Motor Vehicle Pursuits and the Utilization of the Precision Immobilization Technique

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Abstract

Police Vehicle Pursuits and the use of the Precision Immobilization Technique (PIT) are topics in law enforcement that are high in liability and importance. It is important for Law Enforcement agencies to develop a pursuit policy that establishes guidelines and directives on what will justify a pursuit, what each officer's role in the pursuit is and provide options and techniques available to safely terminate the pursuit. The Precision Immobilization Technique (PIT), is discussed as one of those techniques. The proper execution of the Precision Immobilization Technique (PIT) maneuver can minimize the safety impact on surrounding traffic, pedestrians, officers as well as the suspects. (Zhou, Lu, & Peng, 2008). Training is extremely important in both the pursuit policy and on the established options for the termination of the pursuit. It stresses that untrained or improperly trained officers pose a higher risk to innocent bystanders and pedestrians, they also place the agency at a higher risk of legal liability. The agency should establish pursuit training to include policy review, driving and termination techniques. A survey completed, cited in this paper, revealed that the majority of Sheriff's Offices in Florida allow the use of the Precision Immobilization Technique (PIT). A restrictive pursuit policy was the most common and that the majority of responses revealed that the agencies believe that the Precision Immobilization Technique (PIT) is an effective tool for terminating a pursuit.

Introduction

Motor Vehicle pursuits are a necessary aspect of law enforcement in today's environment. In recent years, pursuits have been heavily scrutinized by society due to the inherent danger. This trend is most evident in the media, the courts, and law enforcement agencies nationwide. Most pursuits have a high propensity for danger and generally result in catastrophic damage when associated with high speeds or violent felons fleeing from law enforcement. By establishing guidelines and responsibilities for the officers to follow could be instrumental in changing the way pursuits are handled. (Wilson, 2000).

Law enforcement agencies across the United States have revamped polices to address the aspects of pursuits with a goal of ending them as quickly as possible. A proven and reliable technique to end pursuits is the Pursuit Intervention Technique, also known as (P.I.T). This technique allows for certified officers to utilize the method to terminate pursuits with minimal damage to agency vehicles. Research has shown that more lives are preserved during the use of P.I.T. versus pursuits ending in a crash.

Certain aspects, like training, equipment, and knowledge of pursuits, are vital in the implementation of this procedure. Civil lawsuits involving crashes as a result of

pursuits seem to be on the rise, due to suspect's actions and innocent motorists becoming casualties in the process. Administrations are now faced with the challenge of moving from traditional methods of law enforcement into innovative techniques like the P.I.T. to preserve human life, protect property and maintain order within society.

Literature Review

Statistical information from the U.S. Department of Transportation reveals approximately 250,000 high speed chases occur each year. Coincidentally, out of these 250,000 chases, 6,000 to 8,000 ends in crashes. Out of these crashes approximately 500 people are killed, and close to 5,000 are injured. (Auten, 1989)

In 2012, general purpose state and local law enforcement agencies conducted an estimated 68,000 vehicle pursuits. Local police departments conducted most of these pursuits (about 40,000) followed by sheriffs' offices (about 18,000) and state police and highway patrol agencies (about 10,000). During the year, 351 persons died as a result of pursuit-related crashes. (Reaves, 2017) It is incumbent on law enforcement to establish tools and techniques to terminate the pursuit as quickly and safely as possible. The Precision Immobilization Technique (PIT) is a method of bringing a car to a stop in somewhat of a controlled manor and was first used by the Fairfax County Police Department of Virginia in 1985. The PIT maneuver has become a practical way to stop fleeing vehicles. Proper execution of the PIT maneuver requires training, planning, choice of site and timing. A properly used PIT maneuver can minimize the safety impact on surrounding traffic, pedestrians, officers as well as the suspect. (Zhou, Lu, & Peng, 2008)

The U.S. Supreme Court ruled on April 30, 2007, in the case of Scott v. Harris that "a police officer's attempt to terminate a dangerous high-speed car chase that threatens the lives of innocent bystanders does not violate the Fourth Amendment, even when it places the fleeing motorist at risk of serious injury or death". In Scott vs. Harris the Supreme Court specifically stated that a pursuit should not be discontinued simply because it is dangerous. "We are loath to lay down a rule requiring the police to allow fleeing suspects to get away whenever they drive so recklessly that they put other people's lives in danger. If that were the case, every fleeing motorist would know that all he had to do was drive dangerously enough to get the police to stop the chase." (Wilson, 2000). Police vehicle pursuits are one of the most dangerous situations a law enforcement officer can be involved in. Due to the increasing use of hand-held media devices they are also highly scrutinized by society as a whole in both the media as well as the courts.

