy any potentially dangerous pursuit tactics or forcible stop techniques. The failure of any agency to include these elements in its written policy places the pursuing officer, suspect, and general public at a much greater risk of harm due to the inherent dangerousness of such tactics and techniques. These elements pertain to safety and the possibility of claims of officer or agency negligence and liability increase as these factors are omitted in a policy (City of Dallas v. Garcia, 1998; Weaver v. The State of California, 1998; Day v. State of Utah, 1999).

The state's population is 7,788,240, covering an area of 57,919 square miles, summing to a per person square mile average of 134.5. Due to this state's population density it is necessary for the agency to have in effect a comprehensive written vehicular pursuit policy. The failure to do so places the pursuing officer, suspect, and general public in harm's way unnecessarily and also leaves the agency open for liability suits.

The Active Operational elements serving a safety function that failed to be included in the pursuit policy of State Sixteen were Intentional Collisions, Boxing-in, Heading-Off/Passing, Paralleling. The omission of these potentially dangerous elements increase the risk of agency and officer negligence and liability and have been used in many legal suits (City of Dallas v. Garcia, 1998; Weaver v. The State of California, 1998; Day v. State of Utah, 1999).

The state's population is 3,960,825, covering an area of 39,732 square miles, summing to a per person square mile average of 99.7. Although the state's population density is not as high as other states in the same region, it is nonetheless important for any agency's written vehicular pursuit policy to contain any elements relating to the safety of the officer and the general public. The failure to include all elements pertaining to safety raises the risk of agency and officer liability and increases the dangerousness of a pursuit.

The vehicular pursuit policy of State Seventeen was found to be reasonably complete although some potentially dangerous elements failed to be included. The Active Operational elements serving a safety function failing to be included in the policy were Boxing-in, Heading-Off/Passing, and Speed. A pursuit policy, by necessity must include any elements pertaining to safety. These elements have been used in courts of law to attempt to substantiate claims of officer negligence and departmental liability (Day v. State of Utah, 1999; Travis v. The City of Mesquite, 1992; Weaver v. The State of California, 1998). Therefore, to protect the agency, officers, suspect, and general public from unreasonable harm associated with a vehicular pursuit any elements related to safety must be included in a comprehensive pursuit policy.

The state's population is 4,372,035, covering an area of 43,566 square miles, summing to a per person square mile average of 100.4. This state has a similar population density as the previous state. Although not dramatically high it is, nonetheless, vital for the agency to have a comprehensive written vehicular pursuit policy. This serves to protect the agency from unsubstantiated claims of negligence and

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liability while also protecting the officer, suspect, and general public from unnecessary harm.

The pursuit policy of State Eighteen was considered lacking in several important safety elements. The Operational elements serving a primarily safety function that were not included in the policy were Intentional Collisions, Boxing-in, Heading-Off/Passing, Paralleling, and Speed. Each of the missing elements serves a safety purpose by providing guidelines for the pursuing officer in the appropriate use of forcible stop techniques and maneuvers. These elements have been used in courts of law to attempt to substantiate claims of officer negligence and departmental liability (Day v. State of Utah, 1999; Travis v. The City of Mesquite, 1992; Weaver v. The State of California, 1998).

The state's population is 2,768,619, covering an area of 46,914 square miles, summing to a per person square mile average of 59.0. Although this state is mainly a rural state devoted to agriculture, the written pursuit policy, should still contain any elements pertaining to safety. This increases the overall safety of the pursuit and also protects the agency and officer from claims of liability and negligence.

The policy of State Nineteen did not contain the Active Operational elements of Intentional Collisions, Shooting from a vehicle, Boxing-in, Heading-Off/Passing, Paralleling, Roadblocks, Speed, and Tire Deflation Devices. The missing Operational and Administrative elements have been demonstrated in court to act as important considerations to the safety of the officer, suspect, and third party (Sciuto v. State of Connecticut, 1999; DeWald v. State of Wyoming, 1986; Tucker v. The Town of Branford, 1998; State of Connecticut v. Hannon, 2000). Any element potentially acting

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as a force of deadly force also rises 4th and 14th Amendment issues which can also place the agency and officer at risk for claims of negligence and liability.

The state's population is 7,650,789, covering an area of 48,719 square miles, summing to a per person square mile average of 157. This state is again primarily rural with a diverse physical geography. Nevertheless, the written pursuit policy of the state needs to contain any element pertaining to safety. This protects the agency, pursuing officer, suspect, and the general public from unnecessary harm associated with the pursuit.

The written pursuit policy of State Twenty failed to include several items related to safety. The Active Operational elements pertaining to safety that failed to be included in the policy were Boxing-in, Heading-Off/Passing, Paralleling, Roadblocks, and Speed. As stated previously, these elements pertain to safety and the possibility of claims of officer or agency negligence and liability increase as these factors are omitted in a policy (City of Dallas v. Garcia, 1998; Weaver v. The State of California, 1998; Day v. State of Utah, 1999). To avoid increasing the dangerousness of a pursuit and to avoid possible legal suits any element relating to safety should be included in the pursuit policy.

The state's population is 3,885,736, covering an area of 30,111 square miles, summing to a per person square mile average of 129.0. Although the state's population density is relatively low the written pursuit policy still, by necessity, should contain any elements related to safety. This protects the general public, pursuing officer, agency, and suspect from unreasonable harm. It also limits the number of legal suits brought against the department for negligence or liability.

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The written pursuit policy of State Twenty-One was considered fairly comprehensive with regard to safety items. The Active Operational elements failing to be included in the policy were Boxing-in, Heading-Off/Passing, and Tire Deflation Devices. There have been numerous avoidable liability and negligence suits brought against an agency due to the fact that the officer failed to receive proper training in the safest course of action during a vehicular pursuit (Felder v. Stonack, Jenkins, Township of Neptune Police Department, and Township of Neptune, 1995; Nelson v. Thomas, 1996; Coryell v. Town of Pinedale, 1987). As stated earlier, dangerous techniques and maneuvers raise 4th and 14th Amendment issues and place an agency and officer at risk for negligence suits. Therefore, they need to be contained in any written vehicular pursuit policy.

The population density of this state is higher than other states in the same region. The total population is 5,483,535, covering an area of 41,220 square miles, summing to a 133 per person square mile average. Therefore, with a denser population it is even more imperative for a department to have a comprehensive written vehicular pursuit policy in effect. This allows officers to understand their duties during a pursuit, increases the safety factor for all parties involved, and lessens the risks of departmental liability.

The pursuit policy of State Twenty-Two was found to be the least comprehensive policy of any state in the nation. The only Operational elements serving the function of safety included in the policy were Provisions for Lights and Sirens and Termination of Pursuit. As stated previously, the failure to include any elements pertaining to safety increases the possibility of claims of officer or agency negligence and liability (City of Dallas v. Garcia, 1998; Weaver v. The State of California, 1998; Day v. State of Utah,

1999). This policy failed to include any mention of potentially dangerous pursuit tactics such as Intentional Collisions, Shooting from a Vehicle, Boxing-in, Heading-Off/Passing, Paralleling, Roadblocks, or Tire Deflation Devices. In addition, there was no reference to Specific of Pursuit Conditions, Tactical Considerations, or Speed. These elements, too, pose liability and negligence risks for an agency. The omission of Operational elements related to safety leaves a department open to legal suits and only serves to make a prosecutor's effort of substantiating these claims that much easier.

This state shares some demographic features with several other states. The population of the state is 20,044,141, covering an area of 261,914 square miles, for a per person square mile average of 76.5. This density of population is large enough to warrant a written pursuit policy that is much more comprehensive than the current one on file. As iterated above, the primary duty of the police is to protect the general public's welfare. Endangering innocent bystanders unnecessarily during the course of a pursuit is counter to the fundamental mission of the police.

Operational elements related to safety not included in the policy of State Forty-Seven were Heading-Off/Passing, Paralleling, and Speed. Although the policy does not specifically mention the elements of Heading-Off/Passing or Paralleling there is reference to Precision Immobilization Techniques (PIT). Therefore, it is possible that the missing tactical elements are defined by this agency as PIT's. The element of Speed should be contained in the policy due to the inherent dangerousness the element introduces into a vehicular pursuit. Any elements pertaining to the dangerousness of a pursuit have been utilized in courts to corroborate claims of departmental or officer negligence and liability

(Madison v. Weldon, 1984; Coryell v. Town of Pinedale, 1987; City of Pinellas Park v. Brown, 1992; State of Connecticut v. Hannon, 2000).

The population of the state is 2,551,373, covering an area of 52,075, amounting to a per person square mile average of 49.0. Despite the low population density the pursuit policy of the state was more comprehensive than other states with similar population densities. As stated earlier a low population density does not negate the importance of a fully comprehensive vehicular pursuit policy. A complete policy, including all the Administrative and Operational elements of the Standard Policy, provides for added safety in the occurrence of a vehicular pursuit. This protects all parties directly involved in the pursuit, the general public, and the department as a whole.

Tables 19 and 20 display the Contextual and Active Operational elements contained in the vehicular pursuit policies of the states in the Northeast region.

Table 19

Contextual Operational elements included in the vehicular pursuit policies of individual states in the Northeast region.

Contextual Operational Elements	State [Northeast Region]										
	23	24	25	26	27	28	29	30	31	32	33
1. Initiate Pursuit	1	1	1	1	1	1	1	1	1	0	1
2. Notify Dispatcher	1	1	1	1	1	1	1	1	0	1	1
3. Specifics of Pursuit Conditions	1	1	1	1	1	1	1	1	1	0	1
6. Jurisdictional Considerations	1	1	1	0	1	1	1	1	1	0	1
11. Role of Dispatch	1	1	1	1	1	1	1	1	0	1	1
17. Passengers	1	0	1	1	0	1	0	1	0	0	1
19. Off Road Pursuit	0	0	0	0	0	0	0	0	0	0	0
21. Aerial Assistance	1	1	1	0	1	0	0	0	0	0	0
Total	7	6	7	5	6	6	5	6	3	2	6
Percentage	87.	75.	87.	62.	75.	75.	62.	75.	37.	25.	75.

	5	0	5	5	0	0	5	0	5	0	0
Mean	7.3 75										
Total Percentage	67. 05										

Table 20

Active Operational elements included in the vehicular pursuit policies of individual states in the Northeast region.

	State [Northeast Region]										
Active Operational Elements	23	24	25	26	27	28	29	30	31	32	33
4. Provisions for Lights and Sirens	1	1	1	1	1	1	1	1	1	1	1
5. Tactical Considerations	1	1	1	1	1	1	0	1	0	1	1
7. Pursuit Driving	1	1	1	1	1	1	1	1	1	1	1
8. Caravaning	1	1	0	1	1	1	1	1	1	1	0
9. Intentional Collisions	0	0	0	1	1	0	1	0	0	1	1
10. Shooting from Vehicle	1	0	1	0	0	1	1	1	0	0	1
12. Boxing-in	0	0	0	1	0	1	1	0	0	1	0
13. Heading-Off/Passing	0	0	0	0	1	0	1	0	0	0	1
14. Paralleling	0	0	0	0	1	0	1	0	1	0	1
15. Roadblocks	1	1	1	1	1	1	1	1	0	1	1
16. Speed	1	0	0	0	0	0	1	0	1	0	1
18. Tire Deflation Devices	0	0	1	1	1	1	0	0	1	0	1
20. Termination of Pursuit	1	1	1	1	1	1	1	1	0	1	1
Total	8	6	7	9	10	9	11	7	6	8	11
Percentage	61. 54	46. 15	53. 85	69. 23	76. 92	69. 23	84. 62	53. 85	46. 15	61. 54	84. 62
Mean	7.0 8										
Total Percentage	64. 34										

Operationally, several elements pertaining to safety were missing from the policy of State Twenty-Three. Intentional Collisions, Boxing-in, Heading-Off/Passing, Paralleling, and Tire Deflation Devices failed to be included in the vehicular pursuit policy. However, the policy does contain a lengthy reference to forcible stop techniques.

It is possible that the missing Operational elements are included under the heading of “forcible stop techniques”. Whatever the case, it is still essential that a department include any potentially dangerous pursuit technique, or forcible stop maneuver, in the written pursuit policy. A failure to adequately reference any dangerous technique or maneuver places the agency as a whole in jeopardy of claims of deprivation of 4th and 14th Amendment rights.

This state covers an area of 4845 square miles, with a total population of 3,282,031, amounting to a per person square mile average of 677.3. Due to the high population density it is even more imperative for this state agency to have a comprehensive written pursuit policy. The absence of any potentially dangerous pursuit tactic or forcible stop technique places the general public, pursuing officer, and suspect at greater risk of harm. In addition, the lack of a comprehensive policy also places the agency as a whole at a greater risk of claims of negligence and liability.

As was the case with numerous pursuit policies in this study, several Operational elements pertaining to safety failed to be included in the policy of State Twenty-Four. Intentional Collisions, Shooting from a Vehicle, Boxing-in, Heading-Off/Passing, Paralleling, Speed, and Tire Deflation Devices were missing from this policy. The failure to include any elements pertaining to safety, which in turn lead to 4th and 14th Amendment considerations, increases the possibility of claims of officer or agency negligence and liability (City of Dallas v. Garcia, 1998; Weaver v. The State of California, 1998; Day v. State of Utah, 1999). It also serves to increase the danger associated with the pursuit itself.

The state's population is 753,538, covering an area of 1955 square miles, summing to a per person square mile average of 385.5. With such a dense population any element pertaining to safety and Constitutional considerations should, by necessity, be included in any written vehicular pursuit policy. A small, added amount of safety in the form of an inclusive pursuit policy can set the stage for a safer pursuit for all parties involved.

Operationally, Caravaning, Intentional Collisions, Boxing-in, Heading-Off/Passing, Paralleling, and Speed were not contained in the policy of State Twenty-Five. The failure to include safety elements increases the possibility of claims of officer or agency negligence and liability, and increases the risk of unreasonable danger to the general public (City of Dallas v. Garcia, 1998; Weaver v. The State of California, 1998; Day v. State of Utah, 1999). In addition, the omission of safety elements can raise important Constitutional issues associated with the 4th and 14th Amendments.

The state's population is 1,253,040, covering an area of 30,865 square miles, summing to a per person square mile average of 40.6. As stated previously, a lack of population density does not give an agency carte blanche to allow an inadequate pursuit policy to remain in effect. To protect the agency from negligence and liability suits, and to protect the officer, suspect, and public from unnecessary harm a pursuit policy must be inclusive.

The policy of State Twenty-Six was missing several Operational elements pertaining to safety considerations within the course of a pursuit. Shooting from a Vehicle, Heading-Off/Passing, Paralleling, and Speed failed to be included in the policy. The missing Operational elements have been demonstrated in court to act as important

considerations to the safety of the officer, suspect, and third party (Sciuto v. State of Connecticut, 1999; DeWald v. State of Wyoming, 1986; Tucker v. The Town of Branford, 1998; State of Connecticut v. Hannon, 2000). Any element posing a risk to the officer, suspect, or general public raises important 4th and 14th Amendment considerations. Therefore, all elements relating to safety should be contained in any written pursuit policy.

The state's population is 5,171,634, covering an area of 9775 square miles, summing to a per person square mile average of 529.1. Due to this state's dense population it is even more imperative for the written vehicular pursuit policy to be comprehensive and include all pertinent safety elements. The comprehensiveness of a pursuit policy adds and increased measure of safety to the entire pursuit condition.

The Operational items serving a safety function missing from the policy of State Twenty-Seven were Shooting from a Vehicle, Boxing-in, and Speed. Any element potentially proving deadly raises 4th and 14th Amendment issues and should always be included in any written vehicular pursuit policy. The failure to include any elements pertaining to safety, which in turn lead to 4th and 14th Amendment considerations, increases the possibility of claims of officer or agency negligence and liability (City of Dallas v. Garcia, 1998; Weaver v. The State of California, 1998; Day v. State of Utah, 1999).

The state's population is 6,175,169, covering an area of 7838 square miles, summing to a per person square mile average of 787.9. In such a densely populated area a comprehensive policy adds safety to an otherwise potentially dangerous situation. The

public is well served and the agency is not jeopardized by legal suits with a comprehensive pursuit policy on file.

Operational elements pertaining to safety that failed to be included in the policy of State Twenty-Eight were Intentional Collisions, Heading-Off/Passing, Paralleling, and Speed. The Operational elements missing from the policy have been demonstrated in court as important safety considerations for the officer, suspect, and third party (Sciuto v. State of Connecticut, 1999; DeWald v. State of Wyoming, 1986; Tucker v. The Town of Branford, 1998; State of Connecticut v. Hannon, 2000).

The state's population is 1,201,134, covering an area of 8969 square miles, summing to a per person square mile average of 133.9. While this state is primarily rural, with a varied geographic landscape, the agency nonetheless should not lack a completely comprehensive pursuit policy. The dangerousness associated with a pursuit can be decreased through the inclusion of any elements relating to safety. This serves the agency as legal suits associated with negligence and liability can be prevented, and the officer, suspect, and public are afforded additional safety considerations.

Operational elements pertaining to safety not included in the policy of State Twenty-Nine were Tactical Considerations, and Tire Deflation Devices. The omission of these two elements could, given the right set of circumstances, prove problematic for an agency or an officer. Tactical Considerations and Tire Deflation Devices are elements that pertain to safety. A failure to include these elements in a written pursuit policy could place the pursuing officer and agency at a risk for negligence and liability suits. Additionally, these two elements, serving a safety related function, could place the public

in potentially dangerous situations. This, in turn, leads to the possibility of 4th or 14th Amendment considerations for the agency as a whole.

The state's population is 8,143,412, covering an area of 7419 square miles, summing to a per person square mile average of 1097.7. Despite the relative comprehensiveness of this written policy, it nevertheless, remains that any element pertaining to safety should be included in the departmental pursuit policy. This offers protection for the agency, officer, suspect, and general public.

Operational elements pertaining to safety failing to be included in the policy of State Thirty were Intentional Collisions, Boxing-in, Heading-Off/Passing, Paralleling, Speed, and Tire Deflation Devices. The dangerousness of a pursuit can be negatively related to the inclusion; the more inclusive the policy the less the danger. These elements serving the safety interests of the agency, officer, suspect, and public have been utilized in numerous legal suits alleging officer or agency negligence and liability (Madison v. Wiley, 1984; Tucker v. The Town of Branford, 1998; Coryell v. Town of Pinedale, 1987; DeWald, v. The State of Wyoming, 1986; City of Dallas v. Garcia, 1998).

The state's population is 990,819, covering an area of 1045 square miles, summing to a per person square mile average of 948.2. With such a dense population covering a small area the written pursuit policy of the agency must be highly comprehensive. With a larger population the probability of a vehicular pursuit increases as does the potential for danger. For the added safety of the pursuing officer, agency, suspect, and public a pursuit policy should include any element related to safety.

