



AMERICAN CIVIL LIBERTIES UNION
RHODE ISLAND AFFILIATE

LIFE AND DEATH IN THE FAST LANE:

THE DANGEROUS NATURE OF POLICE HIGH-SPEED CHASES

IN RHODE ISLAND

An American Civil Liberties Union Report

September, 1989

12-4-90 MFI
285821

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

American Civil Liberties Union

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

**LIFE AND DEATH IN THE FAST LANE:
THE DANGEROUS NATURE OF POLICE HIGH-SPEED CHASES
IN RHODE ISLAND**

An American Civil Liberties Union Report

September, 1989

CONTENTS

I.	<u>FOREWARD AND SUMMARY</u>	1
	-- General Findings	
	-- Recommendations	
II.	<u>A NATIONAL PERSPECTIVE ON HIGH SPEED CHASES.</u>	4
III.	<u>AN INTRODUCTION TO HIGH SPEED CHASES IN RHODE ISLAND.</u> . . .	9
IV.	<u>THE MAJOR PROBLEMS WITH R.I. HIGH-SPEED PURSUITS.</u>	12
	-- No Uniform State Policy	
	-- Chases for Motor Vehicle Violations	
	-- Chases of "Suspicious" Persons	
	-- Number of Cruisers	
	-- Excessive Speed	
	-- Inadequate Regulations and Guidelines	
	-- "General Considerations and Guidelines"	
	-- Providence and State Police	
	-- Other Departmental Policies	
	-- Failure to Stop a Chase Once Begun	
	-- Lack of Supervision	
	-- Lack of Sanctions; Implicit Approval of Dangerous Chases	
	-- Other Factors	
V.	<u>RECOMMENDATIONS.</u>	24
VI.	<u>A SAMPLE OF HIGH SPEED PURSUITS IN R.I.: 1983-1987.</u> . . .	26
VII.	<u>INDEX OF POLICE HIGH SPEED CHASES.</u>	39
VII.	<u>FOOTNOTES.</u>	40

I. FOREWORD AND SUMMARY

"[T]he driver of an authorized emergency vehicle [shall not be relieved] from the duty to drive with due regard for the safety of all persons." -- R.I.G.L. 31-12-9.

High-speed police chases are a common occurrence in Rhode Island; they are also an extremely perilous one. As the above statutory provision implies, however, the R.I. General Assembly has recognized that there must be a balancing between the public safety and a police officer's interest in capturing suspects fleeing in a motor vehicle. This report concludes that, in practice, this balance has been seriously skewed toward the latter goal, resulting each year in unnecessary risks, injuries and fatalities to Rhode Island residents.

Section II of the report provides a national perspective on the issue, reviews the studies that have been done elsewhere on high speed chases, and suggests reasons why so many pursuits occur. Section III examines the methodology of our report and offers a general overview of the issue for Rhode Island.

Section IV details some of the major problems with police practices and procedures uncovered by our study, and Section V provides a list of recommendations for change, designed to halt the widespread use of dangerous police chases. Finally, Section VI summarizes 50 high-speed pursuit incidents that occurred in the state between 1983 and 1987, and it attempts to concretely show just how unnecessary and tragic so many police chases are.

Listed below are some of the major findings and recommendations of the ACLU in its investigation of police high speed chases, all of which are discussed in more detail in later sections of the report.

General Findings

** The most dangerous police chases are often initiated-- and proceed for lengthy periods of time -- for traffic violations or other minor offenses, not for felonies.

** Officers left to their discretion do not terminate pursuits when the hazards outweigh the benefits.

** Departmental policies on police high speed pursuits are often incomplete, ignore important issues to be considered before undertaking or ending a chase, and contain ambiguous instructions about the different courses of action officers should take for various offenses.

** The two police departments most active in high speed chases have some of the most serious deficiencies in terms of policies and practices.

** Chases are used to apprehend an offender in cases where safer means are possible, such as obtaining the car's registration and using it to track down the suspect's name and address for later apprehension.