Agencies have begun implementing pursuit policies that restrict them so that they may only pursue for felony or violent felony crimes. Policies serve as an informational source so that department members will understand what actions are appropriate in a pursuit, so the governing body will understand how the goal of public safety is furthered while minimizing liability. It also advises the public as to what measures are being taken to protect them. (Wilson, 2000). Once a pursuit is initiated the officer must evaluate the risks involved and take appropriate action to prevent a tragic conclusion, these are usually life or death decisions that are made in slit seconds. It is up to the officer and the pursuit supervisor to constantly evaluate and determine the value of continuing the pursuit and the safety of the officers, suspects, passengers, bystanders and pedestrians. When

developing and implementing a pursuit policy, law enforcement administrators must assess the needs regarding training and equipment. In addition, the policy must contain a means to evaluate the results of the pursuit to ensure the policy, officers and equipment work as planned. (Wilson, 2000).

In creating a pursuit policy, the creators should understand that for it to be a clearly defined pursuit policy it needs to achieve several ends. It should give officers a clear understanding of when and how to conduct a pursuit. It helps reduce injury and death, maintain the basic police mission to enforce the law and protect life and property and it minimizes liability in crashes that occur during pursuits. There are three types of policy models:

- Discretionary- allowing officers to make all major decisions relating to initiation, tactics and termination
- Restrictive – placing certain restrictions on officers' judgements and decisions
- Discouraging – severely cautioning against or discouraging any pursuit, except in the most extreme circumstances. (Nugent, Connors, McEwen, & Mayo 1990)

In the Geoffrey P. Alpert and Patrick R. Anderson article, "The Most Deadly Force: Police Pursuits", they examined who is responsible for what in a high speed pursuit and identified six different areas of responsibility:

1. Agency policies, practices, and customs.
2. Required training.
3. Actions of officer initiating the pursuit.
4. Actions of backup officers.
5. Actions of the supervisor.
6. Actions of the administrator, who will measure officers' actions against departmental policy.

They also said, "In other words, a strong, clearly defined policy can be undermined if no one enforces it, or if those who violate it are not properly disciplined." (Nugent, Connors, McEwen, & Mayo, 1999)

The pursuit policy must be a guide for the officers', so they have a means of knowledge on when, where, how the pursuit is to be conducted and to provide different options as to how to terminate the pursuit. It should also require training on policy, pursuit driving and on any option for pursuit termination such as spike strips, Precision Immobilization Technique (PIT) or any other authorized option. The policy should provide a clear outline of responsibilities for all of agency personnel involved in the pursuit to include but not limited to: the initiating officer, back up units, patrol supervisors and the communications supervisor. The policy should provide a list of factors for the officer to consider whether it is reasonable to initiate or continue a pursuit. Those factors include but are not limited to the reason for the pursuit, the traffic volume, the location, and the driving abilities of the officer, weather conditions and the speed involved. These factors should be continuously evaluated by the pursuing officer as well as the supervisor in order to properly determine whether to continue or terminate the pursuit. A very important factor in the pursuit policy is training. Untrained or improperly trained officers pose a higher risk to innocent bystanders and pedestrians, they also place the agency at a higher risk of

legal liability. The courts have ruled that if an agency can show that an officer has received sufficient pursuit training, they are likely to be protected from negligent training tort claims. These factors should be continuously evaluated by the pursuing officer as well as the supervisor in order to properly determine whether to continue or terminate the pursuit. A very important factor in the pursuit policy is training. Untrained or improperly trained officers pose a higher risk to innocent bystanders and pedestrians, they also place the agency at a higher risk of legal liability. The courts have ruled that if an agency can show that an officer has received sufficient pursuit training, they are likely to be protected from negligent training tort claims. The agency should establish pursuit training to include policy review, driving skills and termination techniques. After receiving this training there should be an annual refresher course required by the agency. This training should consist of both classroom and practical exercises to demonstrate proficiency. (Andrews, 2007)

