

**AN ABSTRACT OF THE CAPSTONE PROJECT OF:**

**David T. Sweeney for the degree of Master of Public Policy, College of Liberal Arts, presented on June 1, 2023.**

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**Abstract Approved: \_\_\_\_\_**

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## Abstract

High-speed police pursuits occur daily across the United States. On average, one person dies per day as the result of a police pursuit. In certain contexts, it might be acceptable to society for a police officer to engage in a high-speed pursuit. The ends could justify the means. For example, an officer might continue pursuing a fleeing bank robber. Society might believe that this pursuit should be authorized. There is an acceptable risk in return for making the arrest of the bank robber. A restrictive pursuit policy allows the police officer the discretion to engage in a high-speed pursuit if they are attempting to stop a fleeing felon or an individual who is a threat to society. A restrictive pursuit policy would restrict the officer from engaging in a high-speed pursuit for simple traffic violations and misdemeanors. This cornerstone project uses data analysis of 1635 police pursuits from 21 agencies in Washington State over a 5-year period from 2018 to 2022. Analyzing the data shows that police pursuits often result in injuries and property damage. Damages occur whether an officer is pursuing a wanted felon, or a simple traffic violator. When the State of Washington passed RCW 10.116.060 in July, 2021, pursuits were restricted to probably cause felonies, resulting in a large reduction of pursuits, as shown by the data. The law was changed in May of 2023 to reflect other state's restrictions of reasonable suspicion of a felony suspect. Dialogue continues between public policy makers regarding the risk to society and the risk of the offender getting away.

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Examining The Effects of Restrictive Police Pursuit Policies in Washington State:  
An Empirical and Case Study Analysis

By

David T. Sweeney

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I understand that my dissertation will become part of the permanent collection of Oregon State University libraries. My signature below authorizes the release of my Capstone Project to any reader upon request.

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David T. Sweeney, Author

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I also want to particularly acknowledge Dr. Scott Akins, who provided Zoom guidance on topic ideas, written proposals and a variety of papers I prepared for his classes. Dr. Akins helped me narrow my focus to what was most important to me as a retired police executive when discussing the pros and cons of restrictive police pursuit policies. He helped me focus on the topic for this paper, and greatly encouraged my grandiose ideas about how to go about gathering my relevant data.

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## INTRODUCTION

### **Personal History:**

The author worked for the Seattle Police Department from 1987 to 2021, retiring at the rank of lieutenant. I worked for one year for the Oregon State University Police Department from 2021 to 2022 when I permanently retired from policing after 35 years of public service. As an officer, I have participated in several pursuits of suspects, ranging from minor traffic violators to felonious bank robbers. As a supervisor, I have extensive experience reviewing the appropriateness and necessity of pursuits by employees who reported to me, and their supervisors. I have seen police pursuits result in unnecessary crashes with innocent civilians who were not involved in the pursuit in the first place.

I feel that it is important that the reader be aware of my background prior to reading this paper. Although I will attempt to be a neutral writer, my past background is impossible to completely remove from my writing on this important topic. While I will attempt to generally avoid bias, the complete elimination of prior history and potential bias is not possible because of the length of my service in this field. Because I recognize my biases, I will attempt to point out opinions that are based on facts and data, and those opinions that are based on my prior experience as a police commander.

### **Background of Pursuits:**

High-speed police pursuits occur when police officers attempt to pull over drivers for any variety of reasons, ranging from simple traffic violations to felons running from the police in order to avoid jail time. Numerous police officers and fleeing suspects have been injured and killed as a result of collisions that occur. The suspect and the police are certainly intimately involved in the outcome of the pursuit. The suspect wants to get away, while the police officer wants to catch the driver and put them in jail. Pursuits for non-serious incidents are the least cost-effective. (Crew R. &, 1999). The biggest societal harm occurs when the fleeing suspect or the pursuing police crash into innocent victims, injuring them or ending their lives. Lastly, there can be extensive property damage as a result of high-speed crashes.

## STATEMENT OF THE PROBLEM / SOCIETAL CONCERN

Should society continue to allow high-speed pursuits for minor issues such as misdemeanors and traffic violations? Is the potential for societal harm too great when a police officer engages in a pursuit? Which is the greater harm to society – That an offender gets away? Or that a terrible crash occurs which can cause death, serious injuries, and property damage?

In recent years, there has been a trend in policing toward utilization of restrictive police pursuit policies that limit pursuits to fleeing felons only. Pursuing misdemeanants and traffic violators used to be commonplace. However, policy makers increasingly lean toward the idea that the benefits are few and the potential costs too great. In this way, the police can create the greatest benefits to society by catching the most violent of criminals while not engaging in dangerous behavior that threatens society unnecessarily.

The goal of this study is to provide statistical data and recommendations for policy makers by which they can make more informed decisions on police pursuit policies. The study displays data from police pursuits in Washington State who have a restrictive pursuit policy and departments that do not have a restrictive pursuit policy. Examining the costs and benefits of police pursuits allows police and



government officials to make policies that best suit the needs of the community rather than blindly making policies which may or may not be of the most benefit to society. If police practices are more evidenced-based, rather than anecdotally-based, decision-makers can use reliable data to make better policy decisions. (Alpert G., 1988).

This study would be beneficial for policy makers in Washington State who are examining the costs and benefits of restricting pursuits through written police manuals, or through legislative enactment of laws.

Lastly, I feel it is important to know my personal opinion about the necessity of police pursuits. This opinion is based on my personal opinions as a police commander, combined with the data and prior empirical studies on the topic of police pursuits. In my opinion, police officers should engage in police pursuits only when in pursuit of a felony suspect who is a danger to society. Police pursuits for minor traffic violations and misdemeanors should be prohibited by policy or by law. There is a lot of risk of damage, injuries and deaths from police pursuits. For this reason, a risky police pursuit should only be undertaken when the need for capture of a dangerous suspect outweighs the danger presented by the suspect escaping the police. The public can better support a pursuit ending in a crash if the pursuit was for the right reason – the capture of a dangerous suspect. A police pursuit which ends in a crash where the only reason for the pursuit was a minor offense does not outweigh the danger of the pursuit.

## LITERATURE REVIEW

In the 1980's relatively few scholarly research articles existed regarding police pursuits. Police departments were often given carte blanche authorization to pursue violators who ran from them in the name of law and order. In the last 2 decades, police departments have faced increased scrutiny over overly permissive pursuit policies which have resulted in harm to society through deaths, injuries, and property damage. "Vehicle pursuits, though usually short in duration, can result in significant injury, property damage, and even death. From 1996 to 2015, police pursuits resulted in more than 6,000 fatal crashes in the United States, leading to 7,000 deaths, an average of 355 per year (or about one per day)." (National Institute of Justice, 2018). Consequently, scholarly studies have become more prevalent as well.

### Public Support of Police Pursuits

The public's attitude of support for police pursuits depends on the crime committed, and the amount of risk present during the pursuit. In a survey of 3 different cities, pursuits for Traffic violations had the least amount of public support. Felony property crimes, auto theft and DUI garnered more support. The greatest levels of support from the public were for pursuits for suspects wanted for a violent felony. (MacDonald, 1998).

"When not concerned about the outcome of a police pursuit, the desire of the public to see police pursuits with the possibility of a violent ending continues to drive TV viewership ratings." (Cavendar, 2007).

"A relative majority of society supports the process of the police chase, policies behind it, and the goal of catching criminals at the expense of potential tragedy." (Wade, 2015).

