

Vehicle Pursuits Overview

Village of Maple Bluff Police Department



"OUR POLICY IS CAREFULLY CRAFTED TO PROVIDE DIRECTION AND DISCRETION, WHILE ALSO HOLDING OFFICERS ACCOUNTABLE TO BALANCE THE COMPLEX SOCIAL AND LEGAL CONTEXTS THAT THEIR JOBS REQUIRE OF THEM. MEANWHILE, ILLEGAL AND UNSAFE ACTIONS OF VIOLENT CRIMINALS, REPEAT OFFENDERS, AND RECKLESS DRIVERS DISPROPORTIONATELY CREATE INJURY AND HARM TO INNOCENT CITIZENS AND BYSTANDERS THROUGH THEIR SELFISH AND DANGEROUS BEHAVIOR."

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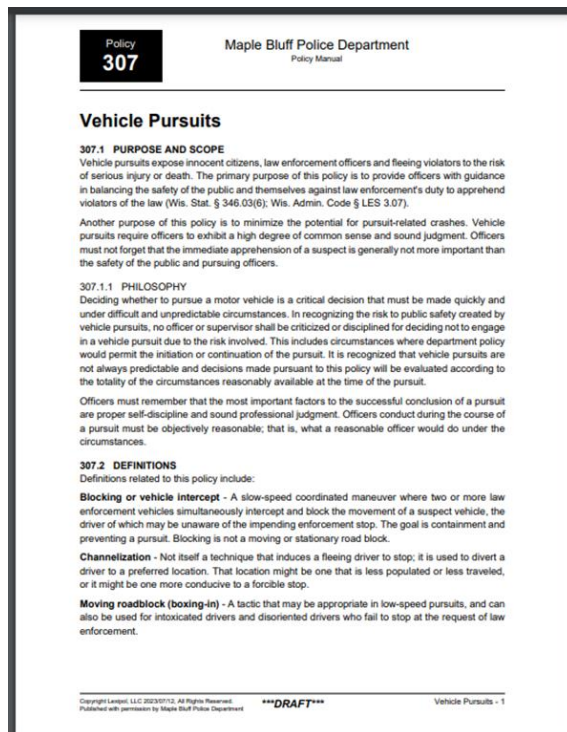
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Our Vehicle Pursuit Policy

Our current Vehicle Pursuit Policy is designed to provide officers with the necessary guidance on how to balance the risk of injury associated with a pursuit, their enforcement obligations, and risks associated with non-apprehension of suspects. Policies are publicly accessible on the Police Department's page of the Village of Maple Bluff website (<https://villageofmaplebluff.com/police/>).

We are keenly aware that pursuits present an elevated safety risk to the public, our officers, and suspects. As such, our officers receive clear guidance and necessary discretion to manage the task of balancing immediate dangers created by a pursuit with the immediate and continued dangers of a suspect remaining at large.

In 2021, we underwent a guided professional analysis of nationally and state recommended policies and best practices which led to the adoption of our current pursuit policy. Since that time, we have conducted consistent evaluations of the policy and all officer pursuits, as well as established an aggressive training program to ensure our officers are optimally prepared for the complexities and dangers that arise during vehicle pursuits. We have also prioritized the maintenance and replacement of our patrol vehicles, which are specifically designed and equipped for optimal pursuit performance. Our policy, training and oversight programs, feedback practices, and equipment are mutually supportive and designed to achieve the community's expectations of our team.



Pursuit Statistics Overview

Reviewing pursuit data from 2019 through 2024, several significant trends emerge. The most notable being the frequency of individuals fleeing from our officers, which **rose steadily from 1.7% in 2019 to 4% in 2023. This trend finally declined to 2.6% in 2024.** Despite the observed reduction in individuals fleeing our officers, we noted that 60% of subjects who fled in 2024 still presented a public safety risk* prior to the pursuit. In addition, **3/4 of our pursuits in 2024 involved suspects with a verified criminal nexus****, including violent or repeat offenders, stolen vehicles, drugs, or firearms. Lastly, after reviewing all the incidents where subjects fled our officers in 2024, **89% of these pursuits bore a clear public safety nexus***.** These statistics help underscore the importance and value of our problem-oriented policing strategy, focused on enhancing community safety by mitigating threats posed by violent criminals, habitual offenders, and reckless drivers.

Our strategy is achieving results. Our approach has resulted in a **significant increase in arrests from pursuits – from 5 in 2019 to 40 in 2024**. Similarly, suspect **escape probability during pursuits has decreased from 76% in 2019 to 26% in 2024**. These accomplishments were made possible by our officers making sound decisions, which included **terminating at least 47% of their pursuits** each year. Ultimately, **apprehensions from pursuits went from 7% to 36% of all arrests in 2019 and 2024 respectively**. These results help demonstrate why pursuits are such an integral tool for our patrol operations.

2019 to 2024 Pursuit Statistics

<u>General Statistics</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>
Total Pursuits:	21	23	40	43	53	53
Initiated by MBPD	18	23	40	40	44	35
Average Distance (miles):	3.1	2.9	3.2	3.1	3.5	4.2
Average Time (minutes):	3	3.3	3.7	4	4	4.7
Average Top Speed(mph):	78	76	85	82	89	92
Average Age of Driver (years):	19	23	23	29	28	30
Tire Deflation Device Used by MBPD:	2	0	8	5	8	7
Public Safety Risk Prior to Pursuit*:	95%	57%	66%	53%	75%	60%
Stolen Vehicle:	71%	39%	20%	19%	19%	21%
Firearm Involved:	5%	4%	7%	5%	15%	13%
Drugs Involved:	10%	9%	20%	12%	21%	38%
Alcohol Involved:	0%	0%	2%	5%	0%	15%
Violent / Repeat Offender – Verified	38%	13%	27%	37%	43%	66%
Violent / Repeat Offender – Unknown	52%	78%	68%	49%	42%	28%
Not Violent / Repeat Offender	10%	9%	5%	14%	15%	6%
Verified Criminal Nexus**:	90%	57%	59%	63%	66%	77%
Public Safety Nexus***:	95%	57%	83%	74%	89%	89%
Fled on Foot:	19%	0%	20%	12%	21%	15%
<u>Terminations</u>						
Pursuits Terminated:	81%	83%	66%	65%	53%	47%
Environmental or Safety Concerns:	29%	11%	18%	46%	39%	32%
Suspect Location or Distance:	65%	89%	82%	43%	43%	56%
Squad Disabled:	0%	0%	0%	7%	11%	12%
Air Support Received:	0%	0%	0%	0%	4%	0%
Directed by a Supervisor:	0%	0%	0%	4%	4%	0%
<u>Outcomes</u>						
Physical Arrests:	5	6	14	15	32	40
No Physical Arrest & Charged****:	17	13	29	24	29	36
Violator Surrender:	1	1	2	5	4	10
Violator Escape:	16	18	19	18	14	14