Operational elements pertaining to the dangerousness of a pursuit not included in the policy of State Thirty-One were Tactical Considerations, Intentional Collisions, Shooting from a Vehicle, Boxing-in, Heading-Off/Passing, Roadblocks, and Termination of Pursuit. These elements, related to the overall safety of the pursuit, can raise 4th and 14th Amendment issues for an agency and the pursuing officer. The elements have also been utilized in legal cases alleging officer negligence in pursuit instances (Weaver v. The State of California, 1998). Therefore, to lessen the liability risks for an agency and an officer these safety-related elements should be included in the written vehicular pursuit policy.

The state's population is 6,872,912, covering an area of 39,598 square miles, summing to a per person square mile average of 173.6. Although the policy of this state contained the majority of Administrative and Operational elements, the missing safety factors were considered a large oversight. An effective pursuit policy needs to include any element related to the safety of the overall pursuit. This offers an additional measure of safety for all parties involved.

The pursuit policy of State Thirty-Two failed to include several Operational elements serving a safety function. The elements of Initiate Pursuit, Specifics of Pursuit Conditions, Shooting from a Vehicle, Heading-Off/Passing, Paralleling, Speed, and Tire Deflation Devices were not contained in the policy. These elements pertain to the overall safety of the pursuit itself. Therefore, to lessen the possibility of negligence or liability claims these missing Operational elements should be included in the policy. They have been used in courts in attempts to substantiate liability suits (City of Pinellas Park v.

Brown, 1992; Madison v. Wiley, 1984; Coryell v. Town of Pinedale, 1987; City of Dallas v. Garcia, 1998; DeWald v. The State of Wyoming, 1986).

The state's population is 593,740, covering an area of 9249 square miles, summing to a per person square mile average of 64.2. Although this state is primarily rural, with a low population density, the written pursuit policy of the agency, nevertheless, should be inclusive of any elements pertaining to the safety of the pursuing officer, suspect, public, and agency. This provides increased safety for bystanders while protecting the agency and officer from claims of liability and negligence.

Operationally, the only missing elements serving a direct safety function omitted from the policy of State Thirty-Three were Carvaning, Boxing-in, and Roadblocks. These pursuit tactics can be potentially deadly for the officer and suspect and pose a greater risk of danger to the general public. The failure to include these elements can also place the agency as a whole at a greater risk for suits alleging negligence and liability.

Although State Thirty-Three is primarily rural with a population of 1,806,928, covering an area of 24,087, and a per person square mile average of 75, its policy was more comprehensive than many states with a similar population density. This increases the safety of the pursuit not only for the general public but protects the agency and officer from legal suits associated with negligence.

Table 21 and 22 display the Contextual and Active Operational elements included in the vehicular pursuit policies of the states in the Mid-West region.

Table 21

Contextual Operational elements included in the vehicular pursuit policies of individual states in the Mid-West region.

	State [Mid-West Region]												
Contextual Operational Elements	34	35	36	37	38	39	40	41	42	43	44	45	46
1. Initiate Pursuit	1	1	1	1	1	1	1	1	1	1	1	1	1
2. Notify Dispatcher	1	1	1	1	1	1	1	1	1	1	1	1	1
3. Specifics of Pursuit Conditions	1	1	1	1	1	1	1	1	1	1	1	1	1
6. Jurisdictional Considerations	1	1	0	1	0	1	1	1	1	1	1	1	0
11. Role of Dispatch	1	1	1	1	1	1	1	1	1	0	0	0	1
17. Passengers	1	1	0	1	1	1	1	0	1	1	0	0	0
19. Off Road Pursuit	0	0	0	0	0	0	0	0	0	0	0	1	0
21. Aerial Assistance	0	0	0	1	0	1	1	1	1	0	0	1	1
Total	6	6	4	7	5	7	7	6	7	5	4	6	5
Percentage	75. 0	75. 0	50. 0	87. 50	62. 50	87. 50	87. 50	75. 0	87. 50	62. 50	50. 0	75. 0	62. 50
Mean	9.3 75												
Total Percentage	72. 12												

Table 22

Active Operational elements included in the vehicular pursuit policies of individual states in the Mid-West region.

	State [Mid-West Region]												
Active Operational Elements	34	35	36	37	38	39	40	41	42	43	44	45	46
4. Provisions for Lights and Sirens	1	1	1	1	1	1	1	1	1	1	1	1	1
5. Tactical Considerations	1	1	1	1	1	1	1	1	1	1	1	1	1
7. Pursuit Driving	1	0	1	1	1	1	1	1	1	1	0	1	0

8. Caravaning	1	1	1	1	1	1	1	1	1	1	1	1	1
9. Intentional Collisions	1	1	1	1	1	1	1	1	1	1	1	1	1
10. Shooting from Vehicle	1	1	0	1	0	1	1	0	0	1	1	1	1
12. Boxing-in	1	0	0	0	0	0	1	0	0	1	0	0	0
13. Heading-Off/Passing	0	0	0	1	0	1	1	1	0	0	0	1	0
14. Paralleling	0	0	0	0	0	0	0	0	0	1	0	1	0
15. Roadblocks	1	1	1	1	1	0	1	1	1	1	0	1	1
16. Speed	1	0	1	0	1	1	1	0	0	1	0	1	1
18. Tire Deflation Devices	1	1	1	1	0	0	1	1	1	1	0	1	1
20. Termination of Pursuit	1	1	1	1	1	1	1	1	1	1	1	1	1
Total	11	8	9	10	8	9	12	9	8	12	6	12	9
Percentage	84. 62	61. 54	69. 23	76. 92	61. 54	69. 23	92. 31	69. 23	61. 54	92. 31	46. 15	92. 31	69. 23
Mean	9.4 6												
Total Percentage	72. 78												

The Operational elements not included in the policy of State Thirty-Four related to safety were Heading-Off/Passing, and Paralleling. This policy references numerous forcible stop techniques and driving tactics but fails to mention the elements of Heading-Off/Passing and Paralleling. These two stop techniques could, ultimately, prove deadly in certain circumstances. Any element which could potentially be defined as a deadly force maneuver raises 4th and 14th Amendment issues and should always be included in any written pursuit policy.

The state's population is 12,128,370, covering an area of 55,593 square miles, summing to a per person square mile average of 212.2. A written pursuit policy should always be inclusive of any potentially dangerous elements despite a state's population density. Needless to point out, with a large population density it is even more imperative for a state to have a comprehensive pursuit policy.

Operational elements pertaining to safety missing from the pursuit policy of State Thirty-Five were Pursuit Driving, Boxing-in, Heading-Off/Passing, Paralleling, and Speed. As stated previously, any element related to the overall safety of a pursuit needs to be included in a written pursuit policy. This protects the general public from unreasonable risks, and decreases the risks of liability for the agency and officer. These elements have also been used in courts in attempts to verify claims of agency negligence and liability (Weaver v. The State of California, 1998; DeWald v. The State of Wyoming, 1986; City of Dallas v. Garcia, 1998).

The state's population is 5,942,901, covering an area of 35,870 square miles, summing to a per person square mile average of 165.7. Although this state is mainly rural farmland, with a single large metropolitan center, the agency nevertheless needs to have a comprehensive pursuit policy on file. It is the responsibility of the department and the officers to serve the public and protect their welfare. A comprehensive policy devoted to safety fulfills the police obligation well.

Operational elements related to safety not included in the policy of State Thirty-Six were Shooting from a Vehicle, Boxing-in, Heading-Off/Passing, and Paralleling. It is necessary for all law enforcement agencies to include in their vehicular pursuit policies reference to any technique utilized in a pursuit that could potentially prove deadly. Deadly force raises numerous 4th and 14th Amendment issues. Agencies without comprehensive written pursuit policies are placed at a much greater risk of the possibility of legal suits.

The state's population is 2,869,413, covering an area of 55,875 square miles, summing to a per person square mile average of 51.4. As iterated earlier, although this

state is primarily rural farmland, the pursuit policy should still contain any elements related to safety. Even in rural environments pursuits occur and unnecessary danger jeopardizes the safety of the pursuing officer, suspect, and the public. It also raises the risks of legal suits due to officer or agency negligence and liability.

The only Operational elements related to safety not included in the policy of State Thirty-Seven were Boxing-in, Paralleling, and Speed. These missing elements can increase the overall safety of a pursuit and, thus, should be included in a written vehicular pursuit policy. These elements have also been used as causes of support for negligence suits (Weaver v. The State of California, 1998; DeWald v. The State of Wyoming, 1986).

The state's population is 2,654,052, covering an area of 81,823 square miles, summing to a per person square mile average of 32.4. As was the case in other states of this region, this state is mainly rural farmland. Despite this fact, the vehicular pursuit policy of this agency should contain any elements detailing tactics associated with safety. This protects the parties involved in the pursuit, plus it offers safety for the general public and lessens the burden of liability for the department.

Operationally the elements pertaining to safety not included in the policy of State Thirty-Eight were Shooting from a Vehicle, Boxing-in, Heading-Off/Passing, Paralleling, and Tire Deflation Devices. The missing Operational elements have been demonstrated in court to act as important considerations to the safety of the officer, suspect, and third party (Sciuto v. State of Connecticut, 1999; DeWald v. State of Wyoming, 1986; Tucker v. The Town of Branford, 1998; State of Connecticut v. Hannon, 2000).

The state's population is 9,863,775, covering an area of 56,809 square miles, summing to a per person square mile average of 173.6. It has been stated that all written pursuit policies need to contain any references to safety. These references can increase the safety associated with a vehicular pursuit as officers are better prepared for a variety of pursuit tactics. This state, with its relatively large population density definitely needs to have a fully comprehensive written pursuit policy on file. With a larger population the possibility of a pursuit occurring increases so safety considerations should be of paramount importance for an agency.

The Operational elements related to safety not included in the policy of State Thirty-Nine were boxing-in, Paralleling, and Roadblocks. These elements pertain directly to the safety of the pursuit, therefore it is essential that they be included in the written pursuit policy. Elements such as Roadblocks posing the threat of deadly force raise a myriad of 4th and 14th Amendment issues. The failure of an agency to include these elements in their pursuit policy also increases the liability of the agency and the officer.

The population of the state is 4,775,508, covering an area of 79,617, amounting to a person per square mile average of 60.0. Although the state's population density is rather low that does not negate the need for a fully comprehensive pursuit policy. An all-inclusive policy would protect the agency from increased liability, while also decreasing the overall dangerousness of the pursuit for the officer, suspect, and general public.

The only Operational element pertaining to safety not included in the policy of State Forty was Paralleling. Again, it is important for any element related to safety considerations to be included in a written pursuit policy. The element of Paralleling

should be included in the policy due to the possibility of danger associated with the technique. However, despite the absence of this Operational element, the policy was considered extremely comprehensive. Nearly every aspect of safety associated with the course of a pursuit was included in the policy.

The state's population is 5,468,338, covering an area of 68,898 square miles, summing to a per person square mile average of 79.4. This state's vehicular pursuit policy was considered very comprehensive. While not an extremely populous state it was evident upon analysis that the drafters of this policy were conscious of the need for additional safety measure and the potential for liability risks.

Operational elements related to safety not included in the pursuit policy of State Forty-One were Shooting from a Vehicle, Boxing-in, Paralleling, and Speed. The failure to include these elements was considered a large oversight for the agency. Any element potentially proving deadly should be included in any written pursuit policy. The use of deadly force during a pursuit raises 4th and 14th Amendment issues for a department and increases the danger of the pursuit for the officer, suspect, and general public. Deadly force has been used in numerous legal suits alleging officer or departmental negligence (Madison v. Weldon, 1984; Coryell v. Town of Pinedale, 1987; City of Pinellas Park v. Brown, 1992).

The state's population is 1,666,028, covering an area of 76,878 square miles, summing to a per person square mile average of 21.7. Although this state's population density is small, the need for added safety measures associated with deadly force cannot be understated. Agency liability is increased, as is the danger associated with the overall pursuit.

The pursuit policy of State Forty-Two was missing some vital elements pertaining to safety and dangerousness. Operational elements related to safety not included in the pursuit policy were Shooting from a Vehicle, Boxing-in, Heading-Off/Passing, Paralleling, and Speed. The missing Operational elements have been demonstrated in court to act as important considerations to the safety of the officer, suspect, and third party (Sciuto v. State of Connecticut, 1999; DeWald v. State of Wyoming, 1986; Tucker v. The Town of Branford, 1998; State of Connecticut v. Hannon, 2000). In addition, any potentially deadly pursuit tactic also raises 4th and 14th Amendment issues. This places the agency in unnecessary risks of liability.

The state's population is 633,666, covering an area of 68,994 square miles, summing to a per person square mile average of 9.2. This state's low population density should not negate the necessity for the agency to have a comprehensive written policy. The agency would lessen its liability risks and serve the public interest by adding the missing safety components, both Administrative as well as Operational.

The written pursuit policy of State Forty-Three was found to be highly comprehensive Operationally. The only element related to safety missing from the policy was Heading-Off/Passing. As stated in analyses of other state pursuit policies it is the primary duty of the police to safeguard the welfare of the general public. Inclusion of any potentially dangerous pursuit tactics or driving maneuvers in a vehicular pursuit policy adds a certain amount of safety for the general public, and also protects the officer, suspect, and agency.

The state's population is 11,256,654, covering an area of 40,953 square miles, summing to a per person square mile average of 274.9. With such a dense population it

is perhaps wise for this state to have developed such a comprehensive pursuit policy. A policy devoted to safety serves the public welfare, as innocent bystanders are not endangered by a potentially dangerous pursuit. A comprehensive policy also adds an extra measure of safety for officers, suspects, and the agency as a whole.

The Operational elements pertaining to safety not included in the pursuit policy of State Forty-Four were Pursuit Driving, Boxing-in, Heading-Off/Passing, Paralleling, Roadblocks, Speed, and Tire Deflation Devices. The missing Operational elements have been demonstrated in court to act as important considerations to the safety of the officer, suspect, and third party (Sciuto v. State of Connecticut, 1999; DeWald v. State of Wyoming, 1986; Tucker v. The Town of Branford, 1998; State of Connecticut v. Hannon, 2000). In addition, potentially deadly pursuit tactics also raise 4th and 14th Amendment issues. This increases agency liability unnecessarily.

The state's population is 3,358,044, covering an area of 68,679 square miles, summing to a per person square mile average of 48.9. The relatively low population density of the state does not negate the necessity for the agency to have a comprehensive written pursuit policy. Added measures of safety lessen a department's liability risk and increase the margin of safety for the pursuing officer, suspect, and general public.

The written pursuit policy of State Forty-Five was observed to be highly inclusive. The only Operational element related to safety not contained in the policy was Boxing-in. Although this element serves a safety-related purpose, the policy was still very comprehensive, including elements pertaining to officer, suspect, and public safety. The comprehensive nature of this policy not only protects the public, it protects the agency and officer from unsubstantiated negligence and liability claims.

The state's population is 733,133, covering an area of 75,896 square miles, summing to a per person square mile average of 9.7. Despite the rural nature of the state the written vehicular pursuit policy was very comprehensive covering nearly all aspects of safety related to officer tactics and maneuvers.

The only Operational elements related to safety not included in the policy of State Forty-Six were Pursuit Driving, Boxing-in, Heading-Off/Passengers, and Paralleling. Although the policy contains all Operational elements but four, these elements pertain to safety and the possibility of claims of officer or agency negligence and liability increase as these factors are omitted in a policy (City of Dallas v. Garcia, 1998; Weaver v. The State of California, 1998; Day v. State of Utah, 1999).

The state's mainly rural population is 5,250,446, covering an area of 54,314 square miles, summing to a per person square mile average of 96.7. The policy of this state was found to be reasonably comprehensive although the omission of several Operational elements pertaining directly to safety was a serious oversight for the agency in question. Any element directly serving a safety function necessarily should be included in any comprehensive policy.

Conclusion

Upon completion of the state-by-state analysis of the various pursuit policies, it became obvious that many state agencies need to devote more resources in their policies to measures of safety. Many pursuit policies were found to be quite comprehensive, with a great deal of Administrative emphasis placed upon safety considerations, but ultimately the Operational safety elements were discovered to be lacking in most policies. While

the Administrative safety elements might assist in protecting an agency from liability risks, it is, nonetheless, the Operational elements pertaining to safety that pose the greatest amount of danger to the public, officer, and suspect. Potentially deadly forcible stop techniques should always be included in all pursuit policies. It is the duty of the police to safeguard the well being of the public, not endanger it needlessly.

Chapter 6

Regional Results

Regional Distribution

In an effort to discern the completeness of State Police and State Highway Patrol agencies vehicular pursuit policies across a broader criteria, the states were analyzed according to a regional distribution. The United States was divided into Northeast, South, Mid-West, Mountain, and Pacific regions according to the Planet Earth World Atlas by Macmillan (1997).

Northeast

The Northeast contained the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, Virginia, Vermont, and West Virginia. The analysis of the Northeast region includes only eleven states due to the fact that the State of Pennsylvania is unable, by law, to divulge their pursuit policy publicly, and New York did not participate in the project. The Northeast state policies included 67.91% of the Administrative elements and 65.37% of the Operational elements. These states failed to include 32.09% of the Administrative elements and 34.63% of the Operational elements in their vehicular pursuit policies.

The state vehicular policies in the Northeast failed to include many Operational pursuit tactics in which a pursuing officer might engage. The number, and percent, of agencies including the various Administrative and Operational elements can be seen in Table 23.

Table 23

Number and percent of agencies in the Northeast region including each Administrative and Operational element.

Administrative Element	# Include & % Include	Operational Element	% Include
1. Mission Statement/Purpose	9 (81.82%)	1. Initiate Pursuit	10 (90.91%)
2. Safety Caveat	11 (100%)	2. Notify Dispatcher	10 (90.91%)
3. Discontinuance of Pursuit	9 (81.82%)	3. Specifics of Pursuit	10 (90.91%)
4. Noncompliance	4 (36.36%)	4. Provisions for Lights and Sirens	11 (100%)
5. Definitions	8 (72.73%)	5. Tactical Considerations	9 (81.82%)
6. Authority to Pursue	8 (72.73%)	6. Jurisdictional Considerations	9 (81.82%)
7. Statutory Duties	10 (90.91%)	7. Pursuit Driving	11 (100%)
8. Case Law References	1 (9.09%)	8. Caravaning	9 (81.82%)
9. Pursuit Restrictions	11 (100%)	9. Intentional Collisions	5 (45.45%)
10. Seriousness of Offense	10 (90.91%)	10. Shooting from a Vehicle	6 (54.55%)
11. Role of Dispatch	9 (81.82%)	11. Unmarked Car/Motorcycle	10 (90.91%)
12. Requirement of Supervisor to Monitor	9 (81.82%)	12. Boxing-in	4 (36.36%)
13. Role of Supervisor	10 (90.91%)	13. Heading-Off/Passing	3 (27.27%)
14. Training	2 (18.18%)	14. Paralleling	4 (36.36%)
15. Supervisor at Termination Point	1 (9.09%)	15. Roadblocks	10 (90.91%)
16. Report Writing	10 (90.91%)	16. Speed	4 (36.36%)
17. Debriefing	5 (45.45%)	17. Passengers	6 (54.55%)
		18. Tire Deflation Devices	6 (54.55%)
		19. Off Road Pursuit	0 (0%)
		20. Termination of Pursuit	10 (90.91%)
		21. Aerial Assistance	4 (36.36%)

Many potentially dangerous Operational elements related to pursuit techniques and maneuvers failed to be included in the state agency policies. Six state policies (54.55%) failed to include Intentional Collisions, 5 (45.45%) did not include Shooting from a Vehicle, 7 (63.64%) failed to mention Boxing-in, 8 (72.73%) did not contain

Heading-Off/Passing, and 7 (63.64%) did not include Paralleling. In addition, 1 (9.09%) failed to include Roadblocks, 7 (63.64%) did not include Speed, and 5 (45.45%) failed to mention Tire Deflation Devices. However, every state policy contained the element of Pursuit Driving, 9 (81.82%) contained Tactical Considerations, and 10 (90.91%) included Specific of Pursuit Conditions. These elements can also contribute to the overall dangerousness of a pursuit and should be included in all vehicular pursuit policies.