** There is a tremendous lack of adequate supervision over police chases, and an apparent failure by police officials to take strong action that would prevent inappropriate pursuits from occurring. This attitude creates, at best, an atmosphere of tolerance for hazardous pursuits, and at worst, implicit encouragement of them.

Recommendations

** There should be a statewide policy on high-speed pursuits which is consistent with Rhode Island state law, and which provides uniformity throughout all cities and towns in the state.

** The policy should limit pursuits to the most serious crimes. For less serious offenses, chases should be prohibited and alternatives substituted, such as taking the driver's registration number for later apprehension.

** The policy should provide clear guidance for the typical situations officers are likely to find themselves in during pursuits, and should include directions covering the various aspects of a chase, such as: limits on the speed and number of cruisers and guidelines on the use of sirens and firearms.

** All patrol officers should be required to periodically undergo practical as well as classroom re-training in high-speed driving.

** There should be strict responsibility imposed on supervisory officers to order the termination of a pursuit when conditions warrant it.

** In all chases resulting in serious property damage, injury or death, a formal investigation should be required.

** Reports detailing the results of such investigations should be available to the public to insure public oversight on this issue, and should be periodically reviewed to determine if policy changes are necessary.

** There must be a change in attitude by police officials as to the appropriateness of high speed chases in general.

In 1979, when Providence Police shot and killed two unarmed suspects in separate incidents, there was a large community outcry and a push for the enactment of legislation to restrict deadly force. While more people may die through high speed police pursuits than through the use of firearms, the same outcry has been lacking. That must change, for the documented risks of these pursuits are abundantly clear. The alternative is a continuation of the needless carnage that has plagued Rhode Island's streets and highways over the years.

II. A NATIONAL PERSPECTIVE ON HIGH SPEED CHASES

From Bullitt to The French Connection to Lethal Weapon II, high-speed police pursuits have become a staple of the action-adventure movie. They are just as ubiquitous on the small screen, having become common fare on weekly television police shows. As exciting as these high-speed pursuits are to watch, the reality of these chases is much more sobering.

In the celluloid fantasies we have become accustomed to seeing, the police set off only after the most vicious of criminals -- usually extremely vile murderers -- and, in the end, other than for some spectacular property damage, everybody (except perhaps the murderous villain) emerges unscathed. In the real world, however, things are much different. These chases are extraordinarily and unnecessarily dangerous, are usually initiated in response to minor violations of the law, and result all too often in death or injury to innocent people and individuals suspected of only petty offenses.

Every year in this country, there are literally hundreds of fatalities resulting from high speed chases, and thousands more people are seriously injured.¹ In light of their prevalence, it is "surprising that so little is known about police chases, the amount and type of danger which could result, or the type and adequacies of policies, training and supervision."² There appears to have been only one national survey conducted -- by Leonard Territo, a professor of criminal justice at the University of South Florida -- to evaluate police department policies on high speed pursuits.³ Further, researchers point to only six empirical studies on police high speed chases that have been conducted over the years, and four of those are considered to be so seriously flawed in their methodology as to be unreliable.⁴

Of the two empirical studies generally deemed valid, one was conducted in 1983 by the California Highway Patrol (hereinafter referred to as the CHP study), and involved an examination of 683 pursuits by the state patrol and ten city law enforcement agencies.⁵ The other study, by Erik Beckman, a professor of criminal justice at Michigan State University, analyzed 424 pursuits among 75 law enforcement agencies in nine states and two territories over a six-month period in 1984.⁶ Both studies confirm the disturbing consequences of these chases.

Beckman found that there was a ratio of one fatality for every 35 police high speed pursuits, and an injury could be expected in approximately every seven pursuits. He also concluded that about one in every four pursuits resulted in property damage accidents with no injuries.⁷ The CHP study came up with similar, though slightly reduced, figures: out of every 100 pursuits, the study concluded that about 29 will end in an

accident of some type; 11 will end in injury accidents; and 1 will end in a fatal accident.⁸

The CHP report also found that while 70% of all pursuit-related injuries will occur to occupants in the pursued vehicle, approximately 14% of the injuries will be to police, and 15% to innocent third parties. Further, while law enforcement fatalities are extremely rare, about 28% of the fatalities can be expected to be of uninvolved third parties.⁹