* “Public Safety Risk Identified Prior to Pursuit” are instances where officers observed, or were made aware of, suspect actions that presented a threat to public safety prior to the initiation of the pursuit itself (i.e., threats or acts of violence, reckless driving, driving through traffic signals without regard for public safety, excessive speeding, weaving recklessly through traffic, etc.)

** “Verified Criminal Nexus” are instances where, after review of the incident, a nexus to significant criminality were identified (i.e., stolen vehicle, firearms, drugs, violent / repeat offender, etc.)

*** “Public Safety Nexus” are instances where, after review of the incident, a nexus to criminality or public safety risks were identified (i.e., public safety risk prior to pursuit, stolen vehicle, firearms, drugs, violent / repeat offender, etc.)

**** “No Physical Arrest & Charged” are instances where although no physical arrest was made, charges were issued to the District Attorney’s office. This typically occurs when suspects are identified through other investigative means and conditions exist such that the public safety balancing analysis was in favor of pursuit termination.

Vehicle Pursuits in Patrol Operations

Vehicle pursuits are widely recognized as an integral tool for law enforcement during patrol operations for several reasons:

1. Apprehending Dangerous Individuals: Pursuits allow law enforcement to actively pursue and apprehend individuals who pose an elevated threat to public safety. This includes suspects involved in violent behaviors (i.e., assaults, weapons violations, homicides, kidnappings, etc.), suspects engaged in repetitive criminal acts (i.e., repeat offenders), and suspects acting recklessly (i.e., excessive speeding, disregarding traffic signals, flight/avoiding apprehension, etc.). By engaging in pursuits, police officers aim to prevent these individuals from escaping justice, committing further crimes, injuring others, and creating more crime victims.

2. Deterrence and Public Confidence: Pursuits send a strong message to potential criminals that law enforcement is committed to apprehending those who break the law. This can act as a deterrent, discouraging individuals from engaging in criminal activities. Additionally, when the public sees that police are actively pursuing and apprehending dangerous individuals, it can enhance public confidence in law enforcement agencies and their ability to maintain public safety.

3. Recovering Stolen Property: Pursuits can also be initiated to recover stolen property or vehicles. By actively pursuing suspects involved in theft or property crimes, law enforcement aims to recover stolen goods and return them to their rightful owners. This helps to deter future thefts and provides a sense of justice to victims.

4. Gathering Evidence: Pursuits can provide law enforcement with valuable evidence for ongoing investigations. During a pursuit, officers may gather information to help identify the subject(s), further investigative leads, and observe additional criminal activity. This information can be crucial in building a strong case against the suspect(s), ensuring a successful prosecution, and holding the offender(s) accountable.

5. Protecting the Public: While pursuits do carry risks, they are conducted with the intention of protecting the public. By actively pursuing dangerous individuals, law enforcement aims to prevent them from causing more harm to innocent bystanders or committing further crimes. The goal is to apprehend the suspect as quickly and safely as possible, minimizing the potential threat to public safety.

Ultimately, vehicle pursuits enable police to apprehend suspects who are fleeing from the scene of a crime or pose a threat to public safety. They also help to maintain law and order by deterring criminals and ensuring that they are held accountable for their actions. Additionally, pursuits can provide valuable information and evidence that can be used in the investigation and prosecution of criminal cases.

Dangers of Pursuits

Police pursuits, while often necessary to apprehend suspects or address immediate threats, can pose significant dangers to both law enforcement officers and the public. Some of the dangers associated with police pursuits include:

1. Increased Risk of Accidents: High-speed pursuits can lead to an increased risk of accidents, both for the fleeing suspect and innocent bystanders. The high speeds involved, reckless driving behaviors, and the adrenaline-fueled nature of pursuits makes it critical for officers to be competent in their profession and maintain control.

2. Injuries and Fatalities: Pursuits can result in serious injuries or fatalities for all parties involved, including officers, suspects, and innocent bystanders. Collisions, vehicle rollovers, or pedestrians being struck are potential outcomes of high-speed pursuits.

3. Property Damage: High-speed pursuits can result in property damage, including damage to vehicles, infrastructure, and private property. This can have financial and emotional consequences for individuals and communities.

4. Emotional and Psychological Impact: Witnessing or being involved in a police pursuit can have an emotional and psychological impact on officers, suspects, and witnesses. The stress and fear associated with these events can impact one's mental well-being.

5. Diversion of Resources: Police pursuits require resources, including personnel, vehicles, and equipment. These resources may be diverted from other tasks, potentially impacting police ability to respond to other emergencies or address community needs.

6. Legal and Liability Issues: Pursuits can raise legal and liability concerns for law enforcement agencies. If a pursuit results in harm to innocent bystanders or property, there may be legal consequences and potential lawsuits against the agency.