Two of the options used to terminate a pursuit is the use of spike strips and the use of the Precision Immobilization Technique (PIT). The spike strip option requires minimal training but is extremely dangerous for the deploying officer due to how close the officer must be to the vehicles involved in the pursuit. According to the September 2012 FBI Bulletin, between 1996 when the use of spike strips began and 2012 there were 26 law enforcement officers killed while deploying spike strips, 5 of those deaths occurred in 2011 alone. The bulletin stated that “In view of the dangers associated with spike strip deployment, law enforcement agencies should weigh other options, such as the PIT maneuver to end high speed pursuits. (McMahon, 2012)

The (PIT) Precision Immobilization Technique is a procedure that has been proven to be an effective and safe tool to end pursuits. This technique would be beneficial to agencies in rural areas where law enforcement aircraft is not always available and it is unlikely to have personnel available to deploy spike strips. This technique would allow an officer to utilize their vehicle to stop the fleeing suspect. It would also allow the officer to terminate a pursuit before it reached a dangerous speed or location. This technique could be an effective tool by not allowing a pursuit to continue for extended periods of time or distance. (Watford, 2006) In order to properly implement the PIT maneuver, the pursuing vehicle pulls alongside the fleeing vehicle so that the portion of the pursuer’s vehicle in front of the front wheels is aligned with the portion of the target vehicle behind the back wheels. The pursuer gently makes contact with the targets side, then steers sharply into the target. The pursuer must also accelerate, or his/her bumper will slide off the fleeing vehicle. As soon as the fleeing vehicle’s rear tires lose traction and start to skid, the pursuer continues to turn in the same direction until clear of the target. The target will turn in the opposite direction, in front of the pursuer, and spin out. (BSR, 2015).

A regularly scheduled post academy Emergency Vehicle Operations Course (EVOC) training program is essential for developing and maintaining the motor skills for law enforcement emergency/pursuit driving and integrating pursuit scenario decision making and policy training. Clear policies and thorough training are critical for this program to be successful for both the officers and the supervisors. The ultimate responsibility falls on the pursuit supervisor, they should be an objective third party to offset the emotion and adrenaline of the officers involved in the pursuit. The pursuit supervisor should monitor the pursuit, be able to evaluate the information provided, request more information if needed and make quick, sound decisions based on the information. Without an effective pursuit policy and training program the supervisor cannot

make these decisions properly. (Adkinson & Conley, 2004) Training is the one component of pursuit management that is most neglected. SWAT team training is an integral part of most agencies monthly training, due to the high-risk high-liability nature of their duties this calls for extensive training. With the high crash, injury and death rate associated with pursuits, intensive pursuit oriented training should be a standard for most agencies. Alpert (1997) found after collecting data from 308 law enforcement agencies that only 60 percent of the agencies provided entry-level driver training at their academies and that continuing training averaged about 3 hour per year.

Most of that training was on mechanical aspects of driving, as opposed to issue-based pursuit conduct. Law enforcement administrators should understand that training can have a significant effect on officers' attitudes towards and willingness to engage in a pursuit. Alpert's study illustrates the impact training can have on individual officers. A comprehensive and sustained pursuit training program limits an agency's liability, better prepares its officers to engage in pursuits, and protects the public from reckless disregard for their safety. (Eiseberg, n.d.)

After being taught by police instructors and being used by law enforcement for several years, the Precision Immobilization Technique has proven to be an effective and safe tool to end pursuits. Use of the Precision Immobilization Technique would allow officers to make a decision to use his vehicle to stop the fleeing vehicle without the assistance of other officers. This could be the best option for managing a pursuit by not allowing the pursuit to continue for extended periods of time. By expanding training and policies and working to minimize the duration of a pursuit, the agency could further reduce the chance of injuries to its officers and the public. There are several actions that would need to take place in order to implement this option. Policy must be written to accommodate the Precision Immobilization Technique, the policy must give proper guidance of when to pursue, who to pursue and what kind of intervention technique should be used to end the pursuit. The agency should include the use of tire deflation devises and the Precision Immobilization Technique in its pursuit policy, techniques and training. The agency would need to purchase equipment to train the officers on how to properly conduct the Precision Immobilization Technique. They would then have to train all officers in the use of the maneuver to include the appropriate situations to deploy it. The largest issue would be the time necessary to train all of the officers in the agency. Once everything has been completed and the new policy is in effect the agency must review its pursuits in order to determine: Did the number of pursuits decrease after implementation of the new policy? Was there a decrease of pursuits ending in a crash after the new policy? Was there a decrease in the number of pursuits that continued for an extended period? Once the review has completed, the agency could determine if the officers felt better equipped to handle this part of their duties. (Watford, 2006).