While it may be true that not every pursuit results in the use of one of these tactics they, nonetheless, can prove dangerous not only to the suspect but to the pursuing officer as well as any hapless third party caught in the midst of an ongoing pursuit. An agency wanting to limit their exposure to claims of liability and negligence would be well advised to include each of these elements in their vehicular pursuit policy. In addition, any pursuit technique or maneuver that could be defined as a use of deadly force raises numerous 4th and 14th Amendment issues for the agency as well as the officer.

The state policies of the Northeast region were well equipped to deal with nearly any and all Administrative elements that should be included in a comprehensive policy. There was one blatant omission, however. A total of nine (81.82%) states failed to include any aspect of Training in their vehicular pursuit policy. This factor alone has been used in court in allegations of officer negligence and liability (Sciuto v. State of Connecticut, 1999). Including this element in the written pursuit policy allows officers to realize the importance the agency places on training. It also serves to lessen the department's and officer's liability risks.

Due to the fact that the lack of Operational elements in a vehicular pursuit policy can, potentially, result in more negative outcomes in a pursuit and has been used in court

in cases of departmental negligence and liability they are a vital necessity for any comprehensive policy. While the Northeast region is not the largest in area it does have the largest per person square mile average. The entire Northeast region has an overall population of 31,072,723, covers an area of 135,870 square miles, with 438.39 people per square mile. Therefore, with such a large population in a relatively small square mile area the necessity for agencies to have comprehensive policies is vitally important. In addition, due to the fact that the lack of Operational elements can prove tragic in the course of a vehicular pursuit the importance for tactical factors to be included in policies cannot be understated.

South

The South region contained the states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas. The states comprising the South region included 63.64% of the Administrative elements and 63.20% of the Operational elements in their vehicular pursuit policies. These states failed to include 36.36% of the Administrative and 36.80% of the Operational elements in the pursuit policies examined. The number and percent of inclusion of each Administrative and Operational element can be observed in Table 24.

Table 24

Number and percent of agencies in the South region including each Administrative and Operational element.

Administrative Element	# Include & % Include	Operational Element	% Include
1. Mission Statement/Purpose	9 (81.82%)	1. Initiate Pursuit	9 (81.82%)
2. Safety Caveat	11 (100%)	2. Notify Dispatcher	10 (90.91%)
3. Discontinuance of Pursuit	11 (100%)	3. Specifics of Pursuit	9 (81.82%)
4. Noncompliance	4 (36.36%)	4. Provisions for Lights and Sirens	11 (100%)
5. Definitions	10 (90.91%)	5. Tactical Considerations	10 (90.91%)
6. Authority to Pursue	7 (63.64%)	6. Jurisdictional Considerations	10 (90.91%)
7. Statutory Duties	9 (81.821%)	7. Pursuit Driving	9 (81.82%)
8. Case Law References	0 (0%)	8. Caravaning	10 (90.91%)
9. Pursuit Restrictions	10 (90.91%)	9. Intentional Collisions	5 (45.45%)
10. Seriousness of Offense	10 (90.91%)	10. Shooting from a Vehicle	8 (72.73%)
11. Role of Dispatch	8 (72.73%)	11. Unmarked Car/Motorcycle	10 (90.91%)
12. Requirement of Supervisor to Monitor	7 (63.64%)	12. Boxing-in	3 (27.27%)
13. Role of Supervisor	8 (72.73%)	13. Heading-Off/Passing	1 (9.09%)
14. Training	3 (27.27%)	14. Paralleling	2 (18.18%)
15. Supervisor at Termination Point	2 (18.18%)	15. Roadblocks	7 (63.64%)
16. Report Writing	8 (72.73%)	16. Speed	4 (36.36%)
17. Debriefing	2 (18.18%)	17. Passengers	7 (63.64%)
		18. Tire Deflation Devices	7 (63.64 %)
		19. Off Road Pursuit	0 (0%)
		20. Termination of Pursuit	11 (100%)
		21. Aerial Assistance	3 (27.27%)

Operationally there were several important omissions in the pursuit policies of the states in the South region. It was observed that six (54.55%) of the ten states in the South region failed to include Intentional Collisions in their vehicular pursuit policies. Additionally, tactical maneuvers such as Boxing-in, Heading-off/Passing, and Paralleling were also omitted from many states' policies. Of the states in the South region eight

(72.73%) failed to include Boxing-in, ten (90.91%) failed to include Heading-off/Passing, and nine (81.82%) failed to include Paralleling in their vehicular pursuit policies. In addition four (36.36%) of the states' policies failed to include Roadblocks in their pursuit policies, and four (36.36%) states did not mention Tire Deflation Devices. Finally, only four (36.36%) policies mentioned the element of Speed. As stressed in the state-by-state analyses any elements related to the overall safety of a vehicular pursuit should be included in the written policy. Potentially dangerous forcible stop techniques or driving maneuvers that could endanger the general public also open the officer and department to increased negligence and liability risks (Travis v. The City of Mesquite, 1992; Day v. State of Utah, 1999; Tucker v. The Town of Branford, 1998; Weaver v. The State of California, 1998).

One prominent Administrative omission in the vehicular pursuit policies of the states in the South region concerned that of Training. Eight (72.73%) of the states in the South region failed to include any mention of Training in their vehicular pursuit policies. However, it was observed that Ten states within the South region included the Administrative element of Seriousness of Offense (90.91%) in the vehicular pursuit policies. These two Administrative factors have been discovered to figure prominently in court cases regarding claims of officer liability and negligence (Day v. State of Utah, 1999; Thomas v. City of Richmond, 1995; Sciuto v. State of Connecticut, 1999). If an agency were to examine court documents for instances of suits dealing with training and the nature of the offense instigating a pursuit they would come to recognize the importance of these two factors and the necessity of including them both in a vehicular pursuit policy.

While not the largest region in the United States, the South region, nevertheless, covers 674,782 square miles, with a total population of 75,435,026, amounting to 125.54 people per square mile. With such a sizable population and area the law enforcement agencies in the South region must find it within themselves to include potentially dangerous pursuit tactics such as Intentional Collisions, Boxing-in, Heading-off/Passing, Paralleling, and Roadblocks in their vehicular pursuit policies. As stated previously these elements have been shown to be important factors in legal suits brought against agencies in claims of liability and negligence. In addition, these tactics also pose a danger to those officers conducting the pursuits, the suspect, and, perhaps, third parties caught in the midst of an ongoing pursuit.

Mid-West

The Mid-West region contained the states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, and Wisconsin. The Mid-West region policies contained 68.33% of the Administrative elements and 72.53% of the Operational elements in their vehicular pursuit policies. The Mid-West states' policies failed to include 31.67% of the Administrative elements and 27.47% of the Operational elements in their vehicular pursuit policies. The number and percent of inclusion of each Administrative and Operational element for the region can be seen in Table 25.

Table 25

Number and percent of agencies in the Mid-West region including each Administrative and Operational element.

Administrative Element	# Include & % Include	Operational Element	% Include
1. Mission Statement/Purpose	12 (92.31%)	1. Initiate Pursuit	13 (100%)
2. Safety Caveat	13 (100%)	2. Notify Dispatcher	13 (100%)
3. Discontinuance of Pursuit	11 (84.62%)	3. Specifics of Pursuit	13 (100%)
4. Noncompliance	4 (30.77%)	4. Provisions for Lights and Sirens	13 (100%)
5. Definitions	11 (84.62%)	5. Tactical Considerations	13 (100%)
6. Authority to Pursue	7 (53.85%)	6. Jurisdictional Considerations	10 (76.92%)
7. Statutory Duties	9 (69.23%)	7. Pursuit Driving	10 (76.92%)
8. Case Law References	1 (7.69%)	8. Caravaning	13 (100%)
9. Pursuit Restrictions	12 (92.31%)	9. Intentional Collisions	13 (100%)
10. Seriousness of Offense	13 (100%)	10. Shooting from a Vehicle	9 (69.23%)
11. Role of Dispatch	11 (84.62%)	11. Unmarked Car/Motorcycle	10 (76.92%)
12. Requirement of Supervisor to Monitor	11 (84.62%)	12. Boxing-in	3 (23.08%)
13. Role of Supervisor	11 (84.62%)	13. Heading-Off/Passing	5 (38.46%)
14. Training	4 (30.77%)	14. Paralleling	2 (15.38%)
15. Supervisor at Termination Point	6 (46.15%)	15. Roadblocks	11 (84.62%)
16. Report Writing	12 (92.31%)	16. Speed	8 (61.54%)
17. Debriefing	2 (15.38%)	17. Passengers	8 (61.54%)
		18. Tire Deflation Devices	10 (76.92%)
		19. Off Road Pursuit	1 (7.69%)
		20. Termination of Pursuit	13 (100%)
		21. Aerial Assistance	7 (53.85%)

It was discovered that the Mid-West state policies failed to include many potentially dangerous pursuit tactics in which a pursuing officer might engage. Boxing-in was omitted in ten (76.92%) of the policies, Heading-off/Passing was not included in eight (61.54%) policies, Paralleling failed to be included in eleven (84.62%) policies, and Roadblocks was not included in two (15.38%) policy. In addition, Shooting from a

Vehicle was not included in four (30.77%) policies while Speed failed to be mentioned in five (38.46%).

The vehicular pursuit policies of State agencies in the Mid-West region included most of the Administrative factors in their policies. The most notable omission was Noncompliance which was not included in nine (69.23%) policies and Training which was missing from nine (69.23%) policies. As stated previously the elements of Noncompliance and Training have been utilized in court in efforts to bring claims of liability and negligence against law enforcement agencies (Sciuto v. State of Connecticut, 1999). Every state agency (100%) included the factor of Seriousness of Offense in their vehicular pursuit policy. This element has also been used in court in cases alleging police pursuit misconduct (Weaver v. The State of California, 1998; DeWald v. State of Wyoming; Sciuto v. State of Connecticut, 1999; Thomas v. City of Richmond, 1995).

Although the Mid-West region is not the most populous region in the analysis it, nonetheless, is home to 61,824,820 people covering 740,582 square miles with 98.48 people per square mile. Therefore, it is a necessity for the state agencies in this region to include all potentially hazardous pursuit tactics in their vehicular pursuit policy. This not only serves to protect the agency and officer from unsubstantiated claims of negligence and liability, it also protects the public and suspect, to a certain degree, against needless danger.

Mountain

The Mountain region contained the states of Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming. The analysis of the Mountain region contains seven states due to the fact that the policy of Arizona was not received. The states comprising the Mountain region included 63.03% of the Administrative elements and 61.22% of the Operational elements. Conversely, the states of this region failed to include 36.97% of the Administrative elements and 38.78% of the Operational elements. The number and percent of inclusion of each Administrative and Operational element can be seen in Table 26.

Table 26

Number and percent of agencies in the Mountain region including each Administrative and Operational element.

Administrative Element	# Include & % Include	Operational Element	% Include
1. Mission Statement/Purpose	6 (85.71%)	1. Initiate Pursuit	6 (85.71%)
2. Safety Caveat	7 (100%)	2. Notify Dispatcher	7 (100%)
3. Discontinuance of Pursuit	6 (85.71%)	3. Specifics of Pursuit	5 (71.43%)
4. Noncompliance	3 (42.86%)	4. Provisions for Lights and Sirens	6 (85.71%)
5. Definitions	6 (85.71%)	5. Tactical Considerations	4 (57.14%)
6. Authority to Pursue	2 (28.57%)	6. Jurisdictional Considerations	6 (85.71%)
7. Statutory Duties	3 (42.86%)	7. Pursuit Driving	5 (71.43%)
8. Case Law References	0 (0%)	8. Caravaning	7 (100%)
9. Pursuit Restrictions	7 (100%)	9. Intentional Collisions	5 (71.43%)
10. Seriousness of Offense	6 (85.71%)	10. Shooting from a Vehicle	4 (57.14%)
11. Role of Dispatch	5 (71.43%)	11. Unmarked Car/Motorcycle	4 (57.14%)
12. Requirement of Supervisor to Monitor	5 (71.43%)	12. Boxing-in	1 (14.29%)
13. Role of Supervisor	6 (85.71%)	13. Heading-Off/Passing	2 (28.57%)
14. Training	2 (28.57%)	14. Paralleling	2 (28.57%)

15. Supervisor at Termination Point	3 (42.86%)	15. Roadblocks	5 (71.43%)
16. Report Writing	5 (71.43%)	16. Speed	2 (28.57%)
17. Debriefing	3 (42.86%)	17. Passengers	4 (57.14%)
		18. Tire Deflation Devices	5 (71.43%)
		19. Off Road Pursuit	0 (0%)
		20. Termination of Pursuit	7 (100%)
		21. Aerial Assistance	3 (42.86%)

One unsettling fact concerning the comprehensiveness of vehicular pursuit policies of the Mountain states was the lack of specificity in identifying potentially dangerous tactics in which a pursuing officer can engage. The Operational factor Intentional Collisions was not included in two state policies (28.57)%. The factor of Boxing-in was not included in six state policies (85.71%), Heading-off/Passing was not included in five policies (71.43%), Paralleling failed to be included in five state policies (71.43%), and the factor of Speed failed to be included in five state policies (71.43%). Finally, the factor of Roadblocks was not included in two policies (28.57%), with Shooting from Vehicle not mentioned in three policies (42.86%).

One possible explanation for the lack of specificity when dealing with pursuit tactics such as Intentional Collisions, Boxing-in, Heading-off/Passing, Paralleling, Speed, and Roadblocks might be attributed to the lack of population density. The Mountain region covers a 742,480 square mile area with a total population of 12,349,147, and a per person square mile density of only 17.41 people (Macmillan, 1997). The Mountain region is second only to the Pacific region in square mile area but possesses the smallest population density of any other region. The lack of specificity might not be necessary when dealing with such an enormous area with a low population density.

When considering Administrative elements in the vehicular pursuit policies in the Mountain region the factor of Training was missing in five state policies accounting for 71.43%. Noncompliance was not included in four state policies (57.14%). The elements of Training and Noncompliance are likely the only Administrative factors that might prove to be a source of exposure to liability and negligence claims in court. A lack of training and the failure of an officer to understand the consequences of a failure to follow departmental policy could prove to expose a department to claims of liability and negligence, whether substantiated or not (Sciuto v. State of Connecticut, 1999).

However, simply because the area has such a low population density the necessity for a comprehensive pursuit policy cannot be understated. Tactical factors such as Shooting from a Vehicle, Intentional Collisions, Boxing-in, Heading-off/Passing, Paralleling, Speed, and Roadblocks can certainly prove to be causes of action in court alleging officer negligence and departmental liability (Weaver v. The State of California, 1998; State of Connecticut v. Hannon, 2000; Tucker v. The Town of Branford, 1998). Hence, due to the fact that these five Operational factors expose an agency to legal risks they should be included in any comprehensive vehicular pursuit policy.

Pacific

The Pacific region contained the states of California, Hawai'i, Oregon, Washington, and Alaska. The states of the Pacific region included 55.29% of the Administrative elements and 53.33% of the Operational elements in their vehicular pursuit policies. These states failed to include 44.71% of the Administrative elements

and 46.67% of the Operational factors in their policies. The number and percent of inclusion of the Administrative and Operational elements can be observed in Table 27.

Table 27

Number and percent of agencies in the Pacific region including each Administrative and Operational element.

Administrative Element	# Include & % Include	Operational Element	% Include
1. Mission Statement/Purpose	2 (40%)	1. Initiate Pursuit	3 (60%)
2. Safety Caveat	5 (100%)	2. Notify Dispatcher	3 (60%)
3. Discontinuance of Pursuit	4 (80%)	3. Specifics of Pursuit	2 (40%)
4. Noncompliance	1 (20%)	4. Provisions for Lights and Sirens	3 (60%)
5. Definitions	5 (100%)	5. Tactical Considerations	4 (80%)
6. Authority to Pursue	2 (40%)	6. Jurisdictional Considerations	4 (80%)
7. Statutory Duties	2 (40%)	7. Pursuit Driving	5 (100%)
8. Case Law References	0 (0%)	8. Caravaning	5 (100%)
9. Pursuit Restrictions	5 (100%)	9. Intentional Collisions	2 (40%)
10. Seriousness of Offense	1 (20%)	10. Shooting from a Vehicle	2 (40%)
11. Role of Dispatch	4 (80%)	11. Unmarked Car/Motorcycle	3 (60%)
12. Requirement of Supervisor to Monitor	3 (60%)	12. Boxing-in	1 (20%)
13. Role of Supervisor	4 (80%)	13. Heading-Off/Passing	1 (20%)
14. Training	2 (40%)	14. Paralleling	2 (40%)
15. Supervisor at Termination Point	1 (20%)	15. Roadblocks	3 (60%)
16. Report Writing	4 (80%)	16. Speed	2 (40%)
17. Debriefing	2 (40%)	17. Passengers	1 (20%)
		18. Tire Deflation Devices	2 (40%)
		19. Off Road Pursuit	0 (0%)
		20. Termination of Pursuit	5 (100%)
		21. Aerial Assistance	3 (60%)

It was observed that the Pacific state policies also failed to include many potentially dangerous pursuit tactics in which a pursuing officer might engage. Boxing-in was omitted in four (80%) of the policies, Heading-off/Passing was not included in four (80%) policies, Paralleling failed to be included in three (60%) of the policies, and Roadblocks was not included in two (40%) policies. In addition, Shooting from a Vehicle was not included in three (60%) policies while Intentional Collisions failed to be mentioned in three (60%) of the policies. These tactics can pose a considerable threat of danger to officers, suspects, and the general public. The inability of an officer to effectively and safely terminate a pursuit utilizing a tactic such as these can expose an agency to severe risks of liability and place the public in unnecessary danger.

Administratively the Pacific region fared rather well. It is important to note that Seriousness of Offense was missing from four (80%) policies while Training failed to be included in three (60%) policies. These two elements have been utilized in courts in efforts to substantiate claims of negligence and liability against officers and departments (Weaver v. The State of California, 1998, DeWald, v. The State of Wyoming, 1986; Sciuto v. State of Connecticut, 1999; Thomas v. City of Richmond, 1995).