Risk Mitigation for Pursuits

Police departments employ various strategies and tactics to mitigate the dangers associated with vehicle pursuits. Here are some common approaches:

1. Pursuit Policies: Police departments establish pursuit policies that provide guidelines for officers to assess the risks and make informed decisions during pursuits. *The MBPD vehicle pursuit policy, found here (<https://villageofmaplebluff.com/police/>) includes guidelines for initiating, continuing, and terminating pursuits based on factors such as the seriousness of the offense, the level of danger posed, and the availability of alternative methods for apprehension.*

2. Training and Education: Law enforcement agencies provide comprehensive training to officers on pursuit tactics, risk assessment, and decision-making. This training emphasizes the importance of public safety, the potential risks involved, and the need to balance apprehension with minimizing harm. *The MBPD trains officers well beyond the state's standard in vehicle pursuits. While the state mandates all officers train in pursuit driving once every two years, the MBPD holds two pursuit driving Inservice training sessions per year.*

3. Communication and Supervision: Effective communication and supervision during pursuits are important factors. Supervisors can monitor and provide guidance to officers involved in pursuits, ensuring adherence to pursuit policies, and assessing the ongoing risks. Clear communication channels between officers, dispatchers, and supervisors help maintain situational awareness and facilitate informed decision-making. *MBPD staffing is insufficient to always have more than one officer on duty, which also means officers regularly work without a supervisor present. Despite this challenge, we maintain an on-call supervisor to answer questions and respond to emergencies when necessary.*

4. Technology and Tools: Police departments utilize technology and tools to enhance safety during pursuits. This includes equipping patrol vehicles with GPS tracking systems, tire deflation devices (e.g., spike strips), and push bumpers to disable fleeing vehicles and quickly bring pursuits to a safe conclusion. These tools can help officers maintain control, track suspects, and minimize risks. *The MBPD utilizes various technology and tools to help minimize risks during pursuits.*

5. Collaborative Efforts: Police departments may collaborate with other agencies, such as aviation units or specialized pursuit teams, to assist in managing and resolving high-risk pursuits. These specialized units can provide additional resources, expertise, and alternative tactics to safely apprehend suspects. *The MBPD collaborates with partner agencies to enhance information sharing and resource utilization of our daily patrol*

operations. Additionally, we regularly participate in joint agency problem-oriented policing initiatives that target stolen vehicles, criminal activity, and reckless drivers.

6. Review and Evaluation: After each pursuit, police departments conduct thorough reviews to assess the effectiveness of their pursuit policies and tactics. These reviews help identify areas for improvement, address any policy violations, and enhance officer training and decision-making. *The MBPD carefully reviews each pursuit to ensure our actions remain consistent with community expectations, best practices, and public safety objectives. Our pursuit review process includes a thorough evaluation of every pursuit by the Operations Sergeant, comprehensive data entry and reporting, and a final review of each pursuit by the Chief of Police.*

7. Pursuit Alternatives: Police departments increasingly explore and utilize alternative methods for apprehending suspects, such as using surveillance technology, intelligence gathering, or waiting for safer opportunities to make an arrest. These alternatives aim to minimize the risks associated with high-speed pursuits while still ensuring public safety. *The MBPD enables our officers with access to several investigative tools and specialized training that expand their options for pursuit alternatives.*

It is important to note that the specific strategies and tactics employed by police departments may vary based on local laws, resources, and community needs.

Differing Agency Pursuit Policies

Every police department must carefully choose what policing strategies to pursue based on the specific public safety challenges within their community, as well as the goals they seek to accomplish. The MBPD prioritizes the deterrence and apprehension of violent criminals and repeat offenders engaging in or about to engage in criminal behavior, as well as reckless drivers due to the likely and impactful threat they pose to the residents of our community. Additionally, the MBPD pursues the following long-term goals to ensure the residents of Maple Bluff receive exemplary services and responsible governance well into the future:

- 1) maintain exceptional police services,
- 2) develop trusting relationships,
- 3) reinforce officer competence and safety,
- 4) foster team-oriented professionalism, and
- 5) promote public safety through criminal deterrence and public engagement.

As articulated in the problem-oriented policing section of the department's *Operational Overview*, **we employ problem-oriented policing (POP) to promote criminal deterrence in our community.** POP is a proactive approach to law enforcement that involves

identifying and analyzing specific crime and disorder problems in a community, while developing effective response strategies. Using this methodology, we identify patterns of crime and public safety issues, seek to understand the underlying conditions contributing to them, and apply tailored approaches to mitigate or eliminate these problems. This often involves collaboration with community members and other public agencies, while encouraging creative problem-solving and a focus on prevention rather than just responding to incidents as they occur. In the past several years, we have seen a significant increase in speeding, reckless driving incidents, and stolen vehicles. These trends present an increased threat to public safety and make how we approach our enforcement responsibilities even more critical.

Our approach to POP encourages and enables our officers to continuously communicate, engage and build trusting relationships with the community, maintain a persistent patrol presence, proactively identify and address criminal violations, respond quickly to incidents, and thoroughly investigate all crimes committed in our jurisdiction.

This strategy keeps our community safe despite the complex and unique challenges we face as law enforcement. Ultimately, our policies – including our vehicle pursuit policy – reinforce this strategy and enable our officers’ operational effectiveness.

Reasons People Flee Police

Reasons for fleeing from police can vary widely, but some common reasons include:

- 1. Fear of Arrest:** Individuals flee because they fear arrest, particularly if they have outstanding warrants or are involved in illegal activities.
- 2. Influence of Drugs or Alcohol:** Impaired judgment due to drugs or alcohol can also lead individuals to flee from police.
- 3. Perception of Escape Possibility:** Some individuals believe they have a good chance of escaping and avoiding arrest.
- 4. To Dispose of Evidence:** In some cases, individuals may flee in order to dispose of or hide evidence.
- 5. Fear of Police:** Some individuals may fear interaction with the police due to past negative experiences, perceived or real bias, or fear of police brutality.
- 6. Panic or Impulse:** Some people may flee out of a sudden impulse or panic, without fully considering the consequences.