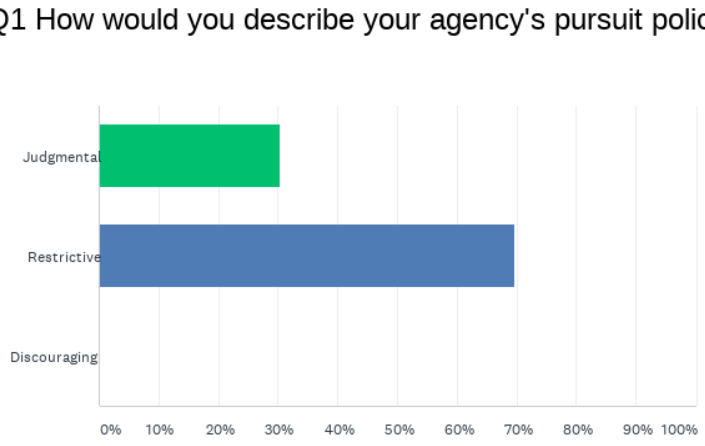
Methods

This research project was completed to gather information and data on current pursuit policies and the use and incorporation of the Precision Immobilization Technique (PIT). The information gathered will assist in determining if the PIT maneuver should be incorporated into policy as an available tool to terminate high speed or dangerous vehicle pursuits. Information and data was gathered by sending surveys to the training director of sixty five Florida Sheriff's Office's. The questions on the survey were designed to establish the type of pursuit policies utilized by the different agencies and if the PIT maneuver can be utilized by policy. It also gathered information on any restrictions on the use of PIT identified in policy such as when it can be used, speeds authorized, does the use have to be approved by a supervisor. Questions were also directed towards training aspects such as initial training requirements and annual re-training. The survey was requested to be completed by a single individual from each agency in an attempt to obtain accurate information from each agency.

Results

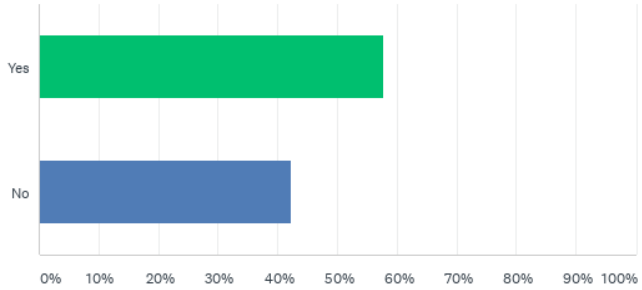
The survey was sent out to the training directors of 65 Florida Sheriff's Office's, of the 64 surveys sent out I received 26 (40.62%) responses.
The survey questions were directed towards agency pursuit policy and the use of the (PIT) Precision Immobilization Technique within that policy.

The first question asked the respondents about their opinion on their current agency pursuit policy. Of the 26 responses, 23 answered this question and 3 skipped the question. The results of this question showed, Seven (30.34%) have Judgmental policies, Sixteen (69.57%) have Restrictive policies and Zero have Discouraging policies.