There is little factual dispute about what prompts these high speed chases. Unlike the common perception that they ensue to catch dangerous felons, the most common event preceding a pursuit is not a felony, but a vehicle code violation.¹⁰ Not surprisingly, then, Beckman's study shows that the most injuries and deaths occur in pursuits of traffic violators.¹¹

In addition, both studies found that drivers attempt to elude the police for reasons other than being a dangerous felony offender, and Beckman noted that "the correctness of the officer's perception of the event preceding the pursuit is generally confirmed by the booking charges."¹² The significance of this is that police chasing a traffic offender, for example, have no reason to justify the pursuit on the grounds that the person has sped off to hide a more serious crime.

Another suggestive and disturbing statistic concerns the age of the people involved in chases. These dangerous pursuits appear to be an activity of the young -- on both ends of the chase. The CHP study found the average pursued driver is likely to be a 20 year old male.¹³ This explains the impulsive aspect of many chases for, as alluded to above, the person being pursued often has little more to hide than the traffic offense that prompted the pursuit.

Perhaps even more interesting was Beckman's finding that the police officer's age (or, more precisely, experience) also impacted on whether a chase ensued. 47% of the officers involved in chases had five years or less police experience; and 30% had six to ten years experience. Thus, only 23% of the chases were initiated by officers with more than ten years law enforcement experience.¹⁴

That maturity and experience have a major impact on whether a police officer decides to begin a chase is intimated by another statistic provided by Beckman: in all activities except for chases initiated to catch suspected felons, he found that the involvement of the officers was in frequencies expected according to experience proportions. The more experienced officers were much more likely to be involved in felony pursuits: 55% of the officers involved in these chases had over ten years experience, while only 21% had less than five years of experience.¹⁵ This suggests that older, more experienced police may be more cognizant of the danger of high speed pursuits and so they

initiate them only for the most appropriate reasons -- such as to catch a dangerous felon -- and refrain from engaging in them to get minor offenders.

A few commentators have discussed the factors at work in the excitement of a high speed chase that help explain it as a young man's "sport." While these comments refer to officers, some of the analysis has similar bearing on the young drivers being pursued as well:

Police officers, especially younger, inexperienced ones regardless of the offense for which the driver is wanted, rarely voluntarily terminate a high speed pursuit. It is unfortunate but true that police officers sometimes take such matters quite personally. Further compounding this is the fear that fellow officers may view a voluntary termination as an act of timidity.¹⁶

Another commentator has similarly suggested:

All too often, an officer becomes so personally involved in the capture of a suspect that the safety of others is forgotten. The chase then becomes a matter of professional pride in driving skill; the officer concentrates only on winning.¹⁷

The seasoned officer is much more likely to resist these psychological temptations, and will have less need to prove him or herself.

It is not just psychological factors that may promote long chases. A driver in a high speed-pursuit may

also undergo physiological changes as a result of the danger and excitement of a chase. His heartbeat and blood pressure will rise, and large amounts of adrenalin will flow into his bloodstream. This will create an illusion of slow motion, producing an erroneous perception of the speeds of the vehicles and a tendency to be overconfident in executing the chase.¹⁸

The basic conclusion to be reached from this is that there is a pressing need for special training and supervision to overcome these reactions. However, as our report will indicate, that is precisely what is most sorely lacking.

* * * * *

Indeed, high-speed chases have been and continue to be treated in a much less serious fashion than they clearly deserve. We believe they should be considered analogous in many ways to the use of firearms by a police officer to stop a fleeing suspect. They are both inherently hazardous.

Most police departments have very strict policies on the use of weapons and require detailed reports and investigations whenever a firearm is discharged by an officer in the course of duty. High speed chases, though they are often just as dangerous and clearly much more prevalent, receive little, if any, of that attention or scrutiny. But "when a police officer engages in a high-speed chase in a high-powered police car, that vehicle becomes a potential deadly weapon."¹⁹

The courts have set strict constitutional standards on when deadly force of weapons is acceptable. In 1985, the U.S. Supreme Court ruled, in Tennessee v. Garner, that such force cannot be used "to prevent the escape (of an unarmed suspected felon) unless it is necessary to prevent the escape and the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others."²⁰ Few high-speed chases that result in death or serious injury meet this standard. To the contrary, in many chases, it is the police decision to pursue that most creates a threat of death or serious physical injury.