These reports both reveal contradictory truths. People are concerned about the outcome of police pursuits, yet they favor pursuits when the officer is chasing a violent offender or criminal, as they feel most protected. Violent police pursuits still attract the attention of the public.

### Consideration of the Victim

Certainly, police pursuits have great potential for injury to innocent 3<sup>rd</sup> parties as well as property damage. Cop Shows like "Cops" and "World's Scariest Police Chases" still resonate with audiences, in much the same way that a crash on the freeway brings traffic to a standstill. "Like moths to a flame, experts maintain that motorists are attracted to bright lights, whether the flashing red of a police cruiser or the stadium lighting of a construction zone." (Harris, 2012). "More and more people have certainly become aware of pursuits due to increased reporting and media coverage and recreations in TV and movies. As a result of the potential for damages, the public's fear of being injured or killed has increased." (Crew, 1999).

When examining the wide variety of factors present in the police pursuit, it is important to think about the public as potential innocent victims. The Law Enforcement Code of Ethics states, "*As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property.*"

(International Association of Chiefs of Police, 1957). “During a pursuit, risk is certainly created by the driver who refuses to stop for the police. Sometimes forgotten, there is risk to the public created by the police officer who is using the pursuit as a use of force to coerce the driver to stop fleeing and to surrender. For these reasons, it is imperative to consider public opinion when establishing police pursuit policies.” (Alpert & Dunham, 1989). The Code of Ethics fits within my personal opinion about police pursuits. We need to protect the public from unnecessary risk. Pursuits ending in crashes are very dangerous for the public. Therefore, we should only be pursuing dangerous felons only.

### **Considering the offenders involved in police pursuits**

While the police officer has the greatest effect on commencement of a pursuit, the suspect’s driving actions are certainly important to the outcome as well. Dunham, Kenney, Alpert, and Cromwell (1998) interviewed 146 suspects from 3 different prisons to determine important variables that led to police being involved in a pursuit. Most of the suspects were males in their twenties. 57% were White, 37% were Black and 7% were Hispanic. Of the 146 pursuits, 30% ended because the suspects gave up or stopped and ran away. 30% of the pursuits ended because the suspect crashed. 25% of the pursuits ended as a result of the suspect getting away from the police.

There was a high likelihood of the suspect refusing to stop for the police. 75% of the respondents said that they would stop, “Only when they feel safe,” which meant that they did not see or hear police lights and siren. In town, this equated to a 2-block distance. On the freeway and rural roads, this meant not seeing or hearing a police officer for 2 to 2.5 miles.

67% of the respondents said that they would run if the police were aggressively pursuing them. 53% of the respondents said that they would run from the police at all costs. (Dunham, 1998).

### **Considering the police officers involved in a pursuit**

Alpert (1998) conducted a study of 1,055 police officers and supervisors from four different departments. He discovered four primary factors that influenced whether or not to continue a police pursuit. By far, original crime committed was the most important, more than twice as significant as factors such as chase area, traffic conditions and weather. (Alpert G. , 1998).

Gustafson (2015), studied law enforcement officer (LEO) deaths related to pursuit driving and found that “increased state investment in law enforcement and highway safety would result in lower LEO traffic fatality rates.” Driver training and high-speed limits were found to be statistically significant causal factors for LEO deaths. (Gustafson, 2015).

### **Data involving police pursuits**

Research studies have attempted to quantify all of the different variables involved in a police pursuit. Data on police pursuits must be utilized in order to derive a police pursuit policy that helps the police officer make proper decisions. As the government official most in control of the situation, they

ultimately rely on policy, training, and experience in order to make the best decisions on whether to pursue or not to pursue. The policy must take into account that the suspect and innocent 3<sup>rd</sup> parties are also affected by the officer's decision to pursue or not to pursue. (Alpert and Dunham, 1989).

Alpert & Dunham (1989) presented a study of 323 pursuits from 1987 that took place in Dade County, FL. The majority of the pursuits lasted less than 5 minutes. 54% of the pursuits were for traffic violations and 28% were for felonies. The variables that had the highest amount of prediction for accidents were officer's age, reason for the pursuit, road conditions, time of day and type of road. When examining the variables for data that predicted injuries, there were similar findings. Relevant variables included officer's age, number of police cars involved in the pursuit, and rural vs. urban pursuits. The authors did not find a statistical correlation when examining the length of pursuits. (Alpert and Dunham, 1989).

Wade (2015) cited the 2011 Georgia Association of Chiefs of Police study of 2,155 pursuits conducted by 100 law enforcement agencies in Georgia between 2007 and 2010. The most relevant factors were type of violation, speed, road conditions, number of vehicles, length of time for the pursuit, and termination techniques.

### **Police Pursuit Policies**

Police administrators must properly devise strategies and public policies in order to devise the most efficient and cost-effective public policies for pursuits. Policies must be designed to accomplish the law enforcement mission of catching the offender without causing undue risk to the public. (Alpert & Smith, 1999).

Police department pursuit policies are an obvious interest to the public because the authority to pursue ultimately comes from the public they serve. Policies need to be designed in order to provide both legal justification for the officer, as well as presenting guidelines designed not to subject the public to undue risk, both by the offender and by the police. (Alpert et al., 1996).

Many authors (Wade, 2015; O'Connor & Norse, 2006; Becknell et al., 1999), cite Alpert and Dunham (1989) when describing the 3 types of police pursuit policies. Their study, "*Policing Hot Pursuits: The Discovery of Aleatory Elements*" describes 3 styles of police pursuit policies employed by departments across the country. "1) Judgmental--allowing officers to make all major decisions relating to initiation, tactics, and termination; 2) Restrictive--placing certain restrictions on officers' judgments and decisions; and 3) Discouragement--severely cautioning or discouraging any pursuit, except in the most extreme situations." Alpert and Dunham used a 1970 study from the U.S. Department of Transportation as the basis for the 3 types of policies. "Police policies regarding pursuit generally fall under one of three models..." (Fennessey, 1970). The policy descriptions need to be amended to match up with the most common modern-day attitudes of police administrators toward police pursuits.

The National Institute of Justice provides guidance for more modern policy pursuit terminology. A prohibition policy would not permit a police pursuit under any circumstances. A discouragement policy would state that the agency strongly opposes the pursuit, except in the most extreme circumstances. A restrictive pursuit policy restricts the police officer from engaging in a pursuit except when specific criteria are met, such as pursuits for serious felonies. An officer cannot pursue for a traffic violation or misdemeanor. The final type would be discretionary in which the agency allows the officer to pursue

using their own discretion. (National Institute of Justice, 2018). In my personal opinion, these 4 types of pursuit policies most closely reflect modern nature of police pursuits policies that I have read from a variety of police agencies.

The general trend in policing is moving from discretionary policies which allowed the officer to pursue toward restrictive and even prohibition type policies which limit officer discretion in order to keep the public safer and to reduce liability. "Because engaging in high-speed chases can result in injuries, fatalities, and the destruction of property, law enforcement agencies have been compelled to implement policies and adopt tools to improve safety measures and reduce adverse outcomes." (National Institute of Justice, 2018).

### **Liability and Police Pursuits**

Different states have used the power of the legislature to write laws which describe and codify liability standards to be met in order to prove damages in a court of law when injuries or death are the result of a police pursuit. "Municipalities without pursuit guidelines should adopt guidelines for officers engaged in pursuits. Guidelines can be kept current by comparison to the policies of other jurisdictions with periodic editing and review to correspond with new developments in the law. Such guidelines should articulate how and under what circumstances pursuits are to be conducted. Training sessions can be offered explaining the importance of these guidelines and the realities of police pursuits, particularly the social and legal consequences." (O'Connor, 2006).