While the percentages for the Pacific region can appear deceptively large due to the small number of states included in the region, the elements missing from the vehicular pursuit policies are, nonetheless, vital to the safety of the pursuing officer, suspect, and third parties. The states comprising the Pacific region are varied, with differing land areas and population densities. Alaska, an enormous state covering 570,374 square miles has a population of only 619,500 with 1.1 people per square mile area. The need for an extremely comprehensive vehicular pursuit policy is not as

pressing as the conditions existing in the State of California. That state covers 155,973 square miles with a population of 33,145,211 and 212.5 people per square mile. Hence, the conditions of a pursuit taking place in California are much different than those existing in Alaska. It is much more important for California's vehicular pursuit policy to be comprehensive, including all potentially hazardous driving and pursuit termination tactics an officer can utilize.

The conditions in the island state of Hawai'i are similar to those in California. Hawai'i has a population of 1,185,497 living in a 6423 square mile area amounting to 184.6 people per square mile. The congested conditions in Hawai'i could create additional danger for an officer, suspect, or third party involved in a pursuit. Hence, the increased need for intensive and comprehensive vehicular pursuit policies.

Regional Safety

Upon completion of the regional analysis there was no doubt which region of the United States is the safest with respect to vehicular pursuit policies. The Mid-West region contained 68.33% of the Administrative elements and 72.53% of the Operational elements. This region demonstrated the necessity for a good integration of the Administrative elements with the pursuit tactics and forcible stop maneuvers detailed in the Operational elements.

The next safest region was the Northeast, with policies including 67.91% of the Administrative elements and 65.37% of the Operational elements. While the majority of the state pursuit policies included Administrative elements related to liability and Operational elements pertaining to safety, there was a distinct tendency for the agencies

to rely heavily on the Administrative components of the policies. In many instances important Operational elements involving the use of deadly force were overshadowed by Administrative elements. Thus, Operational elements related to the use of deadly force failed to be included in a written pursuit policy but lesser Administrative elements were included.

The South region was considered the next safest region. Pursuit policies in this region contained 63.64% of the Administrative elements and 63.20% of the Operational elements. This region also demonstrated a good integration of Administrative and Operational elements. However, although Operational elements were not overshadowed by Administrative considerations of an agency, many potentially dangerous forcible stop techniques and pursuit tactics failed to be included in many vehicular pursuit policies of agencies in the region.

Despite the presence of the state with the most comprehensive pursuit policy, State Eleven, the Mountain region was found to be only the fourth safest region with respect to vehicular pursuit policies. The Mountain region contained 63.03% of the Administrative elements and 61.22% of the Operational elements. The agencies of the region failed to include in their written vehicular pursuit policies many important Administrative and Operational elements pertaining to safety and liability. Potentially dangerous Operational tactics failed to be included in the policies of the region as many Administrative elements which could serve to increase the dangerousness of a pursuit.

Finally, the Pacific region was considered the least safest region in light of the lack of inclusion of many elements related to the safety of the overall pursuit. The Pacific region contained 55.29% of the Administrative elements and 53.33% of the

Operational elements. The vehicular pursuit policies of the region failed to include in the written pursuit policies many Administrative elements related to liability and safety risks for the officer as well as the department as a whole. In addition, numerous Operational elements pertaining to the overall safety of the pursuit itself, such as forcible stop techniques and driving tactics, failed to be included in the written pursuit policies.

Factor Analysis

An exploratory factor analysis was undertaken for the Administrative and Operational elements. It was decided to separate the two types of elements to devise two distinct factor analytic models due to the differing roles the two classification of elements play in a written vehicular pursuit policy. Administrative elements pertain to departmental bureaucratic operations, while Operational elements relate to officer conduct during the course of a vehicular pursuit. The two elements serve differing purposes, therefore two factor models was deemed the most appropriate strategy.

In the factor analysis of the Administrative elements, six factors were extracted in a Varimax Rotation utilizing a Kaiser Normalization. Table 28 demonstrates the factor loadings for the Administrative elements.

Table 28

Factor loadings for Administrative elements.

Element	Component					
	Roles	Restrictions	Mission	Compliance	Legal	Training
1. Mission Statement/Purpose	-	-	.802	-	-	-
3. Discontinuance of Pursuit	-	-	-	.609	-	-

4. Noncompliance	-	-	-	.754	-	-
5. Definitions	.607	-	-	-	-	-
6. Authority to Pursue	-	-	-	-	.714	-
7. Statutory Duties	-	.486	-	-	-	-
8. Case Law References	-	-	-	-	.759	-
9. Pursuit Restrictions	-	.736	-	-	-	-
10. Seriousness of Offense	-	-	.617	-	-	-
11. Role of Dispatch	.797	-	-	-	-	-
12. Requirement of Supervisor to Monitor	.531	-	-	-	-	-
13. Role of Supervisor	.648	-	-	-	-	-
14. Training	-	-	-	-	-	.883
15. Supervisor at Termination Point	.150	-	-	-	-	-
16. Report Requirements	.802	-	-	-	-	-
17. Debriefing	.532	-	-	-	-	-

It can be seen in this table that the element Safety Caveat is not included in the factor model. This element had zero variance, and, therefore, would not fit into any factor analytic model. Due to its zero variance it was decided to remove the element from the larger model and create a separate component entitled 'Safety' specifically for this single element.

The factor loadings for Component 1 were highest on elements Definitions, Role of Dispatch, Requirement of Supervisor to Monitor, Role of Supervisor, Supervisor at Termination Point, Report Requirements, and Debriefing. This Component was referred to as Roles due to the characteristics of each element loading under this component. Each element loading under Component 1 had some reference to the role the person in question was to play according to departmental regulations.

The loadings under Component 2 were highest on elements Statutory Duties and Pursuit Restrictions. This Component was referred to as Restrictions. Both elements

loading under this Component pertained in some fashion to pursuit restrictions, whether these were legal or departmental in nature.

Loadings under Component 3 were highest on elements Mission Statement and Seriousness of Offense. This Component was then referred to as Mission. The designation was due to the fact that it is the mission of the police to apprehend suspects for various offenses. The seriousness of an individual's offense leads to the police fulfilling their mission to initiate pursuit in efforts to apprehend the suspect.

Component 4 had the highest loadings for elements Discontinuance of Pursuit and Noncompliance. This Component was then referred to under the name of Compliance due to the Noncompliance element and to the need for the officer to adhere to policy guidelines in the discontinuance of a pursuit.

The highest loadings for Component 5 were for elements Authority to Pursue and Case Law References. This Component was then referred to as Legal due to the legal nature of both elements.

Finally, the highest loading on Component 6 was for the element of Training. Thus, this Component was designated Training.

Therefore, the Administrative elements can be grouped according to seven categories: Roles, Restrictions, Mission, Compliance, Legal, Training, and Safety. The highest as well as the majority of loadings were on the factor of Roles.

While exploratory factor analysis cannot determine precisely which elements are the most important for inclusion in a written vehicular pursuit policy, some deduction combined with the information provided by the mathematical mock-up can offer guidance in determining which elements dominate. Administratively the element of

safety was, by far, the most included of any element. This element had zero variance in the factor model. Thus, Safety should be preeminent in any written pursuit policy. This element could be considered the most important Administrative element.

The factor of Training had the next highest loading at .883 and should be considered the second most important Administrative element to include in a written pursuit policy. The factor of Legal had the next highest factor loadings. The elements loaded at .714 and .759, for a mean of .737. Therefore, this factor ranks third in importance for inclusion in a written policy.

The fourth factor that should be contained in a written policy is the factor of Mission. The elements loaded in this factor at .802 and .617 for a mean of .710. Thus, the factor of Mission should be the next factor included in a written pursuit policy.

The fifth factor that should be included in a pursuit policy is Compliance. The elements loaded on this factor at .609 and .754 for a mean of .682. Therefore, Compliance should be the fifth factor that an agency should include in its written pursuit policy.

The sixth factor that should be included in a pursuit policy is Restrictions. The elements loaded on this factor at .486 and .736 for a mean of .611. Hence, the factor of Restrictions should be the sixth factor to be included in a departmental pursuit policy.

The seventh and final factor that should be included in a written pursuit policy is Roles. The elements loaded on this factor at .607, .797, .531, .648, .150, .802, and .532 for a mean of .581. Therefore, the factor of Roles should be the final factor contained in any comprehensive written vehicular pursuit policy.

In the factor analysis of the Operational element seven factors were extracted using a Varimax Rotation with Kaiser Normalization. Factor loadings for the Operational elements can be observed in Table 29.

Table 29

Factor loadings for Operational elements.

Element	Component						
	Liability	Initiate	Procedural	Tactical	Driving	Off Road	Carvaning
1. Initiate Pursuit	-	.745	-	-	-	-	-
2. Notify Dispatcher	-	-	.722	-	-	-	-
3. Specifics of Pursuit Conditions	-	.781	-	-	-	-	-
4. Provisions for Lights & Sirens	-	-	.802	-	-	-	-
5. Tactical Considerations	-	-	-	.490	-	-	-
6. Jurisdictional Considerations	-	.543	-	-	-	-	-
7. Pursuit Driving	-	-	-	-	.762	-	-
8. Caravaning	-	-	-	-	-	-	.909
9. Intentional Collisions	.571	-	-	-	-	-	-
10. Shooting from Vehicle	-	.686	-	-	-	-	-
11. Unmarked Car/Motorcycle	-	-	-	.607	-	-	-
12. Boxing-in	-	-	-	-	.426	-	-
13. Heading-Off/Passing	.762	-	-	-	-	-	-
14. Paralleling	.699	-	-	-	-	-	-
15. Roadblocks	-	-	.513	-	-	-	-
16. Speed	.676	-	-	-	-	-	-
17. Passengers	-	-	-	-	.406	-	-
18. Tire Deflation Devices	-	-	-	-	.678	-	-
19. Off Road Pursuit	-	-	-	-	-	.457	-
20. Termination of Pursuit	-	-	-	.849	-	-	-
21. Aerial	-	-	-	-	-	.749	-

Assistance							
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Factor loadings for Component 1 were highest for Intentional Collisions, Heading-Off/Passing, Paralleling, and Speed. Due to the inherent dangerousness of these maneuvers and techniques this factor was hereto referred to as Liability.

Component 2 had the highest loadings on Initiate Pursuit, Specifics of Pursuit Conditions, Jurisdictional Considerations, and Shooting from a Vehicle. This factor was labeled Initiate due to the fact that the elements pertained to conditions which could affect the initiation of a pursuit.

The highest loadings for Component 3 were on Notify Dispatcher, Provisions for Lights & Sirens, and Roadblocks. This factor was denoted as Procedural due to the need for the pursuing officer to adhere to specific procedural guidelines for each of the elements loading under this Component.

Component 4 had the highest loadings for Tactical Considerations, Unmarked Car/Motorcycle, and Termination of Pursuit. This Component was designated Tactical due to the nature of the elements. Each of the elements loading under this Component was associated with various tactical considerations arising during the course of a vehicular pursuit.

The highest loadings on Component 5 were on Pursuit Driving, Boxing-in, Passengers, and Tire Deflation Devices. This Component was referred to as Driving due to the fact that each element pertained in some fashion to the officer's driving during the course of the pursuit.

Component 6 had the highest loadings on Off Road Pursuit and Aerial Assistance. This Component was labeled Off Road due to the fact that the elements loading on this component related to the pursuit leaving a main roadway.

Finally, the highest loadings for Component 7 were on Caravaning. Therefore, this factor was referred to as Caravaning.

Thus, the Operational elements can be grouped into seven categories as well: Liability, Initiate, Procedural, Tactical, Driving, Off Road, and Caravaning.

Operationally, the factor of Caravaning loaded at .909. Therefore, this element should take precedent when considering which factor to initially included in a pursuit policy. Initiate had loadings of .745, .781, .543, and .686 for a mean of .689. Therefore, Initiate should be the second factor to be included in a written pursuit policy.

The Procedural factor had loadings of .722, .802, and .513 for a mean of .679. This factor should be the third factor considered for inclusion in a written pursuit policy. Liability had loadings of .571, .762, .699, and .676 for a mean of .677. Therefore, the factor of Liability should be the fourth factor considered for inclusion in a written pursuit policy.

The factor of Tactical had loadings of .490, .607, and .849 for a mean of .649. Thus, the Tactical factor should be the fifth factor included in a pursuit policy. Off Road had loadings of .457 and .749 for a mean of .603. This factor should be the sixth factor to be included in a pursuit policy. Finally, the factor of Driving should be the seventh factor to be included in a written vehicular pursuit policy with loadings of .762, .426, .406, and .678 for a mean of .568.

Table 30 provides the Administrative factors with their respective loadings and which factor is considered more important for inclusion in a written vehicular pursuit policy.

Table 30

Administrative factor relevance to written pursuit policy.

	Factor						
	Safety	Training	Legal	Mission	Compliance	Restrictions	Roles
Loadings	1.0	.883	.714	.802	.609	.486	.607
			.759	.617	.754	.736	.797
							.531
							.648
							.150
							.802
							.532
Mean	1.0	.883	.737	.710	.682	.611	.581

Table 31 provides the Operational factors with their respective loadings and which factor is considered most important for inclusion in a written vehicular pursuit policy.

Table 31

Operational factor relevance to written pursuit policy.

	Factor						
	Caravaning	Initiate	Procedural	Liability	Tactical	Off Road	Driving
Loadings	.909	.745	.722	.571	.490	.457	.762
		.781	.802	.762	.607	.749	.426
		.543	.513	.699	.849		.406
		.686		.676			.678
Mean	.909	.689	.679	.677	.649	.603	.568

Legislative Analysis

In an effort to lessen the exposure of law enforcement organizations several states have devised the strategy of implementing legal standards to be included in a vehicular pursuit policy. If a law enforcement agency is to retain statutory immunity in a court of law in suits alleging liability or officer negligence certain, specified elements must be included in the vehicular pursuit policy. Recently this trend has been expanding nationwide as state legislatures realize the monetary gain inherent in limiting police liability. Apart from monetary considerations the increased safety factor from a more comprehensive policy is also a public relations boon for both the agency as well as the legislators themselves.

Currently the states of California, Minnesota, and Connecticut have implemented legal standards dictating essential elements to be included in the law enforcement organization in their respective states. In 1985 the State of New Jersey created the New Jersey Police Vehicular Pursuit Policy to be used as a state-wide standard for all departments within the state. This standard was revised in January, 1993 and again in September, 1999 but the state legislature has yet to specify the necessity that this standard be implemented in an actual law. It is important to note that the definition devised by the New Jersey Task Force is used by the majority of state agencies in defining a police pursuit.

In 1997 the State of Connecticut enacted House Bill No. 5186, An Act Concerning Legislative Task Forces. This bill established a task force, similar in duty, to that of New Jersey. This task force consisted of two members appointed by the Speaker of the House, two appointed by the President pro tempore of the Senate, one appointed by

the majority leader of the House, one appointed by the majority leader of the senate, two appointed by the minority leader of the House, and two appointed by the minority leader of the Senate. The task force was assigned the duty to “study the feasibility of a standardized, unified police pursuit policy within the state” (p. 1). The report from the task force was to be submitted no later than January 1, 1998 to the joint standing committee of the General Assembly. Again, the bill stated the importance of safety in the task forces report and the possibility of a statewide, uniform pursuit policy.

The State of Minnesota in Minnesota Statute § 609.487 (1999) defined legally the variety of terms and conditions existing within the scope of a police vehicular pursuit. This statute brought legal denotation to terms such as ‘peace officer’, ‘motor vehicle’, ‘feeling an officer’, ‘fleeing an officer’, ‘death’, and ‘bodily injury’ among others. In February, 1999 the Minnesota House of Representatives introduced a bill requiring the Peace Officer Standards and Training (POST) Board to adopt “a statewide model policy governing the conduct of police pursuits of fleeing suspects and requires state and municipal law enforcement agencies to adopt local police pursuit policies in conformity with the state policy” (Minnesota House of Representatives File # H.F. 381, 1999, p. 1). This bill also created two new programs for distributing tire deflation devices and driving simulators, along with monetary appropriations to be used for these programs.

Later in that same year the Minnesota House of Representatives placed into law Minnesota Statute § 626.8458 (1999) requiring that, “By July 1, 1999, the board shall adopt a new or revised model policy governing the conduct of peace officers who are in pursuit of a vehicle being operated in violation of section 609.487” (p. 1). The bill stated that an agency’s pursuit policy must include a statement describing the philosophy of the

model policy: namely that the safety of all persons involved in or by a police pursuit is of primary importance. In addition, the policy needed to “balance the risks of the pursuit to the public and peace officers with the consequences of failing to pursue” (p. 1).

The Minnesota statute detailed the necessity of including potentially hazardous pursuit tactics, the need to notify dispatch, responsibilities of the supervising officer, pursuing officer, and back-up officers. Jurisdictional considerations, report writing, and training were also specified in this statute.

In 1999, the State of California also took steps in placing into law a model policy for use in vehicular pursuits. California Penal Code § 13519.8 (2000) established guidelines for that state’s model pursuit policy. The bill associated with this statute stated that, “The Commission shall implement, on or before November 1, 1994, a course or courses of instruction for the training of law enforcement officers in the handling of high-speed vehicle pursuits and shall also develop uniform, minimum guidelines for adoption by California law enforcement agencies for response to high-speed vehicle pursuits” (p. 1).

Similar to the Minnesota statute, the California Code stated that the guidelines to be established should include numerous factors inherent in a police vehicular pursuit among which were, initiation of the pursuit, driving tactics, speed limits, blocking, ramming, roadblocks, communications, air support, termination of pursuits, and environmental conditions. Also included in this model policy was the necessity for adequate training in the proper conduct of a vehicular pursuit. In addition, a safety caveat was included stating, “...the need to balance the known offense and the need for

immediate capture against the risks to officers and other citizens of a high-speed pursuit”
(p. 1).

Conclusion

This chapter detailed the comprehensiveness of vehicular pursuit policies based on a regional comparison of the United States. It was determined the Mid-West region to be the safest in the nation followed by the Northeast, the South, the Mountain, and the Pacific region. Exploratory factor analysis revealed that the element of Safety was preeminent in any written policy and thus, the most important Administrative factor to be included in a written pursuit policy. The factor of Training, Legal, Mission, Compliance, Restrictions, and Roles, in this respective order, were the next most important factors to be included in a written policy. Operationally, the factors of Carvaning, Procedural, Liability, Tactical, Off Road, and Driving, in this order, were identified as the most important factors to be included in a written policy. A legislative analysis found an enduring trend by state legislatures of establishing bills and laws related to vehicular pursuit policies. A growing number of states continue to identify various details to be included in a written vehicular pursuit policy if law enforcement agencies wish to diminish their liability risks.

Many states have developed very comprehensive policies containing references to safety and departmental liability concerns. However, far too many agencies are in want of more inclusive written pursuit policies. Many agency's written pursuit policies are in need of a more focused approach in detailing elements, both Administrative as well as Operational, related to the overall safety of the pursuit itself. Elements related to liability

and safety serve to lessen the risks of legal suits for a department while simultaneously lessening the risks of unnecessary endangerment of the general public.