As the Court succinctly put it, "It is not better that all felony suspects die than that they escape."²¹ This would seem even more apt in the context of high-speed chases, when police are more often than not dealing with misdemeanants or traffic violators, not felons.

Law enforcement officials may protest that they cannot simply let suspects "get away" with evading the law, but this fails to adequately weigh the costs involved. In most states, including Rhode Island, the crime of flight from arrest or eluding a police officer is a misdemeanor. As the U.S. Supreme Court noted in Garner, this "avoids the anomaly of automatically transforming every fleeing misdemeanor into a fleeing felon solely by virtue of his flight. However, it is in real tension with the harsh consequences of flight in cases where deadly force is employed." And while it is unfortunate to allow a suspect to get away, "The use of deadly force is a self-defeating way of apprehending a suspect and so setting the criminal justice mechanism in motion."²² We feel the same is true of high speed chases. In addition, because high speed chases can create extreme danger to the public, the balance shifts even further towards the side of caution.

While, in some instances, the argument could be offered that chases for certain traffic violations are quite reasonable since those violations (like speeding) can be dangerous to others, there is more than a little irony in initiating a high-speed chase for that reason: instead of having one speeder, a high-speed pursuit creates two or more cars exceeding the speed limit, all probably going faster than the pursued driver initially was.

There are strong fiscal reasons for cutting down on these pursuits as well:

The relatively high ratio of pursuit-related accidents has had its parallel in costly pursuit-related lawsuits. In a survey conducted for the International Association of Chiefs of Police, it was found that in a ten year period from 1967 through 1976, plaintiff verdicts in high speed chase litigation ranked second among police civil liability suits in terms of dollar amount awarded, exceeded only by misuse of firearm or nightstick cases."²³ In a similar vein, it has been estimated that pursuit-related collisions account for close to 20% of all injury accidents sustained by police drivers.²⁴

For many of these reasons, a number of police departments across the country -- including Phoenix, Baltimore, and Dade County, Florida -- have in the past few years begun adopting tough policies designed to drastically reduce the initiation of high speed chases.²⁵

All this, of course, is not to argue that high speed chases should never be employed. However, when one considers the restraints placed on, and accepted by, police in the context of deadly force against suspected felons, the prevalence of dangerous high-speed pursuits -- that can have the same effect on people suspected of lesser crimes and that present a much greater danger to innocent bystanders -- is completely unacceptable. A reevaluation of the propriety of high speed chases in many circumstances must be undertaken.

III. AN INTRODUCTION TO HIGH SPEED CHASES IN RHODE ISLAND

This ACLU report examines the serious problem of police high-speed pursuits in the state of Rhode Island, where the number of chases involving injury, death and excessive property damage is extremely disturbing.

Rarely are police chases reported in a broader context to show the ongoing nature of the danger; rather, they are presented as discrete events, and thus it is easy to forget that they are actually part of a pattern of a dangerous activity. In addition to documenting the magnitude of the problem, we attempt to analyze some of the reasons for these dangerous pursuits, and call for new, consistent policies to be adopted.

This report was not designed as an empirical study, for our only access to information about chases was from news reports that were of varying degrees of completeness. Nor is the summary of various high speed chases between 1983 and 1987 that is presented in the report intended to be comprehensive; the fifty chases listed form only the tip of this dangerous iceberg.

In addition to the practical difficulty of doing so, there is another reason we have not tried to present comprehensive statistics. We believe the illustrations of chases contained in the last section of the report make clear that figures are not important. The question is not whether high speed chases are prevalent or dangerous or under what circumstances they occur--all that is abundantly plain. Rather, the question is: when are we going to take steps to rein in this dangerous police activity?