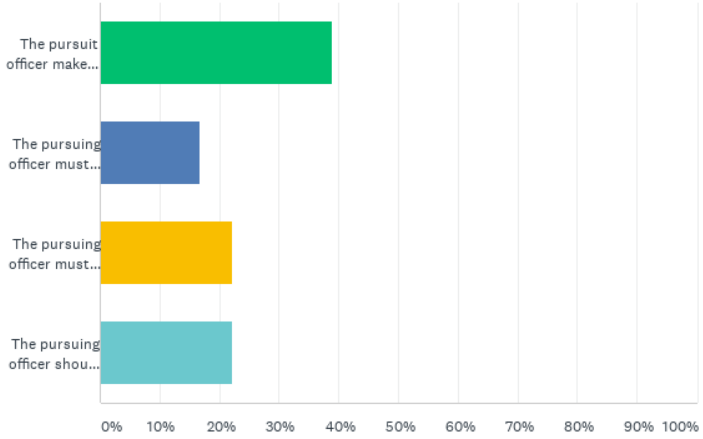
The second question asked if their agency pursuit policy allows their members to use of the Precision Immobilization Technique (PIT). I received 26 responses and 15 (57%) answered yes and 11 (42%) answered no.

Q2 Does your agency pursuit policy allow the use of the Precision Immobilization Technique (PIT) ?



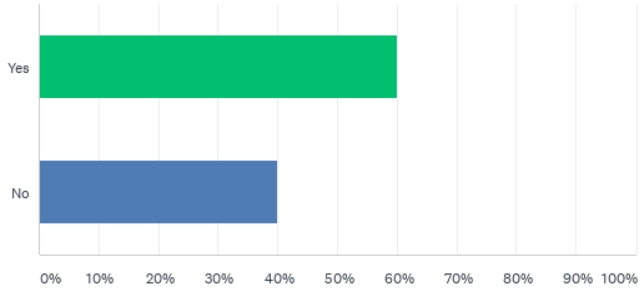
The third question asked who makes the decision on when to use the Precision Immobilization Technique (PIT)? Of the 26 respondents 18 answered the question and 8 skipped the question. Seven (39%) respondents answered that, the pursuing officer makes the decision on their own. Three (16%) respondents answered that the pursuing officer must notify their supervisor prior to initiating the PIT. Four (22%) respondents answered that the pursuing officer must request authorization prior to initiating the PIT. Four (22%) respondents answered that the pursuing officer should request authorization prior to initiating the PIT.

Q3 Which statement best describes your policies authorization to use the Precision Immobilization Technique (PIT) ?



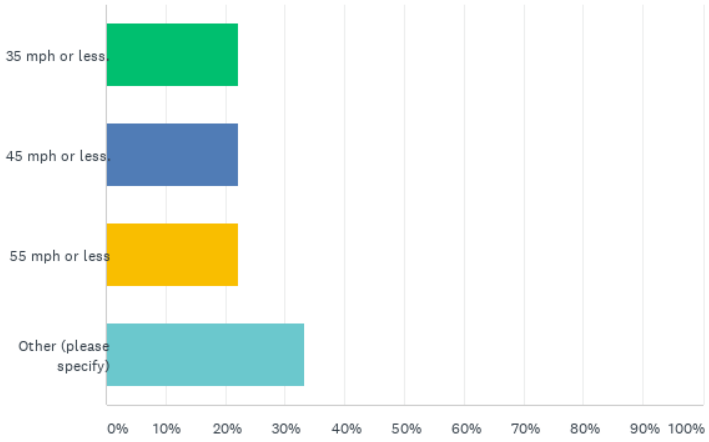
The fourth question asked if their pursuit policy have speed restrictions for the use of the Precision Immobilization Technique. Of the 26 respondents 20 answered and 6 skipped the question. Twelve (60.00%) answered yes, they do have speed restrictions. Eight (40.00%) answered, no they do not have speed restrictions.

Q4 Does your pursuit policy have speed restrictions for the use of the Precision Immobilization Technique ?



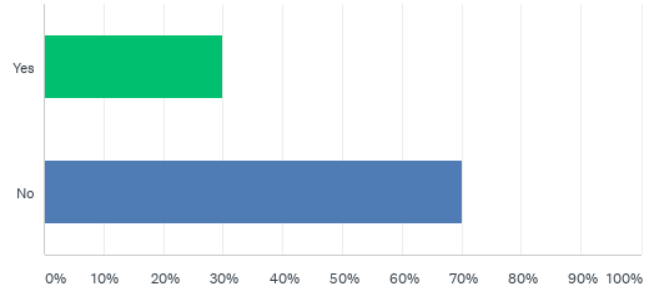
The fifth question asked them to identify their speed restrictions for the use of the Precision Immobilization Technique. Of the 26 respondents 18 answered and 8 skipped the question. Four (22.22%) answered 35 mph or less, Four (22.22%) answered 45 mph or less. Four (22.22%) answered 55 mph or less. Six (33.33%) answered 55 mph or less.