Chapter 7

Conclusion

As is evident by viewing any weeknight television news program, police vehicular pursuits continue to pose dilemmas for police agencies, political figureheads, civil rights organizations, and the public in general. Police are placed, time and time again in the awkward and unique position of endeavoring to apprehend a law violator or a known fugitive without placing in peril the lives of innocent members of the general public. A reckless, dangerous, or negligent pursuit can place innocent civilians in danger. However, a failure to successfully apprehend a suspect ultimately means that the general public is still placed in harms way due to the at-large nature of the suspect. Therein lies the crux of the problem, the catch 22. The fundamental argument remains that the duty of the police is to protect, not harm.

The myriad of issues surrounding police pursuits is replete with concerns regarding liability, negligence, force, reporting, and community relations. As litigation continues to grow the Constitutional issues raised by 4th and 14th Amendment considerations also plague many law enforcement agencies. Apart from considerations pertaining to departmental liability there also exists the very real issue of monetary compensations concerning pursuits. Litigation resulting from tragic outcomes of vehicular pursuits can easily grow into the millions of dollars annually. Taxpayers and police agencies suffer equally when a pursuit goes awry and a claim of negligence or liability is substantiated. Thus, it is vital for a law enforcement agency to have in effect a viable, trainable vehicular pursuit policy to serve as a guide for officer discretion while in

the field. A comprehensive policy acts as a guide for officer discretion so as to choose the mindful course of action while conducting a pursuit.

In any decision to engage in a vehicular pursuit, the need to apprehend the suspect must be weighed against the need to avoid endangering civilians or other parties not directly involved in the ongoing pursuit. Generally, the greater the potential risk to the general public, the officer, or the suspect, the less justified the pursuit. While it is impractical, and perhaps illogical, to formulate precise, objective rules to cover the many complexities of a pursuit it is, nonetheless, vital for an agency to develop a comprehensive policy governing the conduct of officers while in the midst of a vehicular pursuit.

As per policy development, any law enforcement agency should have in effect a vehicular pursuit policy inclusive of any elements pertaining to deadly force or potentially hazardous forcible stop techniques. The omission of even a single element pertaining to the safety of the pursuing officer, suspect, pedestrians, or innocent third parties has far reaching 4th and 14th Amendment consequences. Deadly force and negligence suits can have devastating financial repercussions for law enforcement agencies, not to mention the personal and career toll placed upon an officer or victim of a pursuit gone awry.

As this research has posited, all comprehensive vehicular pursuit policies, by necessity, should contain references to shooting from a vehicle, hazardous forcible stop techniques, caravaning, pursuit driving, specifics of pursuit conditions, intentional collisions, roadblocks, speed, tire deflation devices, and tactical considerations. A failure to include potentially hazardous elements into a pursuit policy serves to increase the

dangerousness factor inherent in any pursuit and raises the stakes on the gamble with human life, property, and the possibility of negligence and liability claims.

Some of the earliest research into police vehicular pursuits was often sensational lacking the strict scientific methodological guidelines that direct current scholarly endeavors. One of the earliest research projects into the field of vehicular pursuits was the Physicians for Automotive Safety (1968). Unfortunately, this study was utilized more in courts of law by unscrupulous attorneys seeking monetary rewards for their clients than by scholars seeking a serious study of the police role in society. Many years, and research projects later, modern scholars would begin to appreciate and understand the importance of police pursuits in the larger realm of law enforcement and policing.

While many arguments espoused by proponents and opponents of vehicular pursuits remain emotionally charged, many scholars and legislators have acknowledged the importance of this specific law enforcement function. Despite evidence to the contrary there still exist those scholars and community leaders who maintain that police pursuits pose too many inherent risks to the general public and innocent bystanders. Were it not for police pursuits many suspects would be let loose on an unsuspecting public. In a 1993 study by Payne of police pursuits in the State of Michigan, it was reported that the majority of pursuits were initiated for speeding (30.5%) followed by other traffic violations (24.9%) and suspected felony crimes (24.3%). Upon apprehension of the suspect Payne found that 34.5% of the pursuits resulted in an arrest involving a felony, 33.1% involved a charge of fleeing and eluding with 14.4% involving drunk driving charges.

In an earlier study by Alpert and Dunham (1988) of pursuits by the Metro Dade Police Department and the Miami Police Department it was discovered that out of a total 952 pursuits 47% (n = 305) of apprehended suspects were arrested for traffic violations and 48% (n = 314) were arrested for felonies. Were it not for the practice of police vehicular pursuits dangerous felons would be free to run amok in society. Charles, Falcone, and Wells (1992a) obtained results in their study of pursuits that 95.9% of all officers interviewed voiced approval for pursuits. They also found that 76.3% of officers indicated that they believed that the danger to the public would increase and 85.4% maintained that crime in general would increase (Charles et al., 1992a). Finally, Britz and Payne (1994) observed that, "An overwhelming majority of respondents (96%) supported the notion that more offenders would attempt to elude police if such a policy were implemented" (p. 117). Thus, it would seem, as far as the officers themselves are concerned the law enforcement tactic of vehicular pursuits is highly supported.

Regional Variations

Some theorists have espoused the idea of a nation wide pursuit policy. Although the chances of this actually occurring in the near future are remote, it is, nonetheless, a topic worthy of consideration.

Due to the vast expanse of the United States the effort to standardize vehicular pursuit policies is ultimately doomed to failure. It is an unnecessary exercise. The United States is a country of differing geography, population densities, ethnicity's, and culture. What is appropriate for one state could prove to be highly inappropriate for another. For example, what would be successful and appropriate in the megalopolis of

the eastern seaboard would not be necessary or even desirable in a large, sparsely populated western state.

A densely populated region covering a small geographic area is in need of a highly articulated pursuit policy detailing various potentially hazardous pursuit tactics. In efforts to apprehend fleeing suspects while maintaining safety for the general public a detailed, comprehensive policy is a must. Although the policy serves merely as a guide to officer discretion it, nevertheless, offers some protection against foolhardy tactics and aids the officer in choosing a safe, effective course of action.

Conversely, in a sparsely populated region covering a large square mile area an intensively detailed policy is, in all likelihood not necessary. While the policy should be comprehensive enough to allow for dangerous tactics and maneuvers, it is not necessary or desirable for an organization to create a pursuit policy that is so profoundly detailed that it tries to cover every possible scenario an officer could experience. This simply creates added anxiety on the part of the officer as unessential information is placed into memory.

The culture of a specific area is also a factor that must be considered when broaching the topic of vehicular pursuit policies. The culture of the eastern portion of the United States is one of long-standing accommodation to matters pertaining to law and public administration (Johnson, Aldrich, Miller, Ostrom, & Rhode, 1990). This is where American government was born. Citizens and law enforcement officials are accustomed to the requirements of bureaucracies and administration. As stated previously it is in this relatively small geographic area with a dense population that an intensively detailed pursuit policy would be most appropriate. As the population density increased so, too,

would the opportunity for danger to arise during the course of a vehicular pursuit. A more comprehensive pursuit policy could bring an added measure of safety to an already dangerous situation.

However, in a region such as the south or the west a highly detailed pursuit policy could well be met with suspicion and cynicism. The people of both regions are primarily of Celtic ancestry with a long tradition of rugged individualism and family honor (Allen, 1973). To bring into question a persons ability to successfully to do their job or to doubt a persons honesty or integrity is an affront not to be taken lightly. These two areas of the country also have a law and order mentality that places a great deal of importance in apprehending any law violator. A finely detailed pursuit policy is neither appropriate nor desirable in such an environment as is found in the west or the south.

Nevertheless, a comprehensive vehicular pursuit policy is a must for any and all law enforcement agencies. However, the form this policy is to take can vary considerably from department to department. If the policy contains all of the relevant safeguards pertaining to high-speed driving and dangerous tactics such as ramming, roadblocks, shooting, or boxing-in it would probably suffice for that area. As in any other area, the policy serves to guide officer discretion and protects the agency and officer from unsubstantiated claims of liability and negligence.

Legislative

As the trend of statewide pursuit policies continues to be accepted the importance of safety is never so evident. Each state bill or law states the necessity for a pursuing officer to balance the importance of apprehending the suspect against the risks to the

public, themselves, and the suspect. As the statewide policies are designed to limit a department's exposure to claims of liability and negligence an emphasis on safety is logical. If the risks to the public or the officer outweigh the necessity to apprehend the suspect then continuing with the pursuit is not justified and further pursuit action should be terminated.

Currently, the statewide policies that are in effect are still too young to have been tested in the long-term benefit of establishing a uniform policy within a state. If the benefits of statewide pursuit policies are to be reaped an extensive analysis of the occurrence of accidents, injuries, fatalities, and property damage must be completed. Only upon a determination of whether the risks posed by police vehicular pursuits can be ascertained will the true effectiveness of statewide pursuit policies be understood. If statewide policies decrease exposure to liability and negligence for a department in conjunction with improved safety considerations for the officer, suspect, and general public, there is little doubt that more policy makers, legislators, and department commanders will begin to implement their own uniform, statewide policies.

APPENDIX A

Definitions of Administrative and Operational Elements

Administrative Elements

1. **Mission Statement/Purpose:** Does the written vehicular pursuit policy contain a statement or paragraph specifying the mission of the department or the purpose of the pursuit policy?
2. **Safety Caveat:** Does the written vehicular pursuit policy contain a statement concerning the need for the safety of the general public, not directly involved in the pursuit, and the officer initiating the pursuit?
3. **Discontinuance of Pursuit:** Does the written vehicular pursuit policy contain a statement concerning the need to terminate a pursuit when unnecessarily dangerous conditions arise?
4. **Noncompliance:** Does the written vehicular pursuit policy specify the necessity for officers to follow department regulations concerning pursuit conduct?
5. **Definitions:** Does the written vehicular pursuit policy contain definitions of variables and circumstances inherent in pursuits?
6. **Authority to Pursue:** Does the written vehicular pursuit policy provide the officer with the authority and provisions to initiate a pursuit?
7. **Statutory Duties:** Does the written vehicular pursuit policy provide reference to legal standards of the state within which the officer is conducting the pursuit?
8. **Case Law References:** Does the written vehicular pursuit policy contain reference to nation-wide legal standards developed through case law research pertaining to pursuits?
9. **Pursuit Restrictions:** Does the written vehicular pursuit policy provide constraints placed upon a pursuing officer in an ongoing pursuit?
10. **Seriousness of Offense:** Does the written vehicular pursuit policy provide a statement concerning offenses for which it is appropriate or inappropriate to initiate a pursuit?
11. **Role of Dispatch:** Does the written vehicular pursuit policy contain reference to the appropriate role of the dispatch officer in a pursuit?

12. **Requirement of Supervisor to Monitor:** Does the written vehicular pursuit policy provide a statement concerning the necessity for a supervisor to continually monitor a pursuit?
13. **Role of Supervisor:** Does the written vehicular pursuit policy contain reference to the appropriate role of the supervisor in a pursuit?
14. **Training:** Does the written vehicular pursuit policy specify the need and timing of supplemental training for officers in departmental policy and pursuit conduct?
15. **Supervisor at Termination Point:** Does the written vehicular pursuit policy specify the need for a supervisor to attend the termination of a pursuit?
16. **Report Writing:** Does the written vehicular pursuit policy specify which reports are necessary at the completion of a pursuit?
17. **Debriefing:** Does the written vehicular pursuit policy provide for a post-pursuit meeting between the pursuing officer and the supervisor or superior officers to discuss the pursuit outcome?

Operational Elements

1. **Initiate Pursuit:** Does the written vehicular pursuit policy provide the officer with necessary information of when it is appropriate, or inappropriate, to begin to pursue a law violator?
2. **Notify Dispatch:** Does the written vehicular pursuit policy reference the need for the pursuing officer to notify dispatch, providing the dispatch operator with detailed information regarding the conditions of the pursuit, when initiating a pursuit and while in the midst of an ongoing pursuit?
3. **Specific of Pursuit Conditions:** Does the written vehicular pursuit policy include reference to environmental factors surrounding a pursuit, such as weather, road conditions, traffic, nature of pursuit area, and time of day?
4. **Provisions for Lights and Sirens:** Does the written vehicular pursuit policy provide reference to the need and obligation of the pursuing officer to utilized overhead lights and sirens while in the course of a pursuit?
5. **Tactical Considerations:** Does the written vehicular pursuit policy provide reference for various tactical options which the pursuing officer might utilize?
6. **Jurisdictional Considerations:** Does the written vehicular pursuit policy provide considerations for jurisdictions through which a pursuit might travel?

7. **Pursuit Driving:** Does the written vehicular pursuit policy provide a statement concerning various driving techniques, speeds, or considerations for the pursuing officer?
8. **Caravaning:** Does the written vehicular pursuit policy provide constraints on the number of patrol cars that can enter into a pursuit?
9. **Intentional Collisions:** Does the written vehicular pursuit policy provide a statement concerning the use of the use of the patrol car to ram the suspect's vehicle in a pursuit?
10. **Shooting from a Vehicle:** Does the written vehicular pursuit policy specify the use of firearms during a pursuit?
11. **Unmarked Car/Motorcycle:** Does the written vehicular pursuit policy provide constraints for unmarked police vehicles or motorcycles entering into a pursuit?
12. **Boxing-in:** Does the written vehicular pursuit policy reference the use of patrol cars to surround the suspect's vehicle to make a forcible stop in a pursuit?
13. **Heading-Off/Passing:** Does the written vehicular pursuit policy reference patrol cars passing a suspect's vehicle or trying to forcibly stop a suspect's vehicle through the heading-off technique in a pursuit?
14. **Paralleling:** Does the written vehicular pursuit policy provide a statement pertaining to patrol cars traveling alongside the suspect's vehicle prior to trying to make a forcible stop during a pursuit?
15. **Roadblocks:** Does the written vehicular pursuit policy reference the proper and safe use of roadblocks in a pursuit?
16. **Speed:** Does the written vehicular pursuit policy contain a statement regarding maximum speeds allowable during a pursuit or conditions where high speeds might prove more dangerous for the officer or general public in a pursuit?
17. **Passengers:** Does the written vehicular pursuit policy provide constraints or allowances for passengers riding in a patrol car during a pursuit?
18. **Tire Deflation Devices:** Does the written vehicular pursuit policy reference the proper and safe usage of tire deflation devices used during a pursuit?
19. **Off Road Pursuit:** Does the written vehicular pursuit policy
20. **Termination of Pursuit:** Does the written vehicular pursuit policy provide considerations for the conclusion of a pursuit or apprehension of the suspect?

21. Aerial Assistance: Does the written vehicular pursuit policy provide reference to the use of aircraft that might be utilized in a pursuit?

APPENDIX B

Standard Policy Established (Effectuated) January 2001

General Order 1-0001 Vehicular Pursuits

I. Purpose

- A. The purpose of this General Order is to secure a balance between the protection of the lives and safety of the public, members and other police officers, and law enforcement's duty to enforce the law and apprehend violators. Since there are numerous situations which arise in law enforcement that are unique, it is impossible for this policy to anticipate all possible circumstances. Therefore, this policy is intended to guide a member's discretion in matters of vehicular pursuit.
- B. Deciding whether to pursue a motor vehicle is among the most critical decisions made by members. It is a decision which must be made quickly and under difficult, often unpredictable circumstances. In recognition of the potential risk to public safety created by vehicular pursuits, no member or supervisor shall be criticized or disciplined for a decision not to engage in a vehicular pursuit or to terminate an ongoing vehicular pursuit based on the risk involved, even in circumstances where this policy would permit the commencement or continuation of the pursuit. Likewise, members who conduct pursuits consistent with this policy will be strongly supported by the Division in any subsequent review of such actions.
- C. A Motor Vehicle Accident and Vehicular Pursuit Review Board has been established to review and analyze all vehicular pursuit incidents involving transportation assigned to the Division of State Police.

II. Definitions

- A. Pursuit: An event involving one or more law enforcement officers attempting to apprehend a suspect operating a motor vehicle while the suspect is trying to avoid arrest by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly or driving in a legal manner but willfully failing to yield to the officer's signal to stop.
- B. Pursuit driving: Pursuit driving is an active attempt by a member operating a motor vehicle to apprehend one or more occupants of another moving vehicle(s) when the member reasonably believes that the driver(s) of the fleeing vehicle(s) is aware of the member's attempt to stop the vehicle(s) and is resisting apprehension by increasing vehicle speed, ignoring the member or otherwise attempting to elude the officer. Members will use emergency warning lights, headlights and audible devices during pursuit driving.
- C. Emergency call: An emergency call is any incident which requires either of the following types of response;
 - 1. Emergency response: An emergency response is indicated whenever the physical safety or well being of any person reasonably appears to be in jeopardy; a life or death situation.

2. **High priority or urgent response:** A high priority or urgent response is indicated when the presence of a trooper reasonably appears to be required immediately or as soon as possible;
 - a. To protect the life or safety of any person; or
 - b. When death or personal injury is likely to occur if such assistance is withheld or delayed; or
 - c. When a felony or other serious crime is, or may be, in progress; or
 - d. When an assignment occurs which is potentially dangerous to any police officer; or
 - e. As directed by a supervisor or commander.
- D. **Emergency vehicle:** An emergency vehicle, as defined by Sec. 14-283, C.G.S., Rights of emergency vehicles, is any ambulance or any medical service organization vehicle responding to an emergency call, any vehicle used by a fire department or any officer of a fire department while on the way to a fire or while responding to an emergency call, but not while returning from a fire or emergency call, or any state or local police vehicle operated by a police officer answering an emergency call or in pursuit of fleeing law violators.
- E. **Pursuit vehicle**
 1. **Primary unit:** The police vehicle that initiates a stop of a motor vehicle or any unit that assumes control of a pursuit as the lead vehicle (the first police vehicle immediately behind the fleeing suspect). For the purpose of completing reports the troop car initiating the stop will be considered primary.
 2. **Secondary unit:** Any police vehicle which becomes involved as a backup to the primary unit. It must follow the primary unit at a safe distance.
- F. **Legal intervention/Forcible stops:** A general term meaning the termination of a pursuit through the use of physical force or presence. Includes channelization, roadblocks, ramming, the hollow spike strip, boxing-in, or the use of firearms.
 1. **Channelization:** A technique similar to a roadblock where objects are placed in the anticipated path of a pursued vehicle which tend to alter its direction. Examples of usable objects include barricades, flarepots, pylons, and vehicles.
 2. **Roadblocks:** A restriction or obstruction used or intended for the purpose of preventing free passage of motor vehicles on a roadway. A supervisor must authorize a roadblock.
 - a. **Avenue of escape:** A gap in a roadblock which allows the violator(s) to decrease vehicle speed and permits the violator(s) to safely bypass the roadblock.
 - b. **Blocking vehicle:** A motor vehicle, often a law enforcement vehicle, which is placed perpendicular to a roadway or angled in such a way as to create a roadblock.
 3. **Ramming:** The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop. The Pursuit Immobilization Technique (PIT) is a form of ramming and if utilized should be identified as such.
 4. **Hollow Spike Strip:** A device designed to be physically placed across the roadway directly in the path of a fleeing vehicle. As the vehicle passes over the strip, the hollow spikes pierce through the tires, pull out of the strip and cause the tires to deflate through the hollow spikes.