Studies suggest that more agencies are employing restrictive policies than discretionary policies. Roughly 65% of agencies responding to the 2016 Law Enforcement Management and Administrative Statistics survey employed restrictive pursuit policies, and 25% employed discretionary policies. State and highway law enforcement agencies had the most frequent instances of discretionary policies (43%), almost twice as often as local, county, and regional police agencies (23%). Less than 10% of agencies employed discouraged or prohibited pursuit policies. (Bureau of Justice Statistics, 2009). From 1997 to 2013, the percentage of sworn personnel working in agencies that left pursuit decisions to an officer's discretion decreased from 17% to 11%. (Reaves, 2017)

Generally, the liability approach a state adopts on police pursuit falls into one of seven categories as it relates to the officer's driving behavior during a pursuit: (1) negligence; (2) recklessness; (3) gross negligence; (4) willful and wanton conduct; (5) hybrid of negligence and gross negligence; (6) discretionary immunity with limited exceptions; and (7) written policy immunity. Furthermore, the standards of recklessness, gross negligence, and willful and wanton conduct are similar enough to combine into a single category of "higher standards of liability." (O'Connor, 2006).

### **Other options to a police pursuit**

Police agencies can use alternatives to a police pursuit such as physical stoppage of a vehicle and Vehicle Tracking. (National Institute of Justice, 2018).

Vehicle Stoppage: There are several methods to physically stop a fleeing vehicle. Tire deflation devices deflate the tire, disable the driver's ability to control the vehicle's movement. Tire entrapment devices

wrap around a tire and axle, disabling the ability to accelerate, stop and start. Police can use PIT (Pursuit Immobilization Technique) to spin the car out. Electronic cooperative systems from vehicle manufacturers and the secondary market can remotely disable the electronics of the vehicle to bring it to a stop.

Vehicle Tracking: There are also several methods to track the offender fleeing from the police in their vehicle. GPS tracking uses the Internet and GPS to see the location of the vehicle on a map, allowing officers to respond to make an arrest. Police helicopters and drones can follow vehicles from the air, keeping the public safe. The offender might not even know they are being tracked. Automated License Plate Readers (ALPR) continually run police databases with license plate information in order to keep track of the vehicle's whereabouts. Closed-circuit television (CCTV) uses strategically placed cameras to locate the fleeing vehicle and direct officers to the actual or nearby location.

### **Measuring the balance between protecting the public and discontinuing a pursuit**

Crew & Hart (1999) asked the question, "On balance, do chases produce benefits that outweigh the associated costs?" (Crew R. &, 1999). Using data from the National Victimization Survey and other sources, the authors assigned a value of the captured criminal as equal value to the crime they committed. This price was equated as the benefit value from a successful pursuit – namely, that a criminal was caught, and a potential crime was solved. The cost factor was established by the number of accidents, injuries, and deaths that resulted as negative outcomes from police pursuits. The authors used data from the insurance agency to assess the value of death and paid claims. Crew & Hart, 1999).

### **Literature Review Conclusion**

Research studies show varying support for the police engagement in pursuits. Certainly, the innocent victim needs to be considered when it comes to police pursuit policy. The offender also plays a part in the outcome of a police pursuit. (Dunham, 1998). Different studies have collected relevant data most commonly associated with police pursuits. Certainly, there is increased liability that surrounds police pursuits, with different states using legislative law in order to provide policy guidance. Policies are trending from discretionary toward more restrictive policies or even outright prohibition toward pursuits. There are also alternatives to police pursuits that should be considered as effective measures that allow the capture of the criminal while keeping the public safer than they would be in a police pursuit situation.

## RESEARCH DESIGN

This study is based on quantitative data which enables an examination of law enforcement pursuits, deaths, injuries and property damage and the type of police pursuit policy adopted by the agency. Based on a literature review of existing studies and their variables used, I compiled a list of statistically significant variables (listed below) and used this to inform my data requisition requests.

## DATA

Statistically significant data variables captured by Alpert and Dunham (1989): Through a discriminant analysis, measures of pursuit driving by both officers and suspects revealed certain characteristics which predicted negative pursuit outcomes such as crashes, injuries and deaths. These data fields correlated with negative outcomes:

- Duration of pursuits
- Reason for the pursuit
  - Traffic
  - Bolo (Be On the Look Out)
  - Felony Stops/Suspected Felons
  - Reckless Driving/DUI
- Officer's age
- Road conditions
- Officer's gender
- Anglo officer
- Daytime
- Pursuit on expressway
- Number of police cars
- Other jurisdictions
- Rural area

Statistically significant data variables captured by Wade (2015): Wade utilized Chi-square tests of independent variables to measure statistical association with negative pursuit outcomes. The following data fields shows the strongest relationship between officer/suspect variables and crashes and injuries:

- Speed
  - Posted speed
  - 10-19 mph over the posted speed limit
  - 20-30 mph over
  - 31-40 mph over
  - 41-50 mph over
  - 51-60 mph over
  - 61 mph or more over the posted speed limit
- Road conditions

- Inside or outside city limits
- Time of day
- Number of police vehicles
- Length of Pursuit-Time
  - <1 to 8 min
  - 9-15 min
  - > 16 min

Statistically significant data variables captured by Gustafson (2015): This study used a cross-sectional regression analysis and qualitative content analysis in order to locate significant state-level variables which significantly affect the rate of law enforcement officer deaths, as a result of pursuits.

- Highway receipts/expenditures
- Speed limits
- Law enforcement training

These three studies show the most statistically significant variables used when examining the issue of police pursuits.

Data analysis for this study examined the effect of policy on pursuits that ended up with someone killed, injured, or with serious property damage. This study included relevant statistical data from the above 3 studies in order to fully evaluate the effect of pursuit policy on pursuits and pursuits ending in crashes.



## METHODOLOGY

In January of 2023, I wrote 47 public disclosure requests (PDRs) and sent them to any police agency in the State of Washington serving a population of over 50,000 people. This included 21 county sheriff’s offices and 26 city police departments. The PDR request letter is attached as Exhibit A. I asked each agency for their police pursuit data for the last 5 years, January 2018 to December 2022. I asked for relevant data on the police pursuit based on prior research studies, shown in Table 1 below.

I did not request data from the Washington State Patrol (WSP) because I wanted to focus on police and sheriff departments more specifically tasked with investigating criminal activity. The WSP is more focused on highway traffic safety, DUIs, collisions, etc. Also, I kept the requests to departments serving communities over 50,000 because of the infrequent amount of serious crime and resulting police chases reported by smaller communities.

**Table 1. Pursuit Data Collected**

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<b>Agency name</b>	<b>Length of Service of Officers Involved</b>
<b>Policy Type</b>	<b>Termination Yes/No</b>
<b>Date of Pursuit</b>	<b>Method of Termination</b>
<b>Time of Day</b>	<b>Supervisor Involved Yes/No</b>
<b>Distance of Pursuit</b>	<b>Accident Yes/No</b>
<b>Length of Time for Pursuit</b>	<b>Suspect Arrested Yes/No</b>
<b>Highest Speed</b>	<b>Damage Amount \$</b>
<b>Number of Agency Vehicles</b>	<b>Injuries</b>
<b>Number of Outside Agency Vehicles</b>	<b>Deaths</b>
<b>Reason for the Pursuit</b>	<b>Lawsuit Yes/No</b>
<b>Road Conditions</b>	<b>Court and Allegation of Lawsuit</b>
<b>Rural/Urban</b>	<b>Settlement Yes/No</b>
<b>Traffic Conditions</b>	

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Operating under the assumption that police pursuits can result in property damage, injuries, and/or loss of life, I asked if each agency had been sued in any type of civil lawsuit. I asked for the court of jurisdiction, the basis of the lawsuit, and whether or not the lawsuit settled. If the lawsuit settled, I asked for the outcome such as dismissed, defense verdict, plaintiff verdict, dollar amount, etcetera.