Q5 Identify the speed restriction for use of the Precision Immobilization Technique ?



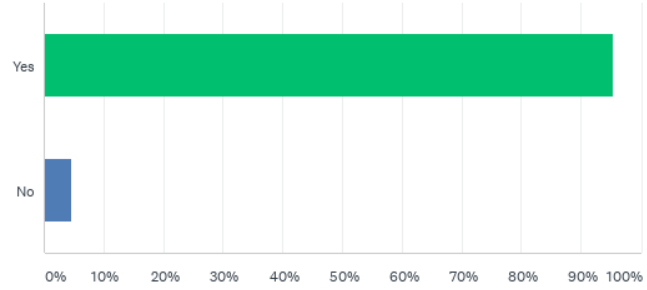
The sixth question asked, if their pursuit policy requires annual training on the Precision Immobilization Technique. Of the 26 respondents 20 answered and 6 skipped the question. Six (30.00%) answered yes. Fourteen (70.00%) answered no.

Q6 Does your pursuit policy require annual training on the Precision Immobilization Technique ?



The seventh question asked if they felt that the Precision Immobilization Technique is and effective tool to terminate a pursuit. Of the 26 respondents 22 answered, and 4 skipped the question. Twenty one (95.45%) answered yes. One (4.55%) answered no to the question.

Q7 Do you feel the Precision Immobilization Technique is an effective tool to terminate a pursuit ?



The eighth question asked that they check all the reasons for not allowing the Precision Immobilization Technique. Of the 26 respondents 16 (61.5%) answered, 10 (38.5%) skipped the question. Six (37.50%) answered that the agency has not considered the Precision Immobilization Technique. Four (25.00%) answered that their administrators considers the Precision Immobilization Technique to be deadly force. Nine (56.25%) answered, training budget restrictions. Eight (50.00%) answered, cost of equipment and installation

Discussion

The purpose for this survey was to collect data from Florida Sheriff's Offices on their pursuit policies and the use of the Precision Immobilization Technique (PIT). The results of the survey showed that the majority (69%) of agencies that responded have a restrictive pursuit policy and approximately a third of the agencies have a judgmental pursuit policy. This type of policy places more restrictions on the pursuing officers and provides more standards and guidelines for the officers to follow. It also showed that approximately 60% of the agencies allow their members to use the Precision Immobilization Technique (PIT). The survey also revealed that the most common policy requirement for the use of the Precision Immobilization Technique (PIT) was for the pursuing officer to make the decision to use the Precision Immobilization Technique (PIT) on their own. While a much smaller number of the agencies require that the officer notify their supervisor prior to initiating the Precision Immobilization Technique (PIT).

The majority of the agencies who responded have speed restrictions during the use of Precision Immobilization Technique (PIT). The speed restrictions were 22.22% said their restrictions were 35 MPH and lower, 22.22% said their restrictions were 45 MPH or less, 22.22% said theirs was 55 MPH or less, the larger response was other at 33.33%. Training for the use of the Precision Immobilization Technique (PIT) was then looked at. It was determined that 30.00% of the agencies require annual training on the Precision Immobilization Technique (PIT) and that 70.00% do not require annual training on the maneuver. Even though research has shown that there should be required training on pursuits and pursuit driving, the survey showed that more agencies do not do annual training on the use of Precision Immobilization Technique (PIT). I believe that annual retraining should be mandatory. In determining if the Precision Immobilization Technique (PIT) maneuver is an effective tool in the termination of vehicle pursuits it was reported in the survey that the vast majority of agencies felt that this was an effective tool for the termination of pursuits.

The last portion of the survey was to establish reasons for not allowing the use of the Precision Immobilization Technique (PIT) maneuver. Of the four options provided in this survey, the most selected option for not allowing the use of the Precision Immobilization Technique (PIT) was due to training budget restrictions. The second most selected response was due to the cost of necessary equipment and installation. The third most selected response was that the agency has not considered the Precision Immobilization Technique (PIT) as an option. The least selected response answer was that the agency administrators considers the Precision Immobilization Technique (PIT) to be deadly force. It has been determined that finance, budget and cost is the biggest factor for agencies not using the PIT as an option for terminating a pursuit.