The report of incidents comes from clippings gleaned from The Providence Journal for the five-year period of 1983-1987. (In addition, some of our analysis relies on copies of some police departments' own regulations, obtained during 1983-84.) As unscientific as the information is, possibly little more could be obtained from the police departments themselves. Unlike the use of weapons, police departments generally do not keep detailed records or conduct investigations of chases. Geoffrey Alpert, a professor of criminal justice at the University of South Carolina, called it "shocking" that "most departments...don't even know how many chases they've had." Pointing to the lack of studies done on this issue, he claims: "The problem with a national study is access to data."²⁶

Nonetheless, the impressionistic "data" obtained from the ACLU's study clearly confirms the major findings of the CHP and Beckman studies: There is a large amount of injury or property damage; most pursuits seem to be prompted by traffic offenses or other minor reasons, and most deaths or serious injuries occur during those chases; the resulting charges against fleeing drivers often are just those -- such as reckless driving and

eluding a police officer -- that are prompted by the chase itself; and the drivers who flee are quite young. (The median age of drivers in high-speed chases documented in this study that resulted in death or serious injury was 21.)

Although many chases take place over a distance of more than one town, no uniform state policy or regulation exists for Rhode Island. Instead, local police departments have different policies, each covering different aspects of a pursuit. For the most part, these policies are very general and fail to provide adequate guidelines for officers to follow. As will be discussed later, the two police departments that appear most active in high speed pursuits -- Providence and the State Police -- have perhaps the most archaic policies of all. And of all the police departments in the state, Providence is apparently the only one that -- as incredible as it seems -- gives its officers no practical pursuit training at all.²⁷

But it is especially disturbing that regulations appear to be routinely ignored and violated, and all without much consequence to the offending officers or supervisors. Indeed, perhaps the ACLU's most fundamental finding is the apparent lack of supervision over high speed pursuit and a failure by police departments to abide by clear written standards on the appropriateness of chases. Police chiefs routinely support the most dangerous chases as "necessary." The next section examines this problem in more detail.

The violation of more than internal rules is also involved. The police who engage in high speed chases do not do so in a statutory vacuum. While emergency vehicles are exempt from certain traffic laws, they are required by state law to consider public safety above all else. Rhode Island law provides:

The driver of an authorized emergency vehicle may...[e]xceed the prima-facie speed limits so long as he does not endanger life or property. (R.I.G.L. 31-12-7, emphasis added.)

That this is routinely ignored will become obvious in the section of the report summarizing some high speed incidents.

Another section of the General Laws, 31-12-9, places the burden of responsibility on the driver of an authorized emergency vehicle for endangering the public:

The foregoing provisions [exempting emergency vehicles from certain traffic laws] 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 reckless disregard for the safety of others.

Accordingly, many departmental policies require officers to weigh the possible danger of initiating and continuing a chase

against the seriousness of the crime committed and other important factors. But this weighing is left undefined, and when one examines the chases that police officers routinely engage in, the problem is not just the vagueness of these policies, but the fact that the words seem to fall on deaf ears.

Unfortunately, our examination shows that existing police practices often threaten public safety in a manner totally out of proportion to the danger of the offense itself. In practice, officers engage in excessive and hazardous chases for relatively minor offenses -- chases that are inconsistent with state law and with some departments' own policies, and that cause injuries to police, to fleeing drivers, and to innocent motorists.

To concretely illustrate the seriousness of the problem, our report summarizes 50 local high speed chases over a five-year period. It should be emphasized that these summaries are just a sample of the dozens of high speed pursuits that take place yearly, but they serve to illustrate just how pervasive this problem is.