5. **Boxing-in:** A technique designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.
6. **Use of firearms:** The act of discharging a firearm at a vehicle for defense or apprehension.
- G. **Divided highway:** A road which includes a physical barrier between traffic traveling in opposite directions.
- H. **Heading off:** An attempt to terminate a pursuit by pulling ahead of, behind or toward a violator's moving vehicle to force it to the side of the road or to otherwise come to a stop.
- I. **Paralleling**
 1. **Street paralleling:** Driving a police vehicle on a street parallel to a street on which a pursuit is occurring.
 2. **Vehicle paralleling:** A deliberate offensive tactic by one or more operating vehicles to drive alongside the pursued vehicle while it is in motion. This type of paralleling is not authorized.
- J. **Supervisor:** A member who, by virtue of rank or assignment, is responsible for the direction or supervision of the activities of other members.
- K. **Clear and unreasonable danger:** In regard to emergency response or pursuit driving, a clear and unreasonable danger exists whenever;
 1. Vehicle speeds are dangerously excessive or the speed of the department vehicle dangerously exceeds the speed of any overtaken vehicle; or
 2. Vehicle or pedestrian traffic requires dangerous maneuvering which exceeds the performance capabilities of the department vehicle or its operator.

III. Decision the Pursue

A. Deciding whether or not to pursue

1. A member has the authority, at all times, to attempt the stop of any person suspected of having committed any criminal offense or traffic violation. It is clear that while it is the member who initiates the stop, it is the violator who initiates the pursuit. The member's decision to pursue should always be undertaken with an awareness of the danger of risk to which the member exposes themselves and others. The member must weigh the need for immediate apprehension against the risk created by the pursuit.

B. Authorization to pursue

1. A member may only pursue when one or both of the following conditions exist.
 - a. The member reasonably believes that the violator has committed an offense of the first or second degree, or an offense enumerated in Annex A of this order.
 - b. The member reasonably believes that the violator poses an immediate threat to the safety of the public, other police officers, or themselves.
2. In the event that one of the authorization requirements is satisfied, a pursuit should not be automatically undertaken. A member must still consider the following factors:

- a. Whether the identity of the violator is known to the point where later apprehension is possible.
 - b. Likelihood of successful apprehension.
 - c. Degree of risk created by pursuit
 - (1). Volume, type, speed and direction of vehicular traffic.
 - (2). Nature of the area: residential, commercial, school zone, open highway, etc.
 - (3). Population density and volume of pedestrian traffic.
 - (4). Environmental factors such as weather and darkness.
 - (5). Road conditions: construction, poor repair, extreme curves, etc.
 - d. The officer's own
 - (1). Experience and driving skills
 - (2). Familiarity with the area
 - (3). Condition of police vehicle
- 3. Terminating the pursuit
 - a. The member shall terminate the pursuit if any of the following conditions exist;
 - (1). They are instructed to do so by a supervisor.
 - (2). The member believes that the danger to the pursuing officer(s) or the public outweighs the necessity for immediate apprehension of the violator.
 - (3). The violator's identity is established to the point where later apprehension may be accomplished and where there is no immediate threat to the safety of the public or police officer(s).
 - (4). The pursued vehicle's location is no longer known or the distance between the pursuing vehicles and the violator's vehicle becomes so great that further pursuit is futile.
 - (5). There is a person injured during the pursuit and there are no police or medical personnel able to render assistance.
 - (6). There is a clear and unreasonable danger to the member, violator(s), or public. A clear and unreasonable danger exists when the pursuit requires that the vehicle(s) be driven at excessive speeds or in any other manner which exceeds the performance capabilities of the pursuing vehicle(s).
 - (7). The member becomes aware of any unanticipated condition, event or circumstance which substantially increases the risk to public safety inherent in the pursuit.
- 4. Reinstating the pursuit: The reinstatement of any previously terminated pursuit shall only be undertaken if consistent with the authorization criteria for originally initiating a pursuit.
- 5. Use of firearms to terminate pursuit
 - a. If a violator is shot while driving the unpiloted vehicle may become an uncontrolled hazard.
 - b. If the violator is not alone, passengers for whom deadly force is inappropriate are at great risk.

- c. **Shooting at a moving vehicle:** Shooting at a moving vehicle is generally ineffective and involved hazards are always great. A decision to shoot at a moving vehicle must be based upon the most compelling circumstances and will be subjected to a careful department review. Troopers shall be guided by the following considerations;
 - (1). Generally, a trooper will not fire at a moving vehicle; but
 - (2). If fired upon, the trooper may return fire;
 - (3). Firing to disable a moving vehicle shall be a last resort measure only when failure to do so with a high degree of probability will result in serious injuries or death to the trooper or innocent persons; and
 - (4). The trooper must take into account;
 - (a). Incident location;
 - (b). Presence of other vehicles or pedestrians; and
 - (c). The degree of hazard presented to innocent persons.
- 6. **Speed considerations:** Every patrol vehicle has a maximum speed at which it may be operated safely and some factors limiting safe speed are;
 - a. **Vehicle limitation factors:**
 - (1). Type and condition of vehicle tires and ambient temperatures;
 - (2). Vehicle brakes as related to the known characteristics of fading or becoming less effective under severe use; and
 - (3). Limitations on the capabilities of the police vehicle suspension system to support the vehicle at maximum side thrust.
 - b. **Operator limitation factors:** There are limits to a trooper's ability to safely operate a department vehicle on a given roadway, such as:
 - (1). Level of training, experience or skill in the operation of a vehicle at high speeds;
 - (2). Familiarity with the roadway;
 - (3). Familiarity with handling characteristics of the particular vehicle driven;
 - (4). Familiarity with objects or obstacles in or on the roadway or the potential for such to be present.
 - c. **Roadway limitation factors:** Each roadway has a maximum safe speed at which a particular vehicle and driver can travel safely due to;
 - (1). Presence of curves and grades;
 - (2). Type and condition of the road surface;
 - (3). Presence of oil, water, snow, ice, sand, loose gravel and other substances on the road surface;
 - (4). Location of intersections or entrances at or from which other vehicles could obstruct travel;
 - (5). Use of the roadway by other vehicles or pedestrians; and
 - (6). Existing visibility or road lighting conditions.
- 7. **A safe speed range may not always be determinable:** A range of absolutely safe speeds is not always determinable because where many speed limitation factors are present, a particular rate of speed may be excessive, regardless of the speedometer reading.
- 8. **Factoring in the unknown or the unforeseeable:** Each vehicle operator must be mindful of dangers that can be presented by unknown or unforeseeable conditions, as danger obviously increases without knowledge of hazardous conditions which may be present.

IV. Statutory Considerations

- A. Motor vehicles in the custody and use of officers in the performance of their duties shall be exempt from any traffic regulations of any town, city, or borough, so far as such exemption is necessary for the effective enforcement of any provisions of the statutes.**
- B. The operator of an emergency vehicle may park or stand the vehicle irrespective of any provisions of the established motor vehicle code.**
- C. The operator of an emergency vehicle may disregard statutes, ordinances or regulations governing direction or, movement or turning in specific directions.**
- D. Although this statute exempts a police officer operating a police vehicle from compliance with motor vehicle laws relating to traffic signals and stop signs, under most duty related situations, it should not be relied upon to shield a police officer from incurring criminal or civil liability due to the negligent operation or misuse of the police vehicle.**

V. Role and responsibility of primary pursuit unit

- A. In addition to all other pertinent directives of this manual, troopers in pursuit shall;**
 - 1. Overtake the violator's vehicle to safely effect a traffic stop: There will be times when a suspect or traffic violator is operating his vehicle too fast or too erratically to employ a gradual and surreptitious approach, but whenever possible;**
 - a. Pass vehicles carefully: exercise caution when overtaking any vehicle, especially when passing to the right since the motorist may change lanes abruptly or stop without warning.**
 - b. Obtain and call in the vehicle registration number: Before signaling the violator to stop, position your vehicle behind the violator so that you can both read the registration number and describe the vehicle and call it in.**
 - c. Try not to signal your intentions prematurely: Do not telegraph an intent to stop too early by activating lights and siren prematurely with a significant distance between you and the violator as this may encourage the violator to attempt an escape before you can identify him.**
 - d. Use emergency lights and siren as required: When a violator has too much of a lead or is moving too fast, you may only have the option of pursuing immediately using your lights and siren or of not attempting to make the traffic stop at all and not pursue.**
 - e. Notify the troop of the pursuit as early as possible: If the violator appears to be attempting to evade apprehension after being signaled to stop, immediately alert the troop which has operational control over the area that pursuit has begun.**
 - 2. Provide information to troop dispatch at the start of the pursuit: Once the pursuit has been initiated, the primary unit must notify communications and a supervising member, providing as much of the following information as is known;**
 - a. Reason for the pursuit**
 - b. Direction of travel, designation and location of roadway**

- c. Identification of the violator's vehicle: year, make, model, color, vehicle registration number and other identifying characteristics.
- d. Number of occupants
- e. The speed of the pursued vehicle

B. Vehicular pursuit restrictions

- 1. No pursuit will be conducted in a direction opposite to the flow of traffic on a divided highway or in a police vehicle in which an individual who is not a law enforcement officer is either the driver or passenger.
- 2. No more than two police vehicles (primary unit and secondary unit) shall become actively involved in a pursuit unless otherwise specifically directed by a supervisor.
- 3. An unmarked police vehicle will not participate in a vehicular pursuit unless it is equipped with an emergency light and an audible device. The unmarked car shall relinquish primary unit status immediately upon the participation of a marked vehicle. This does not preclude the use of unmarked vehicles to effect a stop.
- 4. Upon approaching an intersection controlled by traffic signals or signs, or any other location at which there is a substantially increased likelihood of collision, the operator of any pursuit vehicle shall, prior to entering the intersection, reduce the vehicle's speed and control the vehicle so as to avoid collision with another vehicle or a pedestrian. The member shall observe that the way is clear before cautiously proceeding through the intersection.
- 5. Members involved in a pursuit will not engage in vehicle paralleling unless instructed to do so by a supervisor.
- 6. There shall be no street paralleling along the route unless the pursuit passes through a patrol" assigned area. A patrol that is parallel-street-pursuing shall not join or interfere with a pursuit, and shall stop all pursuit-related activity at the boundary of its assigned area unless instructed by a supervisor to continue.
- 7. Boxing-in or heading-off a violator's moving vehicle is permitted only under extraordinary circumstances. These tactics substantially increase the risk inherent in the pursuit and shall only be employed at low speeds with the approval of a supervisor, or in response to an imminent threat to the safety of the public or a police officer.
- 8. Roadblocks must only be employed as a last resort in circumstances where deadly force would otherwise be justified in accordance with the following departmental guidelines:
 - a. The use of a roadblock must be authorized by a supervisor.
 - b. At no time will a roadblock be established until all pursuing police vehicles are made aware of the roadblock and its location and have acknowledged this awareness.
 - c. Once a roadblock has been established and a vehicle or barricade has been positioned in the roadway, the following conditions must exist:
 - (1). Adequate distance to see the roadblock
 - (2). An avenue of escape
 - (3). No one in the blocking vehicle(s)

NOTE: Care should be taken for the safety of other vehicles and occupants stopped at the roadblock.

9. Members involved in a pursuit shall not fire any weapon from or at a moving vehicle, nor engage in any vehicle contact action except as a last resort to prevent imminent death or serious injury to the member or another person where deadly force would otherwise be justified.
 10. Members who become actively involved in a pursuit may not also assume the role of the supervisor, but shall defer this responsibility to a member as defined in Role of Supervisor, Sec. VI.
- C. Be aware of operational control considerations: Although the pursuing trooper has original operational control of the pursuit, this only pertains to the immediate field of operations which is at all times subordinate to the commands of the commander, duty supervisor, or the desk officer.
- D. Maintain safe distances between vehicles.
- E. Always consider voluntarily terminating pursuit: The decision to begin to pursue or to continue to pursue is always reversible and the involved trooper and supervisor must constantly question if the need for an immediate apprehension justifies beginning or continuing a pursuit.
1. Notify the troop that you stopped pursuit immediately: Notify the troop of your termination of a pursuit as soon as possible so that all other mobile units may be alerted by the desk officer to resume normal operation of departmental vehicles thereby reducing risk to all persons.
 2. Alert motorists around you by taking conscious action: Each pursuit unit shall pull to the right side of the road and stop if it is safe to do so or resume normal driving activities, deactivating the siren and at least all forward emergency lights.
 - a. Such action alerts nearby motorists that you are no longer engaged in pursuit.
 - b. If the violator observes your actions, he is likely to know that you are no longer pursuing and may discontinue risky behavior thereby posing less of a threat to public safety. (See *Mason v. Bitton*, 85 Wash. 2d 321, 534 P.2d 1360 (1975) lack of due care).
- F. Mandatory termination of pursuit: Pursuit shall end whenever any one of the following conditions or events exists or occurs as listed below:
1. Instructed to do so by the commander, field supervisor or desk officer;
 2. Risks outweigh the need for an immediate apprehension;
 3. The violator's identity is adequately established;
 4. Certain unanticipated conditions, events or circumstances occur;
 5. During pursuit of a reckless traffic evader under certain conditions

VI. Backup unit role and responsibilities

- A. Notify the troop of your arrival: Advise the troop of your identification number upon joining the pursuit.
- B. Pursuits shall normally be limited to two departmental vehicles; the primary pursuit unit and the secondary pursuit unit. However, the number of vehicles engaged in the pursuit may be adjusted to fit the situation (i.e. armed fugitives, etc.) with supervisory approval. The supervisor shall consider the potential effect of involved allied agency units in determining the number of departmental vehicles participating.
 - 1. Additional units may be authorized by a supervisor or commander: Additional backup units will be determined by:
 - a. Nature and severity of the offense;
 - b. Presence of multiple suspects or vehicles;
 - c. When facts warrant the risk created by involvement of additional pursuit vehicles.
- C. A marked patrol vehicle, other than a motorcycle, should take over a pursuit from an unmarked vehicle or a Specially Marked Patrol Vehicle (SMPV). When practical, a marked patrol vehicle with overhead emergency lights shall take over a pursuit from a patrol vehicle equipped with only a red spotlight or red spotlight/center mounted red light combination. A marked patrol vehicle or a SMPV should take over a pursuit from a motorcycle unless the circumstances are such that a motorcycle is the safest means of continuing a pursuit (i.e. heavy traffic).
- D. Maximum use of any available law enforcement aircraft should be made as quickly as possible. When the aircraft is employed it will be in addition to any authorized ground units.
- E. Be prepared to assume primary pursuit unit duties: If the primary unit is disabled or is involved in an accident during the course of the pursuit.
 - a. The troop will advise the troop supervisor that a new backup unit is required and the next unit to join in pursuit will call in as a backup unit.
- F. Departmental aircraft
 - 1. Whenever departmental aircraft establishes visual contact with a pursued vehicle, all ground units shall be so notified by the desk officer.
 - 2. The aircraft pilot shall direct the movement of pursuit units and other assistance pursuant to the authority of the commander or supervisor.
 - 3. If departmental aircraft are not available, other law enforcement aircraft may be requested. Only one aircraft should be utilized at any one time.
 - 4. No other aircraft shall join the pursuit unless directly requested by the pilot of the primary aircraft. If additional aircraft are requested or the primary role is relinquished to another aircraft, confirmation of the acceptance of that mission shall be obtained and acknowledged by the pilot of the primary aircraft. Once the role of primary aircraft is assumed by another, that aircraft shall remain in that capacity until that pilot discontinues, relinquishes the role, or the pursuit is terminated. If the pilot of any involved aircraft chooses for any reason to discontinue involvement in the pursuit the primary ground unit and all other aircraft shall be notified and acknowledgment of such action received.
- 5. Duties of aircraft flight crew

- a. Keep vehicle/suspect(s) under surveillance until termination of pursuit.
- b. Advise pursuit units of traffic, road conditions, hazards and other items which may affect officer/public safety.
- c. As soon as possible, advise the primary unit and supervisor of the number of law enforcement units involved in the pursuit.
- d. Assist the communications center with coordinating the pursuit with other areas, communications centers, and allied agencies.
- e. Use a searchlight(s) to illuminate the suspect vehicle unless directed otherwise by ground units.
- f. Transport personnel, spike strip or other required items when practical.

G. Inter-jurisdictional pursuits

- 1. Notice of pursuit by another agency or troop is not an open invitation to join in that pursuit.
- 2. The desk officer or duty supervisor will determine if assistance is requested and troopers shall not join the outside pursuit unless;
 - a. Directed by a supervisor or desk officer; or
 - b. The involved pursuit unit is unable to request assistance; or
 - c. The situation demands immediate assistance.
- 3. During interagency pursuits the pursuit policy of this department is controlling upon all departmental officers.
- 4. Communication personnel shall;
 - a. Prior to alerting field units, obtain similar information provided for a local pursuit.
 - b. The desk officer shall not direct units to assist the pursuit without authorization unless no supervisor or commander is on duty.
- 5. When alerted to assist an outside pursuit, the first unit to arrive will join as a backup unit.
- 6. Additional units must be authorized by a supervisor or commander.
- 7. The duty supervisor or troop commander may order notice directed to another agency or troop that the pursuit is nearing their area. The desk officer should indicate whether the notice is a request for assistance or a courtesy notification.

VII. Role and responsibility of supervisor

- A. Upon being notified or becoming aware of the pursuit, the supervisor shall decide as quickly as possible whether or not the pursuit should continue.
 - 1. If the pursuit appears to be justified, the supervisor shall assert control over it and may order other units into or out of the pursuit.

2. If the pursuit appears not to be justified or the risks known outweigh the need for an immediate apprehension, the supervisor shall order termination of the pursuit
- B. When assuming control over the pursuit, the duty supervisor should;
 1. Verify that no more than the required units are involved
 2. Designate the number and identity of appropriate backup units
 3. Assure that the proper radio frequency is being used
 4. Alert adjacent troops or local police departments to the progress of the pursuit
 5. Terminate the pursuit when appropriate or prudent
 - C. The supervisor shall permit a pursuit to continue only if one or both of the following conditions exist:
 1. There is a reasonable belief that the violator has committed an offense of the first or second degree, or an offense enumerated in Annex A of this order.
 2. There is a reasonable belief that the violator(s) poses an immediate threat to the safety of the public or other police officers.
 - D. The supervisor shall order a pursuit terminated at any time if they conclude that the danger to the pursuing member(s), other police officer(s) or the public outweighs the necessity for immediate apprehension of the violator.
 - E. The supervisor shall order the pursuit terminated if the suspect's identity is established to the point where later apprehension may be accomplished and where there is no immediate threat to public safety.
 - F. In recognition of the overall population density and volume of vehicular traffic, and the increased risk attendant to prolonged vehicular pursuits, a supervisor shall order the termination of any pursuit of protracted duration unless the supervisor determines that further pursuit is justified to respond to an immediate threat to public safety.
 - G. The supervisor shall ensure, for the duration of the pursuit, that this policy is followed by all members.
 - H. Respond to the scene if required: If the pursuit ends in a traffic accident or results in death or injuries, the supervisor of the troop area where the pursuit ends shall respond to the scene and submit a report to the district commander detailing the circumstances of the incident as soon as practical, through the chain of command.
 - I. Conduct after pursuit activities and determine the status of involved parties: At the end of each pursuit, account for the status of each trooper involved or potentially involved in the pursuit through the desk officer. Assign responsibilities for follow-up duties such as accident investigation, status reports for injured persons, the writing of various reports, etc.