Factors of People Fleeing Police

While it's important to avoid generalizations, research has shown that certain factors may increase the likelihood of an individual fleeing from police. To be clear, these factors

are not used by police officers for the purposes of predicting who could or will flee, but enumerate several factors indicating why they may choose to do so:

- 1. Criminal History:** Individuals with a history of criminal behavior or outstanding warrants may be more likely to flee from police to avoid arrest.
- 2. Age:** Younger individuals, particularly teenagers and young adults, may be more likely to flee due to impulsivity, lack of understanding of the consequences, or fear.
- 3. Substance Use:** Individuals under the influence of drugs or alcohol may be more likely to flee due to impaired judgment or fear of being arrested for substance-related offenses.
- 4. Mental Health Issues:** Individuals with certain mental health conditions may be more likely to flee due to fear, paranoia, or misunderstanding of the situation.
- 5. Socioeconomic Status:** Individuals from lower socioeconomic backgrounds may be more likely to flee due to fear of financial penalties, lack of trust in the justice system, or previous negative experiences with law enforcement.
- 6. Fear of Police:** Individuals who have had negative encounters with law enforcement in the past or who have developed a fear of police brutality may be more likely to flee.

It's important to note that these factors do not guarantee that an individual will flee from police, nor do they justify or excuse such behavior. They simply provide some context for understanding why some individuals might choose to flee.

Pursuing Reckless Drivers

Reckless driving poses a foreseeable, clear, immediate, and – when unaddressed – protracted danger to the public. If a driver is speeding, ignoring traffic signals, or driving erratically, it's foreseeable that this could result in an accident-causing injury or even death. In such cases, police are justified in pursuing the driver to prevent these potential harms. The aim of the pursuit is to stop reckless behavior as quickly as possible, to protect other road users and pedestrians.

- 1. Public Safety:** Pursuing reckless drivers is essential to protect public safety. Reckless drivers pose a significant risk to themselves and others on the road. By engaging in high-speed pursuits, law enforcement aims to apprehend these drivers and remove them from the road, reducing the immediate and protracted threat they pose to public safety.
- 2. Deterrence:** Pursuits send a strong message to reckless drivers and the community that dangerous driving behaviors will not be tolerated. When drivers know that law enforcement is actively pursuing and apprehending those who engage in reckless driving, it can act as a deterrent, discouraging others from engaging in similar behaviors. This helps promote safer driving practices and reduces the overall risk on the roads.

3. Accountability: Pursuing reckless drivers holds them accountable for their actions. Reckless driving is a serious offense that endangers lives and violates traffic laws. By initiating pursuits, law enforcement demonstrates that these actions have consequences and that individuals will be held responsible for their dangerous behavior. This promotes a sense of justice and fairness in the community.

4. Gathering Evidence: Pursuits can provide law enforcement with valuable evidence for prosecuting reckless drivers. During a pursuit, officers may observe the driver engaging in additional dangerous behaviors or violating other laws. This evidence can be crucial in building a strong case against the driver, ensuring a successful prosecution, and potentially preventing future instances of reckless driving.

5. Rehabilitation and Education: Pursuits can also serve as an opportunity for intervention, rehabilitation, and education. Once apprehended, reckless drivers can be assessed for underlying issues that contribute to their dangerous behavior, such as substance abuse or aggressive tendencies. This can lead to appropriate interventions, such as mandatory driver improvement programs or substance abuse treatment, aimed at addressing these issues and promoting safer driving habits.

Police must also consider the potential risks of the pursuit itself. High-speed chases can be dangerous, potentially leading to accidents. Therefore, the decision to pursue must balance the foreseeable risk of allowing the reckless driving to continue against the potential dangers of the pursuit. Policies and procedures guide officers in making these decisions, to ensure that the response is proportionate, and the public is protected.

Unaddressed Reckless Driving

Unapprehended reckless drivers create a protracted or ongoing threat to public safety in several ways:

1. Continued Dangerous Behavior: When reckless drivers are not apprehended, they are free to continue engaging in dangerous driving behaviors. This includes speeding, aggressive driving, running red lights, tailgating, or driving under the influence of drugs or alcohol. Their actions put themselves and others at risk of accidents, injuries, or even fatalities.

2. Normalization of Reckless Driving: When unapprehended reckless drivers continue their dangerous behaviors without facing consequences, it can normalize such actions in the eyes of other drivers. This normalization can lead to a higher tolerance for reckless driving, potentially influencing other motorists to engage in similar behaviors. This, in turn, increases the overall risk to public safety as more drivers adopt dangerous driving habits.

3. Increased Risk for Vulnerable Road Users: Reckless drivers pose a particular threat to vulnerable road users, such as pedestrians, cyclists, or motorcyclists. When

unapprehended, these drivers may not exercise caution or follow traffic laws when sharing the road with these vulnerable individuals. This increases the likelihood of accidents and severe injuries for those who are more exposed and less protected.

4. Escalation of Reckless Behavior: If unapprehended reckless drivers face no consequences for their actions, they may become emboldened and escalate their dangerous behaviors over time. This can include engaging in more extreme forms of reckless driving, such as street racing, participating in illegal driving stunts, or engaging in high-speed pursuits. The escalation of their behavior further endangers the safety of the public.

5. Lack of Deterrence: When reckless drivers go unapprehended, it sends a message that their actions are tolerated or not taken seriously. This lack of deterrence can lead to a disregard for traffic laws and safe driving practices, as these drivers may believe they can continue their reckless behavior without consequences. This perpetuates a cycle of danger and increases the ongoing threat to public safety.