In 2021, Washington State legislators passed a sweeping series of police reform bills after the death of George Floyd. RCW 10.116.060 severely restricted police pursuits to situations where the officer had probable cause to arrest the offender for a violent felony offense or DUI. In addition, the pursuit had to be necessary in order to identify the offender and the offender had to pose an imminent threat to the safety of others, so that the risk of letting the offender go was greater than if the officer were to pursue.

RCW 10.116.060 is the only state law that actually required the police officer to establish probable cause for a violent crime or DUI prior to initiating a police pursuit. This law put Washington State at the forefront of the most restrictive police pursuit policies in the nation. As an example, a 2022 article from CNN discusses the idea of law enforcement limiting risky police chases to felonies only. There is no discussion of the requirement for probable cause, which is a much higher burden of proof than reasonable suspicion which would be required in other states. "The Cincinnati Police Department implemented a new policy limiting police chases to "violent felony offenses," the latest city to restrict the risky police tactic.

The Atlanta Police Department updated its policy last summer, similarly limiting police to pursuits in cases where violence is suspected. Chicago police are forbidden from chasing for traffic or theft offenses and required to balance the police action against the risk to the public." (Nickeas, 2022).

The new RCW offered a double benefit to this study. Not only could I study data in order to determine possible causation for police pursuits, but I could also examine 3 ½ years of police pursuits prior to enactment of the most restrictive pursuit policy in the nation, as well as police pursuits that occurred after passage of the law. Comparisons of before and after RCW results could be beneficial to policy makers.

### **Data Records Received**

Through PDR responses, city and county agencies sent 3 different types of records:

1. An Excel or PDF database of pursuit data with relevant statistical information. Some of these databases seemed to have already been created by the agency in order to track pursuits. However, some of the databases seemed to have been created specifically to answer the data questions from the PDR.
2. Many departments sent actual police reports from their police pursuits during the last 5 years. This required time to read each report and manually find and extract the data from the reports and into the database for this study.
3. Some departments sent a pursuit form that was filled out by the pursuing officer(s) or by their supervisor. The form asked for many of the same data points that I had requested. However, none of the pursuit collection forms were the same, resulting in hit and miss data collection for this study.

No one method was the best method for data retrieval. Databases were the easiest to utilize simply due to copy and paste. Police reports had the potential to contain the most data but required considerable

individual time to read and extract the required elements. In the end, no department actually provided all of the data that the study requested.

Though reports and data were still being sent out by agencies, a hard cut-off date of 3/31/23 was established so that data analysis could begin in order to create this study.

**Table 2. Overview of Police Pursuits**

<u>Total Number of Pursuits</u>		N = 1635, 141 arrests					
<u>Duration of Pursuits (Minutes):</u>	Blank	< 1	1-2	2-5	5-10	>10	
	740	468	152	140	62	73	
<u>Distance of Pursuit (Miles):</u>	Blank	< 1	1-2	2-5	5-10	>10	
	585	483	245	167	71	84	
<u>Maximum Speed (MPH):</u>	Blank	0-25	26-50	51-70	71-99	>100	
(Highest speed – 130 mph)	374	90	345	390	287	149	
<u>Number of Agency Vehicles:</u>	Blank	1	2	3-4	5-9	>10	
	761	551	200	101	20	2	
<u>Number of Outside Vehicles:</u>	Blank	1	2	3-4	5-9	>10	
	1527	60	27	16	1	1	
<u>Road Conditions:</u>	Wet	Clear	Other	Fog/Snow	Mixed/Rough		
Blank = 455	32	1000	119	22	7		
<u>Road Type:</u>	Rural	Urban	Mixed	Blank			
	108	501	10	1016			

<u>Traffic:</u>	Light	Medium	Heavy	Blank
	41	7	9	1578

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## ANALYSIS / RESULTS

### Reason for the Pursuit

Viewing the reasons for the pursuit from a harm reduction model, the greatest societal good comes from pursuits that police undertake in order to catch the most dangerous criminals that are wanted for dangerous felony level crimes such as kidnapping, rape, murder, robbery, etc. The greatest societal harm would come from a police pursuit of a simple traffic violator which results in a fatal crash.

Table 3 shows 619 pursuits were the result of an attempt to stop a felony suspect, much more so than for misdemeanors like theft and trespassing. Similar in numbers, 635 total pursuits were the result of a traffic violator that refused to stop for the police. Many of the criminal traffic suspects were engaged in reckless driving prior to the activation of police lights and/or siren. This might suggest that drivers prone to driving recklessly are also apt to run from the police. However, an almost identical 238 traffic violators ran from the police as well. Some agencies simply listed traffic offense, so I was not able to determine if this meant a serious driving offense like reckless driving, or a simple traffic violation such as a taillight or expired license tabs.

The initial reason for the stop is important because it is based on the facts known to the officer prior to engaging in a pursuit. The officer might see someone driving without headlights at night (traffic violation), or they might see someone driving who appears to be DUI (Criminal traffic offense). However, the reasons the suspect tries to elude the police might be due to the initial stop, or it could be because they have warrants for their arrest and do not want to return to prison. It could be because they have stolen merchandise in the vehicle. The officer does not know why a suspect is refusing to stop. For this reason, the officer should only consider the initial violation when deciding whether or not to pursue.

**Table 3. Reason for the pursuit**

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<u>Reason for Pursuit:</u>	Felony	Misdemeanor	Need for Capture	
	619	120	6	
<u>Reason for Pursuit (cont.):</u>	Stolen Vehicle	DUI	Warrant	Other/Blank
	120	33	67	34

<u>Reason for Pursuit (cont.):</u>	Criminal Traffic	Traffic Violation	Traffic Offense
	228	238	169

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### **Method of Termination**

After examining the data from the pursuit reports, there are three basis methods in which a pursuit will be terminated. Ranging from least dangerous to most dangerous, the methods are (1) Officers/Supervisors self-terminate the pursuit. (2). The suspect stops the pursuit. (3). Police stop the vehicle. Numbers are shown in Table 4 below. Here are the methods and sub-methods in more detail:

#### **Officers/Supervisors self-terminate the pursuit:**

Whether an officer individually chooses to discontinue a pursuit, or if a supervisor orders officer(s) to discontinue, this is the safest method for discontinuing a pursuit. This occurred during **638** pursuits. As Dunham (1998) showed, most pursuit suspects will slow down and return to a more normal driving pattern when they believe they are not being followed. This results in fewer accidents. Detractors might point to the downside, which is the suspect not being apprehended. Also included here were a small number of pursuits that were handed off to another agency and four pursuits that were stopped due to the officer becoming involved in a collision, therefore unable to continue the chase.

#### **The suspect stops pursuit:**

This method of termination describes situations where the offender's actions result in a stoppage of the pursuit. The suspect might accomplish this by successfully eluding the officer, the suspect stopping the car to run away on foot, the suspect stopping the car to give up, the suspect becoming involved in a collision, or the suspect's vehicle becoming stuck or disabled. This type of situation occurred during **550** individual pursuits.