After gathering the data from the survey, it established that the majority of agencies have restrictive pursuit policies that place certain restrictions in the pursuing officer's judgement and decisions before, during and after the pursuit. It also shows that more agencies pursuit policy allow for the use of the Precision Immobilization Technique. That the majority of agencies allow the pursuing officer to make the decision to utilize the Precision Immobilization Technique. It was then determined that the majority of agencies have speed restrictions for the use of the Precision Immobilization Technique set within their policy. In training, it was determined that 40% more of the agencies do not require

annual training or recertification for the Precision Immobilization Technique. Also, the majority of agencies believe that the Precision Immobilization Technique is an effective tool for the termination of a pursuit. The biggest reason for agencies not allowing the use of the Precision Immobilization Technique to terminate pursuits is due to training budget restrictions.

Recommendations

When an agency implements a pursuit policy, it must make sure the policy includes and covers several items. The policy should provide a set of definitions that clearly and properly define key elements. These elements should include but are not limited to:

- Your agencies definition of a pursuit.
- The definition of a non-compliant driver.
- Intervention, to include types of intervention.

The policy should provide alternative methods or options for terminating the pursuit such as officer discretion, supervisor discretion or by intervention techniques. The policy must include what intervention techniques are available and authorized. Two widely used intervention techniques are the tire deflation technique and the Precision Immobilization Technique or (PIT). When authorizing any intervention technique, the agency must provide training on that technique and should include at least annual retraining. The agency that is going to place into policy and authorize the (PIT) should include in that policy speed restrictions for the use of that technique, what type vehicles are not authorized to use the (PIT) on. They should also provide adequate training on the proper use and execution of the technique, then require annual retraining to maintain officer proficiency in the use of it. This will require agencies that are going to implement this technique into their policy to add to their training budget the additional funds for training time, equipment and installation of necessary equipment for training vehicles to include specialized bumpers for training the (PIT). Once the policy has been finalized, the training equipment has been installed, the training program put in place and training has begun, the agency can successfully implement the use of the technique.

Lieutenant Scott Phillips began his law enforcement career with the Santa Rosa County Sheriff's Office in March 1984 where he worked in the jail until he left the Sheriff's Office in 1985 and went to work for the Florida Dept. of Corrections. He then returned to the Santa Rosa County Sheriff's Office in June 1987 where he worked patrol and Traffic. He was promoted to Sergeant in November 1999 and worked as a shift supervisor and the OIC of the Traffic Unit. In November 2017 he was promoted to Lieutenant and assigned as Evening Watch Commander until February 2020 where he was transferred to the position of District Commander.

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Appendix A

Below are the survey questions with the provided options for the answers.

1. How would you describe your agency's pursuit policy?
   A. Judgmental
   B. Restrictive
   C. Discouraging

2. Does your agency pursuit policy allow the use of the Precision Immobilization? Technique (PIT)?
   A. Yes
   B. No

3. Which statement best describes your policies authorization to use the Precision Immobilization Technique (PIT)?

   A. The pursuit officer makes the decision on their own.
   B. The pursuing officer must notify their supervisor prior to initiating the PIT.
   C. The pursuing officer must request authorization prior to initiating PIT.
   D. The pursuing officer should request authorization prior to initiating the PIT when practical.

4. Does your pursuit policy have speed restrictions for the use of the Precision Immobilization Technique?
   A. Yes
   B. No

5. Identify the speed restriction for use of the Precision Immobilization Technique?
   A. 35 mph or less.
   B. 45 mph or less.
   C. 55 mph or less.
   D. Other (please specify)

6. Does your pursuit policy require annual training on the Precision Immobilization Technique?
   A. Yes
   B. No

7. Do you feel the Precision Immobilization Technique is an effective tool to terminate a pursuit?
   A. Yes
   B. No

8. Please check all the reasons below for not allowing the Precision Immobilization Technique?
   A. The agency has not considered the Precision Immobilization Technique as an option.
   B. Agency administrators considers the Precision Immobilization Technique to be deadly force.
   C. Training budget restrictions.
   D. Cost of necessary equipment and installation.