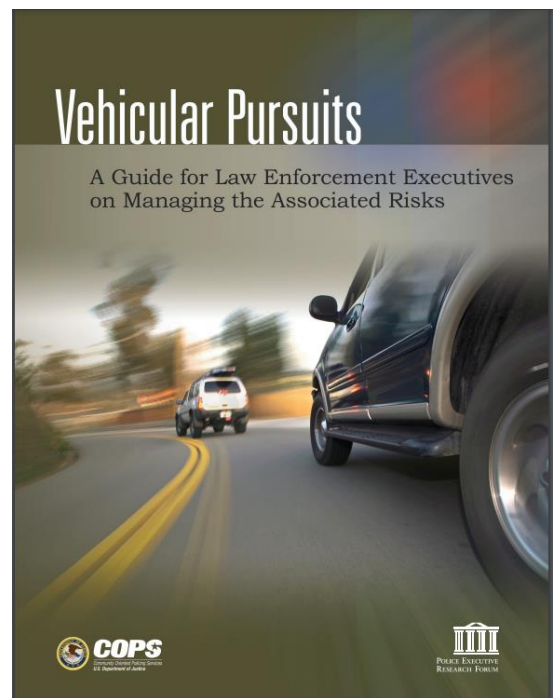
To address the protracted or ongoing threat posed by unapprehended reckless drivers, it is advisable for law enforcement agencies to prioritize traffic enforcement, increase patrols, and utilize technologies such as traffic cameras or automated enforcement systems. Public education campaigns can also raise awareness about the dangers of reckless driving and encourage reporting of dangerous behaviors. Additionally, community involvement and cooperation can play a vital role in identifying and reporting unapprehended reckless drivers to authorities.

PERF Report on Vehicle Pursuits

In 2020, Congress directed the National Highway Traffic Safety Administration (NHTSA), in partnership with police jurisdictions, to conduct a study that would lead to the development of accurate reporting and analyses of crashes that involve police pursuits. While NHTSA currently collects data on first responder vehicles that are involved in fatalities during police pursuits, those data are subject to significant underreporting. NHTSA and the Office of Community Oriented Policing Services (COPS Office) tasked the Police Executive Research Forum (PERF) with developing a guide, using the findings from that research, to provide pursuit safety information, research data, and model policies to foster the promotion of safer vehicular pursuits. PERF, NHTSA, and the COPS Office developed this resource in consultation with the Pursuits Working Group to help police agencies manage the risks of vehicular pursuits. This document explains the context for decision-making on pursuit policy, including the choices and risks associated with pursuits, and gives guidance to executives on making the best choices for their agency and community. The report can be found in full at:

<https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-r1134-pub.pdf>

The PERF report on vehicle pursuits takes to task the challenging effort of establishing a set of comprehensive recommendations for police executives to consider and continuously evaluate. The report provides police departments and communities with a framework to improve their understanding of the complexities associated with analyzing police pursuit policies in conjunction with operational priorities and community objectives. To accomplish this task, PERF evaluated existing research, reviewed 48 agency pursuit policies, and held discussions with a working group. Altogether, the PERF report provides 65 recommendations for law enforcement agencies to consider. Departments and their communities must ultimately weigh the tradeoffs of each policy suggestion and consider their predicted impact when implemented over time.



PERF Contribution to our Operations

Given the potential value of the PERF report, **our consideration of these recommendations is made with a thoughtful and thorough understanding of community expectations, environmental conditions, and department priorities, strategy, and resources.** All the report's recommendations are worthy of consideration and many suitable for implementation within our department. During our review, we noted that the PERF report emphasizes several risks associated with police vehicle pursuits – potential harm to bystanders, property damage, and risk to the officers involved. However, we also found the report somewhat limited in its analysis. We identified several other critical factors that cannot be omitted from an appropriate analysis of public safety policy objectives (See “Pursuits, Preservation of Life, and Public Safety” below).

PERF Recommendation to Restrict Pursuits for Violent Crimes Only

Best practices are essential for us to consider and, when appropriate, adopt. During our review of the PERF report, one policy recommendation stood out among the others as needing careful examination due to the known impact its implementation can have on public safety – the recommendation that pursuits should take place only when two very specific standards are met: (1) A violent crime has been committed and; (2) the suspect poses an imminent threat to commit another violent crime. **The report also makes it clear that the adoption of a blanket restrictive pursuit policy is, in fact, not appropriate for all agencies.**

Safety and the sanctity of life are of the utmost priority and, as such, are prioritized into the foundations of our policy and practices. Unfortunately, restricting pursuits to violent crime emboldens those most likely to harm others and creates victims. As such,

the broad application of such a specific and restrictive policy recommendation does not account for complex long-term public safety objectives that are necessary for police departments and communities to consider. Most notably, the real, persistent, and often life-threatening risk that reckless behavior creates for communities can't be ignored. Moreover, the policy position seems to neglect the safety of victims by ignoring a well-known reality – that wanted subjects, violent criminals, and repeat offenders regularly utilize tactics (i.e., tinting windows, using stolen license plates, using temporary registration tags, using vehicles owned by others, fleeing traffic stops, etc.) to conceal their identities, establish a cover for more serious criminal activities, and avoid apprehension (See “Prioritizing Crime Committed by Repeat Offenders” in the department’s *Operational Overview*, and “Overly Restrictive Pursuit Policies” below).

If officers were limited to initiating pursuits or required to terminate pursuits on the premise of violent crime alone, officers would effectively be restricted from making sound judgments based on the totality of circumstances in any given situation. It would effectively undermine their obligations to community safety and leave our community vulnerable to the most significant threats to the public’s welfare – violent criminals, repeat offenders, and reckless individuals.

As such, the MBPD will use the valuable contributions the PERF report has to offer while being cautious not to interpret the recommendations in a way that is overly restrictive, risk averse, or would misplace accountability (See “Overly Restrictive Pursuit Policies”, “Risk-Averse Policing Practices”, and “Officer and Suspect Accountability” below). As a department, we will continue to carefully evaluate our unique environmental conditions and prioritize how to meet public safety objectives and the expectations of our community, while also being attuned to and, where appropriate, adopting new practices.