#### **Police stop the vehicle:**

In certain circumstances, police officers can physically stop the vehicle. The most common methods were the Police Intervention Tactic (PIT) and stop sticks. Both methods can initially disable the vehicle or cause the vehicle to spin out or to crash. The PIT maneuver uses pressure applied by the front bumper of the police car to the rear quarter panel of the suspect's vehicle in order to cause the vehicle to spin out. Stop sticks are a metallic set of spikes that are rolled out in front of a vehicle which will deflate one or more tires, making the car much less maneuverable and prone to crash. Officers might also

intentionally pin their push bars or bumper up against a suspect's vehicle in order to stop them from driving away. This is especially useful if the offender stops for traffic or other police cars. It is less successful at high speeds and can be quite dangerous. In rare cases, deadly force could be used against a dangerous offender. This could include firearms, or intentionally ramming the suspect vehicle in order to disable it or cause it to crash and stop. The "Other" category was not defined in the agency data. Most likely, this would include combinations of different methods to stop the vehicle being pursued. Combined, police physically stopped the vehicle 251 times.

**Table 4. Method of Termination**

Self-Termination	Susp. stops pursuit	Police Stop Vehicle	Other	Blank
647	550	185	66	187

**Accidents and Property Damage:**

As shown in Table 5, the police agencies displayed a variety of data on damages suffered as a result of the police pursuits. Cumulatively, there were 455 accidents reported during the 5 years of pursuits for these 21 agencies. Crash damage data categorized into the following categories: Damage Other; Damage Citizen Vehicle (uninvolved); Damage Police Vehicle; and Damage Suspect Vehicle. Sometimes, the dollar amount of the damages was reported by the agencies. Sometimes, they would just mark yes/no to certain categories. Other data on damages came from reading the police reports. For example, a report might state that the suspect crashed through a fence and hit a house. Frequently, there would either be no notation in the data that this accident had occurred, or there would be a mention of the accident, but no mention of damage estimates.

**Table 5. Damage \$ Amount**

<u>Total Collisions</u> (Includes collisions with no \$ value listed in any of the columns).				
455				
<u>Property Collisions #</u>	\$0 or "Yes" damages	\$1 to \$1000	\$1001-\$10,000	>\$10,001
178 (\$414k)	118	39	14	7
<u>Citizen Veh. Total #</u>	\$0 or "Yes" damages	\$1 to \$1000	\$1001-\$10,000	>\$10,001
141 (\$417k)	119	7	8	7

<u>Police Vehicle Total #</u>	\$0 or "Yes" damages	\$1 to \$1000	\$1001-\$10,000	>\$10,001
88 (\$1.1m)	46	12	12	18
<u>Susp. Vehicle Total #</u>	\$0 or "Yes" damages	\$1 to \$1000	\$1001-\$10,000	>\$10,001
274 (\$446k)	156	36	62	20

### **Injuries and Deaths from Police Pursuits:**

Based on data received from the 21 agencies, it is verifiable that a number of injuries and 2 deaths occurred during these 1635 pursuits. However, it is difficult to quantify and qualify the number of injuries and deaths for a number of reasons. Agencies were very vague in their reporting. They might note that an uninvolved citizen, officer or suspect was injured, but would not be specific as to the type of injury. They might list "unknown" as to the type of injuries. This would mean that both the injury and the injured party were unknown.

For many data entries, there was nothing listed in their submitted police database. When I came across injuries contained in the body of the report, I would put a brief description in the overall pursuit database such as, "Suspect concussion," "Citizen broken leg," or "Suspect injured. No description." Many times, I noted that someone was seriously injured and transported to a hospital, but the exact nature of the injury was unknown.

I located 2 total deaths. One entry showed that a suspect died but had prior heart issues and that the officers had to apply Narcan for a drug overdose. This pursuit started with police chasing the suspect for a traffic violation. A collision involving miscellaneous property damage occurred. However, it seems clear that the death was not necessarily a result of the pursuit, but from health and drug addiction issues. The second death was a suspected DUI driver who hit an uninvolved citizen's vehicle, stopped his car and shot himself. It would be difficult to blame either of these tragedies on a police pursuit. The pursuit might have started the incident, but clearly there were larger mental health and drug addiction issues that played a part in the outcomes.

I located 142 different pursuits with injuries noted to either uninvolved citizens, police officers, or to the suspect. Based on studies from Alpert (1998), Alpert and Dunham (1989) and Wade (2015), I looked for data those researchers found to be relevant, which might indicate a causal link with these types of dangerous pursuits. Table 6 displays the relevant data on these 143 pursuits:

**Table 6. Pursuits causing injury**

N = 143

<u>Time of Day (24 hr.)</u>	0001-0600	0601-1200	1201-1800	1801-2400
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Blank = 9                      39                      25                      34                      33

Distance: <1 mi.      1-2 mi.                      2.1-5 mi.                      5.1-10 mi.                      >10 mi.

Blank = 62    17                      22                      12                      19                      11

Time:      <1 min.      1-2 min.                      2.1-5 min.                      5.1-10 min.                      >10 min.

Blank = 72    1                      32                      25                      7                      6

Maximum Speed (MPH):                      0-25                      26-50                      51-70                      71-99                      ≥100                      Blank

(Highest speed = 120 mph)                      4                      29                      28                      29                      28                      25

Number of Agency Vehicles:                      1                      2                      3-4                      >5

Blank = 40                      56                      22                      22                      3

Number of Outside Vehicles:                      1                      2                      3

Blank = 125                      10                      5                      3

Reason for Pursuit:                      Felony                      Misdemeanor                      Need for Capture

Blank = 0                      82 (57%)                      18 (13%)                      1 (.06%)

Reason for Pursuit (cont.):                      Stolen Vehicle                      DUI                      Warrant

8 (6%)                      4 (3%)                      3 (2%)

Reason for Pursuit (cont.):                      Criminal Traffic                      Traffic Violation                      Traffic Offense

11 (8%)                      10 (7%)                      5 (3%)

Road Conditions:                      Wet                      Clear                      Other                      Mixed/Rough

Blank = 37                      20                      84                      1                      1



<u>Road Type:</u>	Rural	Urban	Mixed
Blank = 68	10	63	2

<u>Traffic:</u>	Light	Heavy	Medium
Blank = 134	7	2	0

<u>Termination Method:</u>	Self-Termination	Susp. stops pursuit	Police Stop Vehicle	Other
Blank = 6	14 (10%)	90 (65%)	29 (21%)	4 (2%)

<u>Type of Damage:</u>	Property	Citizen's Veh.	Police Veh.	Suspect's Veh.
N = 75	18 (24%)	30 (40%)	3 (4%)	24 (32%)

<u>Person(s) Injured:</u>	Citizen	Police Officer	Suspect
N = 78	29 (37%)	7 (9%)	42 (53%)

<u>Officer's Years of Service:</u>	0-1	2-3	4-9	10-15	>15
Blank = 18	18	15	23	10	6

### **ANALYSIS OF PURSUITS WHICH RESULTED IN INJURIES**

Examining pursuit data previously found to be relevant, I was not able to reproduce results similar to other researchers. This might be because data fields requested were all of the significant data fields previously identified as statistically significant by the researchers. Therefore, all of these categories are important for police administrators and decision makers to be aware of when design pursuit policies.