VIII. Troop commander role and responsibilities

- A. Assume control over the pursuit: A troop commander may exert overall command and control through the supervisor or desk officer or may take personal operational control of the pursuit if they are physically present at the troop when a pursuit is ongoing.
- B. Require a pursuit analysis and critique: Commanders shall ensure that an overall analysis and a critique of each pursuit is performed by the supervisor and that the results of any incident suitable for training purposes are distributed to troopers throughout the command as soon as possible.

IX. Troop communication personnel role and responsibilities

- A. Informing an on-duty field supervisor immediately when a pursuit is initiated.
- B. Selection of appropriate radio channel
 - 1. Avoid unnecessary use of codes and signals: Troop communication personnel shall direct pursuit operations in plain language, avoiding the routine use of radio codes and signals, to eliminate confusion for unassigned personnel who may be able to monitor the radio and appropriately assist or avoid the pursuit.
- C. The troop desk officer shall;
 - 1. Advise all units whenever a pursuit begins;
 - 2. Maintain and control radio communications;
 - 3. Coordinate assistance at the direction of the duty supervisor or troop commander;
 - 4. Monitor the pursuit until it concludes or crosses into another troop area.
- D. Notify allied agencies if a potential involvement can be expected and specifying whether assistance is requested or if the notification is for information only.
 - 1. Relay pertinent information from allied agencies.
 - 2. Provide necessary information to backup units.
 - 3. Determine the availability of law enforcement aircraft and notify the supervisor and/or primary unit of the availability.

X. Reporting

- A. Pursuit Incident Report Form: All members who operate police vehicles in a vehicular pursuit shall complete a Pursuit Incident Report. Members who are passengers must complete a Special Report on their involvement with the pursuit. Pursuits that do not result in an apprehension, arrest, accident or other incident do not require any additional reports.
 - 1. If a pursuit involved the personnel of only one Area, the Area commander shall assign responsibility for the preparation of the required documentation.
 - 2. If personnel of more than one Area within a Division are involved in a pursuit, the involved Area commanders should mutually agree on the responsibility for preparing required documentation. Division chiefs shall assign the responsibility in cases which appear questionable to the involved Areas.
- B. Role of the Supervisor Report

1. The supervisor will briefly explain the basis for allowing the pursuit to continue as outlined in Section VII. This shall be completed by the supervisor utilizing a Special Report.

C. Station Commander's Pursuit Review Report

1. This report is completed by the station commander, utilizing a Special Report, after determining whether or not a policy infraction or violation of this order occurred.
2. The station commander shall send a copy of the Pursuit Incident Report, Role of the Supervisor Report and Station Commander's Pursuit Review Report to their respective troop headquarters.

D. Troop Commander's Endorsement Report

1. The troop commander shall list on a Special Report sufficient information to identify the pursuit. The format shall be similar to that used in the Station Commander's Pursuit Review Report and contain the following information;
 - a. Trooper's name and badge number
 - b. Date and time
 - c. Location of pursuit
 - d. Pursuit incident number
2. The troop commander shall indicate whether or not a policy infraction or violation of this order exists.
3. In order to appraise the member of the recommendations made as a result of the pursuit investigation, and to afford the trooper the opportunity to submit a written request for an appearance before the "Motor Vehicle Accident and Vehicle Pursuit Review Board", the troop commander will provide the member with a copy of the Role of the Supervisor Report, Station Commander's Pursuit Review Report and Troop Commander's Endorsement Report.
4. The troop traffic officer shall forward the Pursuit Incident Report, Role of the Supervisor Report, Station Commander's Pursuit Report and Troop Commander's Endorsement Report, via channels to the Traffic Bureau Chief, Field Operations Section, and Division Headquarters.
5. A separate sequential file and log number to identify the report
 - a. Personnel will utilize a log number to identify the report
 - b. The log shall list the following information;
 - (1). Pursuit incident number
 - (2). Trooper's name(s) and badge number(s)
 - (3). Date and time of pursuit
 - (4). Location of pursuit
 - (5). Investigation/Operations Report

E. Pursuit Summary Report

1. Station commanders will be responsible to consolidate their pursuit report information for the calendar year onto the Pursuit Summary Report and forward it to their respective

troop headquarters. This report will be submitted no later than 14 days after the close of the year.

2. Troop headquarters will consolidate the station information from the Pursuit Summary reports onto another Pursuit Summary report and forward it, via channels, to the Traffic Bureau Chief, Field Operations Section, and Division Headquarters. This report will be submitted no later than 28 days after the close of the year.
3. The Traffic Bureau Chief will consolidate the information received from each troop and forward the results to the Attorney General no later than 42 days after the close of the year.

XI. Training

A. Planning, Coordinating, and Training

1. Coordination with allied agencies shall be undertaken in each Area. Written guidelines or a statement of understanding concerning any coordinated plans are highly desirable. Those agencies not desiring to enter into mutual pursuit agreements shall be made aware of the departmental pursuit policy.
2. In major metropolitan areas Divisions may elect to coordinate planning with allied agencies.
3. Each Area should establish a pursuit training guide covering local terrain employees at the rank of sergeant and below on a quarterly basis.

B. Quarterly review: The contents of this order shall be reviewed with all uniformed employees at the rank of sergeant and below on a quarterly basis.

C. All officers shall attend in-service vehicular pursuit training twice annually. This in-service training shall be held simultaneously with use of force training which is provided in the firearms requalification process.

1. Vehicular pursuit training shall consist of knowledge of applicable statutes, familiarization with statewide police pursuit policy and departmental procedures, and decision making skills.
2. An annual report shall be filed with the county prosecutor or, in the case of certain state law enforcement agencies, with the Director of the Division of Criminal Justice. The report will confirm in-service training of all officers in conjunction with semi-annual firearm requalification and the use of force training.

APPENDIX C

Letter to Chief

Wendy L. Hicks
730 West Owen Hall
East Lansing, MI 48825

Minnesota State Patrol
Headquarters
444 Cedar St. STE100-A
St. Paul, MN 55101-2156

Dear Chief:

Please allow me to introduce myself: My name is Wendy L. Hicks and I am a Ph.D. student in the School of Criminal Justice at Michigan State University. Presently, I am beginning the data collection portion of my dissertation. My graduate advisors are Dr. Vincent Hoffman and Dr. Dennis M. Payne, former Lt. Colonel of the Michigan State Police. I am sending you this letter to request a copy of your agency's pursuit policy.

The present study is a detailed analysis of pursuit policies of each State Police and State Highway Patrol agency in the United States. Each policy will be analyzed according to established academic criteria as well as standards developed by the researcher for comprehensiveness and inclusiveness.

Your participation and cooperation in the present research endeavor will provide valuable data to aid in present as well as future examinations into the realm of police pursuits. Police officers and their departments can aid researchers by supplying the necessary data to assist in demonstrating that police pursuits are an indispensable and valuable tool in efficient and effective crime fighting. Law enforcement agencies can utilize the results from the present study for public policy development, to improve police-community relations, to develop more effective training methods for its recruits, and to help minimize departmental liability. If you wish, an executive summary of the results will be sent to you at the completion of the study. Your assistance is greatly appreciated. If you have any questions I can be reached at 517-353-3811 or hickswel@pilot.msu.edu. Thank you.

Sincerely,

Wendy L. Hicks

APPENDIX D

Inclusion of Administrative and Operational elements on a state-by-state basis. Due to agreements with the agencies participating in this study individual states are numerically coded to assure confidentiality.

Administrative and Operational elements contained within the vehicular pursuit policy of State One.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	NO	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	NO	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	YES	6. Jurisdictional Considerations	YES
7. Statutory Duties	YES	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	NO
10. Seriousness of offense	YES	10. Shooting from a Vehicle	NO
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	NO
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	NO
13. Role of Supervisor	YES	13. Heading-Off/Passing	NO
14. Training	YES	14. Paralleling	NO
15. Supervisor at Termination Point	NO	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	NO
17. Debriefing	NO	17. Passengers	NO
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	NO

Administrative and Operational elements contained within the vehicular pursuit policy of State Two.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	NO	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	NO
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	NO
4. Noncompliance	NO	4. Provisions for Lights & Sirens	NO
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	NO	6. Jurisdictional Considerations	YES
7. Statutory Duties	NO	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	NO
10. Seriousness of offense	NO	10. Shooting from a Vehicle	YES
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	NO
13. Role of Supervisor	YES	13. Heading-off/Passing	NO
14. Training	NO	14. Paralleling	YES
15. Supervisor at Termination Point	YES	15. Roadblocks	NO
16. Report Writing	YES	16. Speed	NO
17. Debriefing	NO	17. Passengers	NO
		18. Tire Deflation Devices	NO
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	YES

Administrative and Operational elements contained within the vehicular pursuit policy of State Three.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	YES	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	NO	6. Jurisdictional Considerations	NO
7. Statutory Duties	YES	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	YES
10. Seriousness of offense	NO	10. Shooting from a Vehicle	YES
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	NO
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	NO
13. Role of Supervisor	YES	13. Heading-off/Passing	YES
14. Training	NO	14. Paralleling	YES
15. Supervisor at Termination Point	NO	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	YES
17. Debriefing	YES	17. Passengers	NO
		18. Tire Deflation Devices	NO
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	YES

Administrative and Operational elements contained within the vehicular pursuit policy of
State Four.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	NO
2. Safety Caveat	YES	2. Notify Dispatch	NO
3. Discontinuance of Pursuit	NO	3. Specifics of Pursuit Conditions	NO
4. Noncompliance	NO	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	NO
6. Authority to Pursue	YES	6. Jurisdictional Considerations	YES
7. Statutory Duties	NO	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	NO
10. Seriousness of offense	NO	10. Shooting from a Vehicle	NO
11. Role of Dispatch	NO	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	NO	12. Boxing-in	NO
13. Role of Supervisor	NO	13. Heading-off/Passing	NO
14. Training	NO	14. Paralleling	NO
15. Supervisor at Termination Point	NO	15. Roadblocks	NO
16. Report Writing	NO	16. Speed	NO
17. Debriefing	NO	17. Passengers	NO
		18. Tire Deflation Devices	NO
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	NO

Administrative and Operational elements contained within the vehicular pursuit policy of State Five.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	NO	1. Initiate Pursuit	NO
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	NO
4. Noncompliance	NO	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	NO	6. Jurisdictional Considerations	YES
7. Statutory Duties	NO	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	YES
10. Seriousness of offense	NO	10. Shooting from a Vehicle	NO
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	NO	12. Boxing-in	YES
13. Role of Supervisor	YES	13. Heading-off/Passing	NO
14. Training	YES	14. Paralleling	NO
15. Supervisor at Termination Point	NO	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	YES
17. Debriefing	YES	17. Passengers	YES
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	YES

Administrative and Operational elements contained within the vehicular pursuit policy of State Six.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	NO	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	YES	6. Jurisdictional Considerations	YES
7. Statutory Duties	NO	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	NO
10. Seriousness of offense	YES	10. Shooting from a Vehicle	YES
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	NO
13. Role of Supervisor	YES	13. Heading-off/Passing	NO
14. Training	YES	14. Paralleling	NO
15. Supervisor at Termination Point	YES	15. Roadblocks	NO
16. Report Writing	YES	16. Speed	NO
17. Debriefing	YES	17. Passengers	YES
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	YES

Administrative and Operational elements contained within the vehicular pursuit policy of State Seven.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	YES	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	NO	6. Jurisdictional Considerations	YES
7. Statutory Duties	NO	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	YES
10. Seriousness of offense	YES	10. Shooting from a Vehicle	NO
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	NO
13. Role of Supervisor	YES	13. Heading-off/Passing	NO
14. Training	NO	14. Paralleling	YES
15. Supervisor at Termination Point	NO	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	NO
17. Debriefing	NO	17. Passengers	NO
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	NO

Administrative and Operational elements contained within the vehicular pursuit policy of State Eight.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	NO	4. Provisions for Lights & Sirens	NO
5. Definitions	YES	5. Tactical Considerations	NO
6. Authority to Pursue	NO	6. Jurisdictional Considerations	YES
7. Statutory Duties	YES	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	YES
10. Seriousness of offense	YES	10. Shooting from a Vehicle	YES
11. Role of Dispatch	NO	11. Unmarked Car/Motorcycle	NO
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	NO
13. Role of Supervisor	YES	13. Heading-off/Passing	YES
14. Training	NO	14. Paralleling	NO
15. Supervisor at Termination Point	NO	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	YES
17. Debriefing	NO	17. Passengers	NO
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	NO

Administrative and Operational elements contained within the vehicular pursuit policy of State Nine.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	NO
4. Noncompliance	YES	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	NO
6. Authority to Pursue	YES	6. Jurisdictional Considerations	YES
7. Statutory Duties	YES	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	YES
10. Seriousness of offense	YES	10. Shooting from a Vehicle	NO
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	NO
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	NO
13. Role of Supervisor	YES	13. Heading-off/Passing	NO
14. Training	NO	14. Paralleling	NO
15. Supervisor at Termination Point	YES	15. Roadblocks	YES
16. Report Writing	NO	16. Speed	NO
17. Debriefing	NO	17. Passengers	YES
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	YES

Administrative and Operational elements contained within the vehicular pursuit policy of State Ten.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	NO	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	NO	6. Jurisdictional Considerations	YES
7. Statutory Duties	NO	7. Pursuit Driving	NO
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	NO
10. Seriousness of offense	YES	10. Shooting from a Vehicle	YES
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	NO	12. Boxing-in	NO
13. Role of Supervisor	YES	13. Heading-off/Passing	NO
14. Training	NO	14. Paralleling	NO
15. Supervisor at Termination Point	NO	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	NO
17. Debriefing	YES	17. Passengers	YES
		18. Tire Deflation Devices	NO
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	YES

Administrative and Operational elements contained within the vehicular pursuit policy of State Eleven.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	YES	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	NO	6. Jurisdictional Considerations	YES
7. Statutory Duties	YES	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	YES
10. Seriousness of offense	YES	10. Shooting from a Vehicle	YES
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	YES
13. Role of Supervisor	YES	13. Heading-off/Passing	YES
14. Training	YES	14. Paralleling	YES
15. Supervisor at Termination Point	YES	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	YES
17. Debriefing	YES	17. Passengers	YES
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	NO

Administrative and Operational elements contained within the vehicular pursuit policy of State Twelve.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	NO	1. Initiate Pursuit	NO
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	NO	3. Specifics of Pursuit Conditions	NO
4. Noncompliance	NO	4. Provisions for Lights & Sirens	YES
5. Definitions	NO	5. Tactical Considerations	NO
6. Authority to Pursue	NO	6. Jurisdictional Considerations	NO
7. Statutory Duties	NO	7. Pursuit Driving	NO
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	YES
10. Seriousness of offense	NO	10. Shooting from a Vehicle	NO
11. Role of Dispatch	NO	11. Unmarked Car/Motorcycle	NO
12. Requirement of Supervisor to Monitor	NO	12. Boxing-in	NO
13. Role of Supervisor	NO	13. Heading-off/Passing	NO
14. Training	NO	14. Paralleling	NO
15. Supervisor at Termination Point	NO	15. Roadblocks	NO
16. Report Writing	NO	16. Speed	NO
17. Debriefing	NO	17. Passengers	NO
		18. Tire Deflation Devices	NO
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	NO

Administrative and Operational elements contained within the vehicular pursuit policy of State Thirteen.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	NO
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	NO	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	NO	6. Jurisdictional Considerations	YES
7. Statutory Duties	YES	7. Pursuit Driving	NO
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	NO
10. Seriousness of offense	YES	10. Shooting from a Vehicle	NO
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	NO	12. Boxing-in	NO
13. Role of Supervisor	YES	13. Heading-off/Passing	NO
14. Training	NO	14. Paralleling	NO
15. Supervisor at Termination Point	NO	15. Roadblocks	NO
16. Report Writing	NO	16. Speed	NO
17. Debriefing	NO	17. Passengers	NO
		18. Tire Deflation Devices	NO
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	NO

Administrative and Operational elements contained within the vehicular pursuit policy of
State Fourteen.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	NO
4. Noncompliance	NO	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	YES	6. Jurisdictional Considerations	YES
7. Statutory Duties	YES	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	YES
10. Seriousness of offense	YES	10. Shooting from a Vehicle	YES
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	YES
13. Role of Supervisor	YES	13. Heading-off/Passing	YES
14. Training	NO	14. Paralleling	YES
15. Supervisor at Termination Point	YES	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	YES
17. Debriefing	YES	17. Passengers	NO
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	YES

Administrative and Operational elements contained within the vehicular pursuit policy of State Fifteen.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	NO	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	NO	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	YES	6. Jurisdictional Considerations	YES
7. Statutory Duties	NO	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	NO
10. Seriousness of offense	YES	10. Shooting from a Vehicle	YES
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	NO	12. Boxing-in	YES
13. Role of Supervisor	NO	13. Heading-off/Passing	NO
14. Training	YES	14. Paralleling	NO
15. Supervisor at Termination Point	NO	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	YES
17. Debriefing	NO	17. Passengers	YES
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	NO

Administrative and Operational elements contained within the vehicular pursuit policy of State Sixteen.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	NO	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	NO	6. Jurisdictional Considerations	YES
7. Statutory Duties	YES	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	NO
10. Seriousness of offense	YES	10. Shooting from a Vehicle	YES
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	NO
13. Role of Supervisor	YES	13. Heading-off/Passing	NO
14. Training	NO	14. Paralleling	NO
15. Supervisor at Termination Point	NO	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	YES
17. Debriefing	NO	17. Passengers	YES
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	NO

Administrative and Operational elements contained within the vehicular pursuit policy of State Seventeen.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	NO	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	YES	6. Jurisdictional Considerations	YES
7. Statutory Duties	YES	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	YES
10. Seriousness of offense	YES	10. Shooting from a Vehicle	YES
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	NO
13. Role of Supervisor	YES	13. Heading-off/Passing	NO
14. Training	NO	14. Paralleling	NO
15. Supervisor at Termination Point	NO	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	NO
17. Debriefing	YES	17. Passengers	YES
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	YES

Administrative and Operational elements contained within the vehicular pursuit policy of State Eighteen.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	NO	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	YES	6. Jurisdictional Considerations	YES
7. Statutory Duties	NO	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	NO	9. Intentional Collisions	NO
10. Seriousness of offense	YES	10. Shooting from a Vehicle	YES
11. Role of Dispatch	NO	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	NO
13. Role of Supervisor	YES	13. Heading-off/Passing	NO
14. Training	YES	14. Paralleling	NO
15. Supervisor at Termination Point	YES	15. Roadblocks	YES
16. Report Writing	NO	16. Speed	NO
17. Debriefing	NO	17. Passengers	YES
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	NO