PERF Contribution to Addressing Reckless Drivers

Reckless behavior, and specifically reckless driving, presents a real, persistent, and life-threatening risk to the public, independent of an officer’s attempts to apprehend them. Indeed, not allowing officers to pursue a reckless driver could violate the sanctity of life principle. Left unapprehended and unaccountable, they continue to create unsafe environments for drivers and non-drivers alike. Consider that in 2021 alone, Wisconsin experienced 128,296 vehicle crashes and 595 people killed in those crashes. Notably, an impaired or speeding driver was involved in 49% of the 546 fatal crashes. Reckless driving is a major public safety challenge that communities expect their police departments to address.

The PERF report highlights several important points regarding the challenge that reckless drivers pose to public safety policymaking. One is that “this is a complicated issue without one clear answer. A blanket policy allowing pursuits of reckless drivers is not recommended, but neither is a blanket policy forbidding such pursuits”. Another is that “if police intervention is likely to make the situation better (i.e., police are able to use tactics to safely stop the vehicle and put an end to the reckless driving), then that may justify taking such action”. Although the report is highly cautious about pursuits in

general, ultimately it aligns with our department's policy stance that "continuous assessment of the situation is critical".

The report ends its discussion about reckless drivers with an important and relevant final note. "Understanding the community context is important when deciding the risks and liability an agency will accept. A community that has seen increased traffic fatalities among innocent people due to reckless drivers may expect police to pursue such drivers despite the associated risks. Other communities may not tolerate high-speed police pursuits except for the most egregious violent crimes." (p.33) Indeed, each Chief of Police must ultimately decide what strategic priorities they want their officers to achieve. **Through problem-oriented policing, the MBPD prioritizes strategic prevention, targeted intervention, and collaborative efforts to keep our community safe. Our goal is to not only respond to crime but prevent it. Simply stated, pursuits are an integral tool that helps us achieve our priorities and goals.**

Pursuits, Preservation of Life, and Public Safety

Sanctity of human life is a crucial principle that guides law enforcement agencies. In understanding how police attend to this principle, it is important to consider how they balance their public safety and enforcement obligations to communities:

- 1. Balancing Act:** Law enforcement agencies have a dual mandate to protect life and enforce the law. Sometimes, these two objectives can be perceived as in conflict with one another. For instance, in a high-speed pursuit situation, the decision to not pursue might allow a dangerous individual to escape, potentially endangering more lives in the future.
- 2. Practicality and Feasibility:** Officers do not always have clear guidance in complex real-world situations. Officers often make split-second decisions under high-pressure situations where the 'right' choice isn't always immediately clear. This is why regular high-quality training is critical and the actions of officers are reviewed and evaluated based on the "objectively reasonable" standard.
- 3. Unintended Consequences:** If law enforcement agencies were to neglect their obligations to preserve life and enforce laws, it could lead to unintended and cascading consequences. For example, criminals might feel emboldened to engage in even more reckless and damaging behavior, knowing that police will not pursue them.
- 4. Rule of Law:** The rule of law is a fundamental principle that ensures justice, social order, and the preservation of life. If law enforcement agencies were to neglect their duty to enforce the law, it could ultimately lead to a breakdown of social order and put the lives of citizens in jeopardy.
- 5. Need for Comprehensive Approach:** There are many important elements of an effective pursuit policy that help preserve the lives of all involved. These include, but are not limited to officer training, use of technology, proper equipment, inter-agency cooperation, and community engagement.

“Overly Restrictive” Vehicle Pursuit Policies

Although the intent behind more restrictive vehicle pursuit policies may be to improve safety outcomes, policies that are overly restrictive can prevent police from effectively keeping their communities safe. Their results do not support acceptable long-term public safety outcomes or the preservation of life and jeopardize public safety in several ways:

1. Escalation of Criminal Behavior: When pursuit policies are overly restrictive, criminals become emboldened, knowing that law enforcement is less likely to engage in pursuits. This can lead to an increase in criminal activity, such as armed robberies, carjackings, or high-speed getaways, as offenders feel they can escape without consequence. The lack of pursuit can embolden criminals and put the public at greater risk.

2. Lack of Deterrence: Pursuits act as a deterrent to reckless driving and other dangerous behaviors. When potential offenders know that law enforcement is willing to pursue and apprehend them, it can discourage them from engaging in dangerous activities. Overly restrictive pursuit policies undermine this deterrent effect, as offenders may believe they can evade capture and continue their dangerous behavior without consequences.

3. Public Perception of Impunity: Overly restrictive pursuit policies create a perception among the public that offenders can act with impunity. This can erode trust in law enforcement and the justice system, as citizens may feel that criminals are not being held accountable for their actions. This perception can lead to a breakdown in community cooperation and hinder efforts to maintain public safety.

4. Increased Risk to Innocent Bystanders: While pursuits inherently carry risks, overly restrictive policies result in officers hesitating to initiate or continue pursuits even when public safety is at stake. This can allow dangerous individuals to remain on the streets, potentially putting innocent bystanders at risk. Balancing the risks of pursuit with the potential harm caused by allowing dangerous individuals to escape is crucial in maintaining public safety.

5. Ineffective Apprehension of Dangerous Offenders: Overly restrictive pursuit policies limit law enforcement's ability to apprehend dangerous offenders promptly. This can result in prolonged criminal activity, as offenders remain at large and continue to pose a threat to public safety. Swift apprehension through pursuits can help remove dangerous individuals from the streets and prevent further harm.

Developing comprehensive pursuit policies that consider factors such as the threat posed to public safety, availability of alternatives, traffic conditions, and the presence of innocent bystanders is crucial. Regular training, communication, and evaluation of pursuit policies can help ensure that public safety remains a priority while minimizing unnecessary risks.

Risk-Averse Policing Practices

Risk-averse policy and decision-making in law enforcement can jeopardize public safety in several ways:

1. Inadequate Response to Emergencies: A risk-averse approach may lead to delayed or insufficient responses to emergency situations. When officers are overly cautious or hesitant to act, it can result in a slower response time, giving criminals more time to cause harm or escape. This can put the public at greater risk and hinder the effectiveness of law enforcement interventions.