Time of Day: Pursuits seemed fairly well spread around the clock. The early morning hours between 0601 and 1200 showed the fewest pursuits, but comparable to the other more populated time periods.

Distance: I did not see a discernible difference when comparing pursuits that covered smaller distances and those that took place over several miles and higher. Of the 17 pursuits that ended in less than a mile, 8 stopped when the suspect got in a collision, and 6 of them ended when the suspect stopped the car and fled on foot. Of the 22 pursuits covering 1-2 miles, 14 stopped due to the suspecting being in a collision.

The others stopped because a supervisor called off the pursuit, or a stop device was used to stop the suspect's vehicle. Combining pursuits between 2.1 and 10 miles, most ended with a collision, or the PIT maneuver. The longest pursuits over 10 miles had the widest variety of stopping methods. Overall, I found no clear pattern to suggest that shorter or longer pursuits were more or less dangerous in comparison.

Time of pursuit in minutes: As shown in Table 6, the majority of these 143 pursuits ended between 1 and 5 minutes. 27 ended in a collision, and 15 were stopped by a PIT maneuver. Similar to viewing pursuits by distance covered, when pursuits went beyond 5 minutes, a wide variety of stopping methods were used. 6 ended in collision, 4 via PIT, and 3 via stop device or via police vehicle.

Highest Speed for Pursuit: Other than rare slow speed chases, the pursuits were evenly spread out between average and high speed. Though I would expect the highest speed pursuits to have the greatest potential for serious injury, this cannot be proven due to the lack of specificity from the various police agencies as to the exact nature of injuries. The highest speed recorded was 130 mph with no accident, and 120 mph which resulted in a collision.

Number of Agency and Outside Police Vehicles: The majority of police pursuits involve only 1 police car, sometimes joined by additional internal agency or outside police agency vehicles. Most police officers patrol solo, so this is not surprising. As the pursuit grows in length and time, there are opportunities for additional vehicles to join in the pursuit. When examining 56 single vehicle pursuits, 40 (71%) ended in collisions. When 2 or more police cars are involved in a pursuit ( $n = 47$ ), there is a much wider variety of stopping methods used in order to end the pursuit. (22 collisions, 8 PIT, 7 officer/supervisor terminated, 6 other, 4 blank).

Reason for the Pursuit: Combining felony and stolen vehicle pursuits, 90 (62%) of the pursuits would be utilized in order to catch the most dangerous offenders, which is the point of this research study. 26 of the pursuits (18%) were attempted traffic stops (not including the 4 possible DUIs). In 1989, Alpert and Dunham found that 28% of pursuits were for felonies, and 54% were attempted traffic stops. Clearly, agencies have transitioned to more of a harm reduction model and largely reserve pursuits for the most serious felony suspects. By disregarding the other 53 pursuits, society benefitted from a reduction in injuries caused by pursuits, while only disregarding traffic violations and a few miscellaneous incidents. I will examine this trend in more detail in the recommendation section.

Roadway type, weather and traffic conditions: The great majority of the pursuits causing injury are in clear weather (84), and in urban areas (63). There is not enough data for traffic level to be relevant. Judging by the number of blanks in the data, agencies do not routinely record this information.

Method of termination: The suspect has the most to do with termination of these pursuits with collisions and injuries. In 65% of the cases, the pursuit ended largely due to the suspect crashing, or stopping their vehicle and attempting to run from officers. These ratios are similar for pursuits which did not end up causing injuries. The police are twice as likely to use stopping methods than to call off the pursuit. This shows the reluctance on the part of the police to give up on pursuits. They are still likely to pursue and attempt to stop the vehicle or hope that the suspect stops on their own.

Type of damage and persons injured: Individual officers are relatively safe to continue pursuits as the patrol cars suffer less damage and the officers are injured less often than other categories. Although Table 5 shows that police vehicles show a much higher amount of damage, this is not surprising for 2 reasons.

Police agencies are going to be much more aware of the amount of damage in their patrol car collisions. Most departments use actuarial tables in order to determine if it is cost-efficient to repair the vehicle vs. buying a new patrol car. Knowing the exact values of patrol vehicles and damage fuels these calculations. Secondly, patrol cars are expensive. Many times, the uninvolved citizen's vehicles and suspect's vehicles were not high value like the newer patrol car.

An uninvolved citizen's vehicle was involved in 40% of these injury pursuits. 32% of the pursuits involved the suspect's vehicle. The probable reason there are more uninvolved citizen's vehicles is because there is only one suspect vehicle in a pursuit, but they can hit several vehicles during a single pursuit, therefore increasing the number of uninvolved citizen vehicles.

For injuries, 53% of the time the suspect suffered injuries. Uninvolved citizens were hurt 37% of the time.

Officer's Years of Service: This statistic was not well-tracked by the agencies. Though most of the pursuits involve officers with 0-3 years of service, this is not uncommon. New police officers are assigned patrol duties after academy graduation. As an officer gains experience, they can move to specialty units, detectives, and get promoted. Therefore, I would expect to see fewer veteran officers involved in pursuits. In my personal experience, veteran officers tend to slow down more than newer officers because they are aware of risky police behavior that can harm themselves and others.

#### Conclusion on pursuits involving injuries.

As previously stated, I cannot reliably reproduce the causal factors noted by three previous research studies on pursuits. This could be because pursuit statistics have changed over the years. Clearly, departments in Washington are changing their ideas of chasing suspects for little or no reason. Police chiefs and government officials are realizing that there is a high cost to society when police engage in pursuits. Reserving the government's right to pursue violators and applying more stringent standards to dangerous felons makes sense from both a personal cost as well as a financial dollars and sense cost.

### **ANALYSIS OF DISCRETIONARY VS. RESTRICTIVE PURSUIT POLICIES**

The Washington state legislature forced all departments in Washington state to utilize a restrictive police pursuit policy in July of 2021.

The PDR asked all departments for their pursuit policy prior to July of 2021, and any revised policy put in place to comply with RCW 10.116.060. Only 4 out of the 21 responding departments sent both policies in order to make an effective before and after comparison of the effects of the pursuit law change in Washington State. This included 1 city police department (Auburn), and 3 county sheriff's offices (Cowlitz, Lewis, and Mason counties).

RCW 10.116.060 became the most restrictive police pursuit policy in the country by limiting police officers to pursuits where an officer had probable cause to arrest a dangerous felon. The probable cause standard is a high legal burden to cross.

Although I only received this type of data from 4 departments, the initial results are striking from a public policy perspective. Discretionary pursuits for these 4 departments went from 572 to 16. Pursuits dropped to negligible amounts when compared to pursuits undertaken with a discretionary pursuit policy. As it

relates to pursuits, RCW 10.116.060 meant a lot fewer arrests, but greater traffic safety for the general public due to a reduction in accidents.

Auburn Police Department:

Discretionary Pursuit Policy	2018 to 12/27/2021	338 pursuits (7 pursuits/mo.)
Restrictive Pursuit Policy	1/11/2022 to 12/31/2022	5 pursuits (.2 pursuits/mo.)

Cowlitz County Sheriff's Office:

Discretionary Pursuit Policy	2018 to 12/21/2022	111 pursuits (1.85 pursuits/mo.)
Restrictive Pursuit Policy	12/21/2022 to 12/31/2022	1 pursuit (0.33 pursuits/mo.)

Lewis County Sheriff's Office:

Discretionary Pursuit Policy	2018 to 12/1/2021	50 pursuits (1.06 pursuits/mo.)
Restrictive Pursuit Policy	12/1/2021 to 12/31/2022	7 pursuits (0.58 pursuits/mo.)