Administrative and Operational elements contained within the vehicular pursuit policy of State Nineteen.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	YES	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	YES	6. Jurisdictional Considerations	YES
7. Statutory Duties	YES	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	NO
10. Seriousness of offense	YES	10. Shooting from a Vehicle	NO
11. Role of Dispatch	NO	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	NO
13. Role of Supervisor	NO	13. Heading-off/Passing	NO
14. Training	NO	14. Paralleling	NO
15. Supervisor at Termination Point	NO	15. Roadblocks	NO
16. Report Writing	YES	16. Speed	NO
17. Debriefing	NO	17. Passengers	YES
		18. Tire Deflation Devices	NO
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	YES

Administrative and Operational elements contained within the vehicular pursuit policy of State Twenty.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	YES	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	NO	6. Jurisdictional Considerations	YES
7. Statutory Duties	YES	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	YES
10. Seriousness of offense	YES	10. Shooting from a Vehicle	YES
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	NO	12. Boxing-in	NO
13. Role of Supervisor	YES	13. Heading-off/Passing	NO
14. Training	YES	14. Paralleling	NO
15. Supervisor at Termination Point	NO	15. Roadblocks	NO
16. Report Writing	YES	16. Speed	NO
17. Debriefing	NO	17. Passengers	YES
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	NO

Administrative and Operational elements contained within the vehicular pursuit policy of State Twenty-One.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	NO	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	YES	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	YES	6. Jurisdictional Considerations	YES
7. Statutory Duties	YES	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	YES
10. Seriousness of offense	YES	10. Shooting from a Vehicle	YES
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	NO
13. Role of Supervisor	YES	13. Heading-off/Passing	NO
14. Training	NO	14. Paralleling	YES
15. Supervisor at Termination Point	NO	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	YES
17. Debriefing	NO	17. Passengers	NO
		18. Tire Deflation Devices	NO
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	NO

Administrative and Operational elements contained within the vehicular pursuit policy of State Twenty-Two.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	NO
2. Safety Caveat	YES	2. Notify Dispatch	NO
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	NO
4. Noncompliance	NO	4. Provisions for Lights & Sirens	YES
5. Definitions	NO	5. Tactical Considerations	NO
6. Authority to Pursue	NO	6. Jurisdictional Considerations	NO
7. Statutory Duties	YES	7. Pursuit Driving	NO
8. Case Law References	NO	8. Carvaning	NO
9. Pursuit Restrictions	YES	9. Intentional Collisions	NO
10. Seriousness of offense	NO	10. Shooting from a Vehicle	NO
11. Role of Dispatch	NO	11. Unmarked Car/Motorcycle	NO
12. Requirement of Supervisor to Monitor	NO	12. Boxing-in	NO
13. Role of Supervisor	NO	13. Heading-off/Passing	NO
14. Training	NO	14. Paralleling	NO
15. Supervisor at Termination Point	NO	15. Roadblocks	NO
16. Report Writing	NO	16. Speed	NO
17. Debriefing	NO	17. Passengers	NO
		18. Tire Deflation Devices	NO
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	NO

Administrative and Operational elements contained within the vehicular pursuit policy of State Twenty-Three.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	NO	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	YES	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	YES	6. Jurisdictional Considerations	YES
7. Statutory Duties	YES	7. Pursuit Driving	YES
8. Case Law References	YES	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	NO
10. Seriousness of offense	YES	10. Shooting from a Vehicle	YES
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	NO
13. Role of Supervisor	YES	13. Heading-off/Passing	NO
14. Training	NO	14. Paralleling	NO
15. Supervisor at Termination Point	YES	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	YES
17. Debriefing	YES	17. Passengers	YES
		18. Tire Deflation Devices	NO
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	YES

Administrative and Operational elements contained within the vehicular pursuit policy of
State Twenty-Four.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	YES	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	YES	6. Jurisdictional Considerations	YES
7. Statutory Duties	YES	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	NO
10. Seriousness of offense	YES	10. Shooting from a Vehicle	NO
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	NO
13. Role of Supervisor	YES	13. Heading-off/Passing	NO
14. Training	NO	14. Paralleling	NO
15. Supervisor at Termination Point	NO	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	NO
17. Debriefing	NO	17. Passengers	NO
		18. Tire Deflation Devices	NO
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	YES

Administrative and Operational elements contained within the vehicular pursuit policy of
State Twenty-Five.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	NO	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	YES	6. Jurisdictional Considerations	YES
7. Statutory Duties	YES	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	NO
9. Pursuit Restrictions	YES	9. Intentional Collisions	NO
10. Seriousness of offense	YES	10. Shooting from a Vehicle	YES
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	NO
13. Role of Supervisor	YES	13. Heading-off/Passing	NO
14. Training	YES	14. Paralleling	NO
15. Supervisor at Termination Point	NO	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	NO
17. Debriefing	YES	17. Passengers	YES
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	YES

Administrative and Operational elements contained within the vehicular pursuit policy of
State Twenty-Six.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	NO	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	NO	6. Jurisdictional Considerations	NO
7. Statutory Duties	YES	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	YES
10. Seriousness of offense	YES	10. Shooting from a Vehicle	NO
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	YES
13. Role of Supervisor	YES	13. Heading-off/Passing	NO
14. Training	NO	14. Paralleling	NO
15. Supervisor at Termination Point	NO	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	NO
17. Debriefing	NO	17. Passengers	YES
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	NO

Administrative and Operational elements contained within the vehicular pursuit policy of State Twenty-Seven.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	NO	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	NO	4. Provisions for Lights & Sirens	YES
5. Definitions	NO	5. Tactical Considerations	YES
6. Authority to Pursue	YES	6. Jurisdictional Considerations	YES
7. Statutory Duties	NO	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	YES
10. Seriousness of offense	YES	10. Shooting from a Vehicle	NO
11. Role of Dispatch	NO	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	NO
13. Role of Supervisor	YES	13. Heading-off/Passing	YES
14. Training	NO	14. Paralleling	YES
15. Supervisor at Termination Point	NO	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	NO
17. Debriefing	NO	17. Passengers	NO
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	YES

Administrative and Operational elements contained within the vehicular pursuit policy of State Twenty-Eight.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	YES	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	YES	6. Jurisdictional Considerations	YES
7. Statutory Duties	YES	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	NO
10. Seriousness of offense	YES	10. Shooting from a Vehicle	YES
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	NO	12. Boxing-in	YES
13. Role of Supervisor	YES	13. Heading-off/Passing	NO
14. Training	YES	14. Paralleling	NO
15. Supervisor at Termination Point	NO	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	NO
17. Debriefing	YES	17. Passengers	YES
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	NO

Administrative and Operational elements contained within the vehicular pursuit policy of State Twenty-Nine.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	NO	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	NO
6. Authority to Pursue	YES	6. Jurisdictional Considerations	YES
7. Statutory Duties	YES	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	YES
10. Seriousness of offense	YES	10. Shooting from a Vehicle	YES
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	YES
13. Role of Supervisor	YES	13. Heading-off/Passing	YES
14. Training	NO	14. Paralleling	YES
15. Supervisor at Termination Point	NO	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	YES
17. Debriefing	YES	17. Passengers	NO
		18. Tire Deflation Devices	NO
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	NO

Administrative and Operational elements contained within the vehicular pursuit policy of State Thirty.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	NO	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	NO	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	NO	6. Jurisdictional Considerations	YES
7. Statutory Duties	YES	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	NO
10. Seriousness of offense	YES	10. Shooting from a Vehicle	YES
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	NO
13. Role of Supervisor	YES	13. Heading-off/Passing	NO
14. Training	NO	14. Paralleling	NO
15. Supervisor at Termination Point	NO	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	NO
17. Debriefing	YES	17. Passengers	YES
		18. Tire Deflation Devices	NO
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	NO

Administrative and Operational elements contained within the vehicular pursuit policy of
State Thirty-One.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	NO
3. Discontinuance of Pursuit	NO	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	NO	4. Provisions for Lights & Sirens	YES
5. Definitions	NO	5. Tactical Considerations	NO
6. Authority to Pursue	YES	6. Jurisdictional Considerations	YES
7. Statutory Duties	YES	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	NO
10. Seriousness of offense	YES	10. Shooting from a Vehicle	NO
11. Role of Dispatch	NO	11. Unmarked Car/Motorcycle	NO
12. Requirement of Supervisor to Monitor	NO	12. Boxing-in	NO
13. Role of Supervisor	NO	13. Heading-off/Passing	NO
14. Training	NO	14. Paralleling	YES
15. Supervisor at Termination Point	NO	15. Roadblocks	NO
16. Report Writing	NO	16. Speed	YES
17. Debriefing	NO	17. Passengers	NO
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	NO
		21. Aerial Assistance	NO

Administrative and Operational elements contained within the vehicular pursuit policy of State Thirty-Two.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	NO
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	NO
4. Noncompliance	NO	4. Provisions for Lights & Sirens	YES
5. Definitions	NO	5. Tactical Considerations	YES
6. Authority to Pursue	NO	6. Jurisdictional Considerations	NO
7. Statutory Duties	YES	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	YES
10. Seriousness of offense	NO	10. Shooting from a Vehicle	NO
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	YES
13. Role of Supervisor	YES	13. Heading-off/Passing	NO
14. Training	NO	14. Paralleling	NO
15. Supervisor at Termination Point	NO	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	NO
17. Debriefing	NO	17. Passengers	NO
		18. Tire Deflation Devices	NO
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	NO

Administrative and Operational elements contained within the vehicular pursuit policy of State Thirty-Three.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	YES	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	YES	6. Jurisdictional Considerations	YES
7. Statutory Duties	YES	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	NO
9. Pursuit Restrictions	YES	9. Intentional Collisions	YES
10. Seriousness of offense	YES	10. Shooting from a Vehicle	YES
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	NO
13. Role of Supervisor	YES	13. Heading-off/Passing	YES
14. Training	NO	14. Paralleling	YES
15. Supervisor at Termination Point	NO	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	YES
17. Debriefing	NO	17. Passengers	YES
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	NO

Administrative and Operational elements contained within the vehicular pursuit policy of State Thirty-Four.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	NO	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	YES	6. Jurisdictional Considerations	YES
7. Statutory Duties	YES	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	YES
10. Seriousness of offense	YES	10. Shooting from a Vehicle	YES
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	YES
13. Role of Supervisor	YES	13. Heading-off/Passing	NO
14. Training	YES	14. Paralleling	NO
15. Supervisor at Termination Point	NO	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	YES
17. Debriefing	YES	17. Passengers	YES
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	NO

Administrative and Operational elements contained within the vehicular pursuit policy of State Thirty-Five.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	YES	4. Provisions for Lights & Sirens	YES
5. Definitions	NO	5. Tactical Considerations	YES
6. Authority to Pursue	NO	6. Jurisdictional Considerations	YES
7. Statutory Duties	YES	7. Pursuit Driving	NO
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	YES
10. Seriousness of offense	YES	10. Shooting from a Vehicle	YES
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	NO
13. Role of Supervisor	YES	13. Heading-off/Passing	NO
14. Training	NO	14. Paralleling	NO
15. Supervisor at Termination Point	NO	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	NO
17. Debriefing	NO	17. Passengers	YES
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	NO

Administrative and Operational elements contained within the vehicular pursuit policy of State Thirty-Six.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	NO	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	NO	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	NO	6. Jurisdictional Considerations	NO
7. Statutory Duties	NO	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	YES
10. Seriousness of offense	YES	10. Shooting from a Vehicle	NO
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	NO
13. Role of Supervisor	YES	13. Heading-off/Passing	NO
14. Training	NO	14. Paralleling	NO
15. Supervisor at Termination Point	YES	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	YES
17. Debriefing	NO	17. Passengers	NO
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	NO

Administrative and Operational elements contained within the vehicular pursuit policy of State Thirty-Seven.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	NO	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	YES	6. Jurisdictional Considerations	YES
7. Statutory Duties	NO	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	YES
10. Seriousness of offense	YES	10. Shooting from a Vehicle	YES
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	NO
13. Role of Supervisor	YES	13. Heading-off/Passing	YES
14. Training	NO	14. Paralleling	NO
15. Supervisor at Termination Point	YES	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	NO
17. Debriefing	NO	17. Passengers	YES
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	YES

Administrative and Operational elements contained within the vehicular pursuit policy of State Thirty-Eight.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	YES	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	YES	6. Jurisdictional Considerations	NO
7. Statutory Duties	YES	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	YES
10. Seriousness of offense	YES	10. Shooting from a Vehicle	NO
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	NO	12. Boxing-in	NO
13. Role of Supervisor	NO	13. Heading-off/Passing	NO
14. Training	YES	14. Paralleling	NO
15. Supervisor at Termination Point	NO	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	YES
17. Debriefing	NO	17. Passengers	YES
		18. Tire Deflation Devices	NO
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	NO

Administrative and Operational elements contained within the vehicular pursuit policy of State Thirty-Nine.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	YES	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	YES	6. Jurisdictional Considerations	YES
7. Statutory Duties	YES	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	YES
10. Seriousness of offense	YES	10. Shooting from a Vehicle	YES
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	NO
13. Role of Supervisor	YES	13. Heading-off/Passing	YES
14. Training	YES	14. Paralleling	NO
15. Supervisor at Termination Point	NO	15. Roadblocks	NO
16. Report Writing	YES	16. Speed	YES
17. Debriefing	NO	17. Passengers	YES
		18. Tire Deflation Devices	NO
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	YES

Administrative and Operational elements contained within the vehicular pursuit policy of State Forty.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	NO	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	YES	6. Jurisdictional Considerations	YES
7. Statutory Duties	YES	7. Pursuit Driving	YES
8. Case Law References	YES	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	YES
10. Seriousness of offense	YES	10. Shooting from a Vehicle	YES
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	YES
13. Role of Supervisor	YES	13. Heading-off/Passing	YES
14. Training	NO	14. Paralleling	NO
15. Supervisor at Termination Point	NO	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	YES
17. Debriefing	YES	17. Passengers	YES
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	YES

Administrative and Operational elements contained within the vehicular pursuit policy of State Forty-One.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	NO	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	NO	6. Jurisdictional Considerations	YES
7. Statutory Duties	YES	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	YES
10. Seriousness of offense	YES	10. Shooting from a Vehicle	NO
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	NO
13. Role of Supervisor	NO	13. Heading-off/Passing	YES
14. Training	YES	14. Paralleling	NO
15. Supervisor at Termination Point	YES	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	NO
17. Debriefing	NO	17. Passengers	NO
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	YES

Administrative and Operational elements contained within the vehicular pursuit policy of State Forty-Two.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	NO	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	NO	6. Jurisdictional Considerations	YES
7. Statutory Duties	YES	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	YES
10. Seriousness of offense	YES	10. Shooting from a Vehicle	NO
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	NO
13. Role of Supervisor	YES	13. Heading-off/Passing	NO
14. Training	NO	14. Paralleling	NO
15. Supervisor at Termination Point	YES	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	NO
17. Debriefing	NO	17. Passengers	YES
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	YES

Administrative and Operational elements contained within the vehicular pursuit policy of
State Forty-Three.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	YES	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	NO	6. Jurisdictional Considerations	YES
7. Statutory Duties	YES	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	YES
10. Seriousness of offense	YES	10. Shooting from a Vehicle	YES
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	NO
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	YES
13. Role of Supervisor	YES	13. Heading-off/Passing	NO
14. Training	NO	14. Paralleling	YES
15. Supervisor at Termination Point	YES	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	YES
17. Debriefing	NO	17. Passengers	YES
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	NO

Administrative and Operational elements contained within the vehicular pursuit policy of State Forty-Four.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	NO	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	NO	4. Provisions for Lights & Sirens	YES
5. Definitions	NO	5. Tactical Considerations	YES
6. Authority to Pursue	YES	6. Jurisdictional Considerations	YES
7. Statutory Duties	NO	7. Pursuit Driving	NO
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	NO	9. Intentional Collisions	YES
10. Seriousness of offense	YES	10. Shooting from a Vehicle	YES
11. Role of Dispatch	NO	11. Unmarked Car/Motorcycle	NO
12. Requirement of Supervisor to Monitor	NO	12. Boxing-in	NO
13. Role of Supervisor	YES	13. Heading-off/Passing	NO
14. Training	NO	14. Paralleling	NO
15. Supervisor at Termination Point	YES	15. Roadblocks	NO
16. Report Writing	NO	16. Speed	NO
17. Debriefing	NO	17. Passengers	NO
		18. Tire Deflation Devices	NO
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	NO

Administrative and Operational elements contained within the vehicular pursuit policy of
State Forty-Five.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	NO	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	NO	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	NO	6. Jurisdictional Considerations	YES
7. Statutory Duties	NO	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	YES
10. Seriousness of offense	YES	10. Shooting from a Vehicle	YES
11. Role of Dispatch	NO	11. Unmarked Car/Motorcycle	NO
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	NO
13. Role of Supervisor	YES	13. Heading-off/Passing	YES
14. Training	NO	14. Paralleling	YES
15. Supervisor at Termination Point	YES	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	YES
17. Debriefing	NO	17. Passengers	NO
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	YES
		20. Termination of Pursuit	YES
		21. Aerial Assistance	YES

Administrative and Operational elements contained within the vehicular pursuit policy of State Forty-Six.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	YES	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	NO	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	NO	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	YES	6. Jurisdictional Considerations	NO
7. Statutory Duties	YES	7. Pursuit Driving	NO
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	YES
10. Seriousness of offense	YES	10. Shooting from a Vehicle	YES
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	NO
13. Role of Supervisor	YES	13. Heading-off/Passing	NO
14. Training	NO	14. Paralleling	NO
15. Supervisor at Termination Point	NO	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	YES
17. Debriefing	NO	17. Passengers	NO
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	YES

Administrative and Operational elements contained within the vehicular pursuit policy of State Forty-Seven.

Administrative Element	Included	Operational Element	Included
1. Mission Statement/Purpose	NO	1. Initiate Pursuit	YES
2. Safety Caveat	YES	2. Notify Dispatch	YES
3. Discontinuance of Pursuit	YES	3. Specifics of Pursuit Conditions	YES
4. Noncompliance	YES	4. Provisions for Lights & Sirens	YES
5. Definitions	YES	5. Tactical Considerations	YES
6. Authority to Pursue	YES	6. Jurisdictional Considerations	YES
7. Statutory Duties	YES	7. Pursuit Driving	YES
8. Case Law References	NO	8. Carvaning	YES
9. Pursuit Restrictions	YES	9. Intentional Collisions	YES
10. Seriousness of offense	YES	10. Shooting from a Vehicle	YES
11. Role of Dispatch	YES	11. Unmarked Car/Motorcycle	YES
12. Requirement of Supervisor to Monitor	YES	12. Boxing-in	YES
13. Role of Supervisor	YES	13. Heading-off/Passing	NO
14. Training	NO	14. Paralleling	NO
15. Supervisor at Termination Point	NO	15. Roadblocks	YES
16. Report Writing	YES	16. Speed	NO
17. Debriefing	NO	17. Passengers	YES
		18. Tire Deflation Devices	YES
		19. Off Road Pursuit	NO
		20. Termination of Pursuit	YES
		21. Aerial Assistance	NO

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