2. Failure to Address High-Risk Individuals: Risk-averse decision-making may result in a reluctance to proactively target and address illegal actions of high-risk individuals, such as violent criminals or repeat offenders. By avoiding confrontations or taking a passive approach, law enforcement may allow these individuals to continue engaging in criminal activities, posing a threat to public safety.

3. Reduced Deterrence Effect: A risk-averse approach can diminish the deterrence effect of law enforcement. When potential offenders perceive that law enforcement is hesitant or unlikely to take action, it may embolden them to engage in criminal behavior with a reduced fear of consequences. This can lead to an increase in criminal activity and a decline in public safety.

4. Underutilization of Effective Strategies: Risk-averse decision-making may discourage the use of proactive policing strategies that have proven effective in reducing crime and enhancing public safety. Strategies such as targeted enforcement, intelligence-led policing, or community engagement initiatives may involve some level of risk, but they have demonstrated positive outcomes in crime prevention and community trust-building. Avoiding these strategies due to risk aversion can hinder progress in addressing crime and maintaining public safety.

5. Erosion of Public Trust: A risk-averse approach that prioritizes avoiding any potential negative outcomes can erode public trust in law enforcement. When the public perceives that law enforcement is unwilling to take necessary risks to protect their safety, it can lead to a loss of confidence and cooperation. This can hinder community partnerships, making it more challenging for law enforcement to gather information, prevent crime, and maintain public safety effectively.

It is important for law enforcement agencies to strike a balance between managing risks and taking appropriate action to ensure public safety. By adopting a thoughtful and evidence-based approach, law enforcement can mitigate risks while effectively addressing crime and maintaining public trust.

Officer and Suspect Accountability

Narratives criticizing and/or attacking law enforcement are not new but have gained momentum in recent years. These narratives, unfortunately, often overshadow and counteract the importance of individual accountability and prioritization of victim protection in our society. Counter to these narratives, **the reality is that MBPD officers abide by department policy, which is carefully crafted to provide direction and discretion, while also holding them accountable to balance the complex social and legal contexts that their jobs require of them.** Meanwhile, illegal and unsafe actions of violent criminals, repeat offenders, and reckless drivers disproportionately create injury and harm to innocent citizens and bystanders through their selfish and dangerous behavior.

Imbedded in some anti-police narratives, we see a deeply concerning logical ‘slight-of-hand’ creeping into public thought. For example, the PERF report incorrectly asserts that “if a driver is not reckless when the police initiate a traffic stop but takes off in a reckless fashion, it is clear that the police intervention caused, created, is a proximate cause, etc. of the recklessness. In that sense, the police own the behavior and, as long as they continue to chase, they will be partially responsible for the outcome.” (p.33)

Police intervention can escalate a subject’s behavior for many reasons. This is important for police to consider in all contacts with the public, along with several other factors necessary for an objective evaluation of accountability:

- 1. Personal Responsibility:** The decision to react violently or recklessly to a police intervention is ultimately the offender's choice. Individuals are responsible for their actions and must face consequences for harmful decisions. The police initiating a traffic stop does not absolve a driver from adhering to the law nor justify their recklessness.
- 2. Lawful Intervention:** Police officers have a duty to enforce traffic laws for the safety of all road users. If a driver responds to a lawful intervention by acting recklessly, it is not the police intervention that is the cause, but the driver's poor and unlawful choice.
- 3. Unpredictable Reactions:** Police officers cannot predict how a driver will react to a traffic stop. Some drivers may respond calmly, while others may react in a reckless or dangerous manner. The reaction of the driver is not within the control of the police – training and policy that guides and empowers sound discretionary decision-making is.
- 4. Necessary Enforcement:** If the argument were accepted, it would deter police from carrying out necessary enforcement for fear of causing reckless behavior or reprimand. This leads to an increase in traffic violations, unsafe behaviors, and compromises safety.
- 5. Pre-existing Factors:** A driver's decision to flee or act recklessly is often influenced by factors they create, such as outstanding warrants, illegal substances, a stolen vehicle, or other crimes. In these circumstances, the individual’s desire to evade law enforcement and avoid the consequences of their actions is the cause of their recklessness.

Holding individuals accountable for their actions is crucial in reducing crime rates and ensuring public safety. The criminal justice system aims to ensure accountability for suspects while safeguarding the rights of both victims and the accused. Ultimately, proactive policing measures, such as vehicle pursuits, contribute to apprehending suspects, enabling the criminal justice system to function effectively.

Research conducted by the National Institute of Justice reveals that proactive policing measures, including vehicle pursuits, significantly reduce the likelihood of offenders committing subsequent crimes. Studies also demonstrate that proactive policing efforts, including targeted enforcement and vehicle pursuits, act as a deterrent to potential criminals. Finally, consistent research highlights the effectiveness of proactive policing measures, such as vehicle pursuits, in protecting vulnerable communities disproportionately affected by crime.

The MBPD uses evidence-based mitigation practices to balance the risks inherent to law enforcement. We have developed responsible protocols and training to minimize risks associated with vehicle pursuits. Ultimately, data collection and a longitudinal approach to analysis will enable us to assess the impact of our strategies, reduce victims, and promote public safety.

Challenging anti-police narratives necessitates an evidence-based approach that emphasizes individual accountability, victim protection, and the importance of proactive policing measures. Empirical evidence supports the notion that holding individuals accountable for their actions reduces crime rates and ensures public safety. Proactive policing efforts, including vehicle pursuits, have been shown to deter potential criminals, safeguard vulnerable communities, and minimize harm to innocent victims. Responsible protocols and risk assessment strategies ensure that proactive policing measures are effective and safe. By relying on evidence-based practices, the Maple Bluff Police Department can foster a safer environment that upholds justice, personal responsibility, and the well-being of our community.

The “Objectively Reasonable” Standard

The "objectively reasonable" standard is a legal principle used in law enforcement, including in Wisconsin, to evaluate the appropriateness of an officer's use of force in a given situation. This standard comes from the U.S. Supreme Court case Graham v. Connor (1989), which is used nationwide, not just in Wisconsin.