Mason County Sheriff's Office:

Discretionary Pursuit Policy	2018 to 7/27/2021	73 pursuits (1.7 pursuits/mo.)
Restrictive Pursuit Policy	7/27/2021 to 12/31/2022	3 pursuits (0.17 pursuits/mo.)

Since passage of RCW 10.116.060, there has been much public debate on this law. Police departments, citizens and politicians have been split on the issue. Many people appreciate the greater levels of safety for the public due to reduced pursuits and reduced collisions as a result of those pursuits. However, there has been an increase of complaints from both police and crime victims that it unnecessarily allows suspects to escape from the police unmolested. This has emboldened criminals to continue their criminal enterprises while knowing that there is a great likelihood the police will not be allowed to chase them. I will examine this issue in more detail later in the recommendations section.

On May 3, 2023, while writing this paper, RCW 10.116.060 was repealed. "With the stroke of a pen Wednesday, Washington Gov. Jay Inslee rolled back some requirements for police to chase people in vehicles, a partial reversal of a controversial pursuit policy first enacted in the state at the height of racial injustice protests following George Floyd's murder. Under the new law, police no longer need probable cause to initiate a pursuit. Instead, reasonable suspicion that a person inside a vehicle has committed or is committing a crime would be enough to give chase." (Komenda, 2023).

In the court of public opinion, Governor Inslee's signature on the bill means that criminals who are suspected of committing dangerous felonies can still be pursued by the police in Washington State. "Some law enforcement and city officials argued that limiting the ability of officers to initiate a pursuit impedes police investigations and emboldens suspected criminals to flee crime scenes before authorities can question them. A study in the FBI Law Enforcement Bulletin in 2010 said some officers can't stomach allowing a suspect to drive off, even if it's the safer option." (Komenda, 2023).

In my personal opinion, further study in this area would reveal similar reductions for other police departments. More time would have allowed me the ability to reach out to more departments in order to obtain prior police pursuit policies in order to compare differences in pursuits and arrest, both before and after passage of RCW 10.116.060.

### **Anticipating additional questions with this study**

#### Measuring societal benefit and societal harm

As stated, I do not believe that the 1999 Crew & Hart study adequately captures the benefits of an officer's decision to continue a pursuit by capturing the suspect. Their study measured the benefit as the societal cost of the crime committed. With a law enforcement lens, I view the benefit as the results that come from the suspect's capture. Even with this lens, it will still be hard to quantify the societal good resulting from a pursuit.

For this study, the PDR asked county and city governments to provide data on lawsuits filed and settled as a result of police pursuits. However, either no lawsuits were filed (unlikely), or this is not a data point collected by individual departments. With more time, PDRs could have been filed with various local and state courts in order to better measure the costs resulting from police pursuits which resulted in damage to people and property. At this point, further analysis is beyond the scope of this study.

#### The Costs of Pursuing Offenders

Should the police pursue criminals? Based on preliminary data from the 4 agencies that changed their pursuit policies shows that pursuing felons only will greatly reduce the amount of police pursuits. However, these numbers dropping mean that some criminals will go free. It is difficult to compare the two opposites in this equation. More pursuits yield more captured criminals, but it brings the potential of deaths, injuries and property damage. Fewer pursuits equal less damages, but more criminals going free.

"For the most part, police agencies have leaned towards more restrictive policies, believing that the costs (injury, damage, death, liability suits, loss of legitimacy with the community, financial costs of fleet repair, etc.) far outweigh the benefits (arrest of the subject, deterrence, crime control)." "The second difficult research question is related to the first: If calculations of costs and benefits could be estimated, we then need to determine whether changes in policies can significantly affect cost-benefit ratios. If the goal of a police agency is to reduce the cost-benefit ratio of pursuits by implementing a more restrictive policy, then, will such a change indeed accomplish this?" (Lum & Fachner, 2008).

Though beyond the scope of this study, there will be an increased cost to society if criminals feel that they can flee from the police and not face consequences for their actions. This could easily result in more criminal activity from emboldened criminals. Future empirical studies should focus on potential increases in crime due to criminals feeling that the police are no longer as willing or as able to pursue.

#### Making eluding arrests when safe

Searching both Google Scholar and the OSU Library, there is a lack of information currently on the topic of offenders who elude the police and are later apprehended. However, a new study could be created that could examine how often this happens. I read through the police reports, I saw many instances where police officers were able to make an arrest after the pursuit is over. When officers had the license plate, many officers responded to the registered owner's address and made an arrest. Some officers used information gleaned from passengers in the car in order to locate the driver. Some officers knew where the offender worked and went there the next day to make an arrest. Further study in this area would be beneficial to show how many offenders are later arrested and charged after eluding the police.

## **RECOMMENDATIONS**

#### Data Collection

Since the Washington State Legislature sets law governing police pursuits, lawmakers should take the extra step of requiring departments to keep a standardized statistical database or pursuit sheet. If each agency captured the same data, better comparisons could take place. Although I received a lot of data from the various agencies, there were still large gaps with missing information that I had requested.

On a related note, police agencies in Washington State could all utilize the same state-wide database. This database could be stored on-line so that researchers, police chiefs, policy makers and the public could access the database and seek out information as I did with this report. After each pursuit, a supervisor would access the database and enter all of the pursuit particulars. This would help standardize data collection and yield better quality reports and informational requests. Data fields should be based on the most relevant data of consequence when it comes to police pursuits.

#### Lawsuits

I received no useful information on lawsuits filed against city and county governments. Either the crashes and injuries resulted in no lawsuits being filed (unlikely), or individual departments are unaware if they have been sued for the actions of officers during a pursuit. Connecting departments with the financial costs of their pursuits along with the presence of survivors would help policy makers create better policy.

Further study in this area would require public disclosure requests be sent to federal, state and local courts to collect data on lawsuits filed as a result of a police pursuit. This data would be important for lawmakers, police chiefs and policy makers to be aware of in order to create pursuit policies and laws.

#### The Cost of Allowing a Suspect to Escape

When debating the merits of a restrictive pursuit policy, it is assumed that traffic violators and misdemeanants will not be captured due to the policy of pursuing dangerous felons only. This has already resulted in situations where criminals have flaunted the law by speeding away with the knowledge that they will not be captured.

A well-known example of this situation occurred in 2022. A kidnapping suspect fleeing Seattle Police called 911 during the pursuit to report that the police were chasing him illegally. "SPD is illegally chasing me over I don't know what," Sissel said to the 911 operator, per the recording. "It's an illegal pursuit... they're not supposed to be able to chase." (Policemag.com, 2022). Obviously, the offender misunderstood that he was wanted for a felony crime.

Another case was mentioned in the news: "Earlier this month, someone stole a truck from the Chevy dealership in Shoreline, Washington, and crashed it through the doors of a cigar shop, a marijuana dispensary and a Wells Fargo bank branch before police arrived, according to Captain Ryan Abbott, a spokesperson for the King County Sheriff's Office. "They attempted to stop the truck. And the truck just left," Abbott said. "They were obviously going faster than they should have been, but it wasn't insane driving by any means. They knew we couldn't stop them. And our officers and deputies turned their lights off immediately and did not pursue." (Greenstone, 2022). The assumption from this case is that officers knew that serious crimes had occurred, but did not feel that they had probable cause for an arrest, so they did not pursue.