According to this standard, **the reasonableness of a particular use of force incident must be judged from the perspective of a reasonable officer on the scene and based on the totality of the circumstances, rather than with the 20/20 vision of hindsight.** The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving.

In other words, the "objectively reasonable" standard is designed to consider that officers must often make quick decisions in potentially dangerous situations. However, it also requires that an officer's actions be judged based on what a reasonable officer in the same situation, with similar experience and training would have done.

Understanding "Proximate Cause"

The PERF report asserts that "if a driver is not reckless when the police initiate a traffic stop but takes off in a reckless fashion, it is clear that the police intervention caused, created, is a proximate cause, etc. of the recklessness." **The concept of proximate cause is an important factor to consider during an analysis of vehicle pursuit policy; however, the report overreaches in its interpretation.**

The legal concept of "proximate cause" originates from tort law, which is a body of law that addresses, and provides remedies for, civil wrongs not arising out of contractual obligations. A person who suffers legal damage may be able to use tort law to receive compensation from someone who is legally responsible, or liable, for those injuries.

In the context of vehicular pursuits, proximate cause refers to the legal principle that the actions of the police (or any other party involved) must be closely related to any harm or damage that occurs.

The concept of proximate cause is used to limit the scope of liability to those causes that are "proximate" or close in the chain of causation. This concept is **used to prevent unlimited liability for all the consequences of a negligent act**, no matter how remote. The concept of proximate cause has been a part of common law for centuries, and its application in vehicular pursuits is a more recent development as motor vehicles and high-speed chases have become more common.

The determination of whether a vehicle pursuit is considered a proximate cause for outcomes is highly dependent on the specific facts of each case. However, based on case law, there are several factors that courts often consider:

- 1. The nature of the police conduct:** Courts often look at *whether the police acted recklessly or negligently during the pursuit*. For example, if the police violated their department's pursuit policy or without "**due regard**" a court may be more likely to find that the pursuit was a proximate cause of any resulting harm.
- 2. The foreseeability of the harm:** Courts often consider *whether the harm that occurred was a foreseeable result of the police pursuit*. The decision to pursue must balance the foreseeable risks between allowing reckless driving to continue and the potential dangers of the pursuit.
- 3. The directness of the connection between the pursuit and the harm:** If there is a *direct and immediate link between the police actions and the harm that occurred*, a court may be more likely to find that the pursuit was a proximate cause.

4. The presence of intervening causes: If there were *other factors that contributed to the harm, such as the suspect's own reckless driving*, a court may be less likely to find that the police pursuit was a proximate cause.

Officer “Due Regard” Obligation

In the law enforcement context, **"due regard" refers to the legal and ethical obligation of police officers to consider and prioritize the safety and well-being of individuals and the public while carrying out their duties.** It requires officers to balance the need for effective law enforcement with the protection of civil liberties and the avoidance of unnecessary harm.

Specifically, due regard in law enforcement involves:

- 1. Public Safety:** Police officers must prioritize the safety and security of the public in their actions and decision-making. This includes taking appropriate measures to prevent and respond to criminal activity, ensuring the safety of individuals involved in incidents, and protecting the community from harm.
- 2. Human Rights and Civil Liberties:** Officers must respect and uphold the human rights and civil liberties of all individuals, regardless of their background or circumstances. This includes treating individuals with dignity and respect, avoiding discriminatory practices, and ensuring that their actions are in accordance with constitutional rights and legal protections.
- 3. Proportionality:** Law enforcement actions should be proportionate to the threat or risk being addressed. Officers should use reasonable force and take appropriate action based on the circumstances, avoiding excessive or unnecessary force that may result in unjustified harm.
- 4. Professionalism and Accountability:** Due regard requires officers to act professionally, adhering to established policies, procedures, and legal standards. They should be accountable for their actions, ensuring transparency, and being responsive to complaints or concerns raised by the public.

Overall, due regard in the law enforcement context emphasizes the importance of responsible and ethical decision-making, considering the safety and rights of individuals, and maintaining public trust and confidence in the police. It serves as a guiding principle to ensure that law enforcement actions are reasonable, justifiable, and in line with legal and ethical standards.

There are several key case laws that have shaped the concept of "due regard" in police pursuits. Here are a few notable cases:

1. Tennessee v. Garner (1985): In this landmark case, the U.S. Supreme Court held that the use of deadly force by law enforcement in apprehending a fleeing suspect is only justified if the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical harm to the officer or others. The Court emphasized the importance of balancing the government's interest in apprehension with the individual's Fourth Amendment rights.

2. Scott v. Harris (2007): In this case, the Supreme Court addressed the issue of police pursuits and the use of force. The Court held that a law enforcement officer's use of deadly force to terminate a high-speed pursuit does not violate the Fourth Amendment if the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical harm to others.

3. Brower v. County of Inyo (1989): This case involved a pursuit that resulted in a fatal collision. The Supreme Court held that a police roadblock set up with the intent to stop a fleeing suspect can constitute a seizure under the Fourth Amendment. The Court emphasized that the use of deadly force in a roadblock situation must be reasonable and necessary to prevent the suspect's escape and protect public safety.

4. Plumhoff v. Rickard (2014): In this case, the Supreme Court addressed the use of deadly force in a high-speed pursuit. The Court held that the officers' use of deadly force, which involved firing multiple shots at the suspect's vehicle, did not violate the Fourth Amendment. The Court emphasized that the officers' actions were reasonable given the threat posed by the suspect's reckless driving and the need to protect public safety.

These cases highlight the importance of balancing law enforcement's duty to protect public safety with the constitutional rights of individuals during police pursuits. They provide guidance on when the use of force, including deadly force, is justified and underscore the need for officers to exercise due regard for the safety of all individuals involved in a pursuit, including the suspect. It is important to note that case law varies across jurisdictions, and it is advisable to consult specific local laws and precedents for a comprehensive understanding of due regard in police pursuits.