"Since January of this year, more than 900 drivers have failed to stop for a Washington State Patrol trooper trying to pull them over. The patrol and other police agencies around the state say they've never seen such blatant disregard for their lights and sirens. The change in driver behavior comes after state lawmakers passed strict new rules on when police can engage in pursuits." (Jenkins, 2022).

## CONCLUSION

I found it rewarding to study the relationship of pursuit policies and the resulting societal harm and good that comes as a result. Police pursuits are inherently dangerous and can definitely cause societal harm. However, criminals continue to prey upon society, and they do not like to be arrested or go to prison. Police officers are still necessary in society. I believe that society will benefit more by allowing police agencies to pursue offenders for dangerous felonies only. While it is true that misdemeanants and traffic violators might get away and not face the repercussions of their crime or violation, there is simply too much risk to the public to engage in frivolous pursuits over trivial matters that are not treated seriously in a court of law. A restrictive pursuit policy will protect the public from harm and reduce large civil lawsuit payouts. Thankfully, Washington State moved from the most restrictive pursuit policy in the nation to one more in line with other progressive agencies and states.

The debate over police pursuits will continue as long as there are discussions over the cost to society if the offender is allowed to get away, vs. the cost to society if police pursue in order to catch the eluding suspect. This debate is currently being played out in numerous communities across the U.S. Ultimately, it comes down to the public opinion of risk and reward for police pursuits. Similar studies can help shape the public policy debate on the cost to society of continuing pursuits vs. abandoning them, except for serious felonies.

## Appendix A: PDR Request

### PUBLIC RECORDS UNIT

## TO WHOM IT MAY CONCERN:

My name is David Sweeney. I was employed by the Seattle Police Department for 34 years, retiring in 2021 as a Patrol Commander at the rank of Lieutenant. Currently, I am earning my Master of Public Policy degree through Oregon State University. My Master's thesis concerns police pursuits. I give you my background as a life-long public servant so that you will know that the public information I am seeking is in no way a "hit piece" against law enforcement or your department.

I am studying the relationship between the police department's pursuit policy and the resulting pursuits and any lawsuits that were filed in the last 5 years, 1/1/2018 to 12/31/2022. For this reason, under the Public Records Act RCW 42.56, I am seeking electronic copies of the following records for the last 5 years, 2018 through 2022.

1. The current Police Department manual section on police pursuits. I need to know if and when the policy was updated to match RCW 10.116.060 on Vehicular Pursuits.
2. If this policy has been updated within the last 5 years, I need the prior pursuit policy in place prior to RCW 10.116.060. This will offer comparisons between the number of pursuits prior to the law and policy change, and the number of pursuits after the law changed, and possibly department policy.
3. I need copies of police reports from any Police Pursuits that took place during the last 5 years. As long as the following data is included in the police report, I do not need separate data fields.
  - a. Date of the pursuit.
  - b. Time of the pursuit.
  - c. Length of pursuit in distance.
  - d. Length of pursuit in time.
  - e. Speeds traveled during the pursuit. (50/35, 80/60, etc.)
  - f. Number of agency police vehicles involved in the pursuit.
  - g. Number of outside agencies vehicles involved.
  - h. Reason for the pursuit (traffic violation, escaping felon, stolen vehicle, etc.).
  - i. Road conditions during the pursuit.
  - j. Type of road – rural or urban.
  - k. Amount of vehicular and pedestrian traffic in the area of the pursuit.
  - l. Length of service for officers involved in the pursuit, both primary and secondary. *(This data might not be available on a police report, so I will need a records check for involved officers).*
  - m. Type of termination. (Offender gave up, vehicle crashed, police terminated the pursuit, etc.)
  - n. Did any supervisor monitor the pursuit?
  - o. Was there any property damage? If so, amount of damage.
  - p. Was anyone injured? If so, who was injured and how were they injured? (Suspect suffered a broken leg, uninvolved citizen had cuts on face, police officer suffered chest trauma, etc.) Where and how were they treated? (At scene, hospital, no treatment, etc.)
  - q. Did anyone die? If so, how many, and cause of death.
4. Lastly, did any of the pursuits end up with a lawsuit or damage claim filed against the agency? If so:
  - a. Date of lawsuit.
  - b. Was the lawsuit filed in Federal, State or County court?
  - c. What was the basis of the lawsuit? In other words, what were the allegations?
  - d. Did the lawsuit settle? If so, what was the outcome? (Dismissed, defense verdict, plaintiff verdict and \$ amount, etc.)



I realize that this is a lot of data fields, and not all data may not be easily retrievable. Since I know my way around a police report, the easiest way for me to get the information would be to get a copy of the original police report, including the incident report, officer statement(s), collision report (if any), and any criminal charges filed. I can read the report and retrieve most of the information above. If there is an agency database on pursuits, I would appreciate accessing the data that way as well. I also realize that police reports will not have any information on lawsuits filed, so I would be looking for basic data fields that could fit the 4 questions I listed above. Thank you in advance for all your hard work. Please let me know when I can expect the records. Again, I would prefer electronic documents and data. Please call or email if you have any questions or concerns.

SINCERELY,

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### **Appendix B: Definitions:**

The following definitions pertain to police work and pursuits and may assist the reader with greater understanding of the topic, particularly from a police officer's viewpoint. Some of these definitions are explored further in this paper. Some of the definitions are based on the Revised Code of Washington.

Authorized Emergency Vehicle, RCW 46.61.030: Any vehicle of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington state patrol, ambulance service, public or private, which need not be classified, registered or authorized by the state patrol, or any other vehicle authorized in writing by the state patrol. (Washington State Legislature, 2022).

Discouragement Pursuit Policy: The agency strongly discourages police pursuits, except for the most extreme emergencies.

Discretionary Pursuit Policy: Department pursuit policy in which the pursuing officer is allowed to continue the pursuit using their own discretion.

Emergency Vehicle Authorization, RCW 46.61.035: The driver of an authorized emergency vehicle when in the pursuit of an actual or suspected violator of the law may proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation; Exceed the maximum speed limits so long as he or she does not endanger life or property; Disregard regulations governing direction of movement or turning in specified directions. Exceptions shall be granted as long as the driver of the police vehicle has emergency lights and audible signal activated. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his or her reckless disregard for the safety of others. (Washington State Legislature, 2022).

Eluding, RCW 46.61.024: Any driver of a motor vehicle who willfully fails or refuses to immediately bring his or her vehicle to a stop and who drives his or her vehicle in a reckless manner while attempting to elude a pursuing police vehicle, after being given a visual or audible signal to bring the vehicle to a stop. (Washington State Legislature, 2022).

Felony: Assault, homicide, robbery, extortion, kidnapping, leading organized crime, manslaughter, crimes involving threatened use of a weapon, vehicular assault, harassment with a deadly threat, burglary, malicious mischief, theft of a motor vehicle, reckless endangerment, coercion, violation of no-contact order, drive-by shooting, sex crimes (promoting prostitution, molestation, rape, sexual exploitation, sexual assault, etc.). (Washington State Legislature, 2022).

Prohibitive Pursuit Policy: Pursuits are not permitted under any circumstances.

Restrictive Pursuit Policy: Department pursuit policy which permits a police officer to engage in a vehicular pursuit only for felonies or situations involving a subject who is a danger to society.

Vehicular Pursuit, RCW 10.116.060: An attempt by a uniformed peace officer in a vehicle equipped with emergency lights and a siren to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle and the operator of the moving vehicle appears to be willfully resisting or ignoring the officer's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or the officer. (Washington State Legislature, 2022).

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