The long-running nature of the problem, beyond the five years studied here, cannot be ignored. Ten years ago, a Providence Journal editorial began: "The story is numbingly familiar. Policeman in cruiser spots speeding car. Policeman gives chase. They race at reckless speeds. The pursued car crashes." The editorial was prompted by the death of two men after they were chased for speeding by the state police, but the words could have been repeated dozens of times since then. The editorial proposed that "police departments . . . should enforce a strict ban on (high speed) chases -- except in rare instances (such as an attempt to halt the escape of a known felon), and then only when radioed approval is given by the officer in charge."²⁸

Three years later, after the state police chased a speeding car at night on winding, dangerous Wampanoag Trail at speeds of up to 110 MPH, the Journal repeated its call for a review of these pursuits. And only last month, pointing to figures that Providence police cars have been involved in 582 accidents since 1985, an editorial noted, "High speed chases endanger lives and property, and should be authorized only in real emergencies."²⁹

Thus far, these calls have gone unheeded. Regrettably, the conclusion of the 1979 editorial remains as apt today as it was then: "More chases will only mean more fatal accidents." Indeed, while our summary of incidents ends in 1987, the deadly chases continue. Already this year, two people have been killed as the result of high-speed pursuits. One was a young driver who lost his life in a high speed chase that began because his car did not have an inspection sticker; the other was of an innocent motorist killed after colliding with a car being pursued by police.³⁰

The need for immediate reform is great if no more unnecessary deaths are to occur.

IV. THE MAJOR PROBLEMS WITH R.I. HIGH-SPEED PURSUITS

Among the major problems an analysis of police pursuits in the state show are the following:

- * There is no uniform state policy on high speed pursuit, though chases often involve more than one town or city.

- * Chases are often initiated -- and proceed for lengthy periods of time -- for minor offenses or other inappropriate reasons.

- * Departmental policies are often incomplete, ignore important issues to be considered before undertaking or ending a chase, and contain ambiguous instructions about the different courses of action officers should take for various offenses.

- * Extreme and dangerous measures -- such as excessive speed or the use of numerous police cruisers -- are often used in pursuits.

- * Chases are used to apprehend an offender in cases where safer means are possible, such as obtaining the car's registration for later apprehension, or contacting the suspect later at home when his or her residence is known.

- * Officers left to their discretion do not terminate pursuits when the hazards outweigh the benefits.

- * The two police departments most active in high speed chases have some of the most serious deficiencies in terms of policies and practices.

- * There is a tremendous lack of adequate supervision over police chases, and an apparent failure by police officials to impose sanctions against officers for engaging in inappropriate pursuits. This attitude creates, at best, an atmosphere of tolerance for hazardous pursuits, and at worst, implicit encouragement of them.

These problems are detailed below. Reference is made in this section and the summary of incidents to departmental policies on high speed pursuit that date back to 1983-84, when the ACLU requested the standard operating procedures pertaining to motor vehicle chases from police departments in the state. We received 19 policies at that time. Many agencies ignored our request, and others offered questionable reasons for refusing to provide us their policies.

The policies we had received were in effect during a substantial portion of the period studied, and probably remain so. Because of the difficulties we encountered in obtaining the policies, and the unlikelihood of there having been

significant changes in the interim, the departments were not re-contacted for any updated revisions. If policies have changed, they would almost certainly have gotten stricter; yet, as our summary shows, the dangerous chases have increased, not decreased.

No Uniform State Policy

Although high-speed pursuits routinely continue across city and town lines, no uniform policy exists to regulate the pursuit of suspects from one local jurisdiction to another within the state. In a state as small as Rhode Island, where chases of more than a minimal length have a good chance of extending beyond one community, this lack of uniformity is unwise and unacceptable. (Twenty of the fifty chases summarized in Section VI involved more than one police department.)

The policies of departments differed dramatically. The grounds for starting and halting a chase varied greatly, yet there is nothing in the news reports we have seen to suggest that police are told to stop or modify chases once they enter another community.

Various department regulations covered different aspects of high speed pursuits. For example, two police departments set speed limits for chases involving motor vehicle violations and misdemeanors, while others had none. Some included guidelines as to when to use lights, sirens and firearms, or how many cruisers should get involved; Hopkinton's policy, on the other hand, left safety and procedural issues up to "the experience and common sense of each officer," making no mention at all of these important items. Most policies, while providing more guidance than that, nonetheless failed to include many specific safety and procedural limitations.

Not only is there no uniformity in the guidelines, but some departments did not have high speed pursuit regulations at all. As of 1983, South Kingstown, for example, did not. Nor, amazingly, did the state police! Since we requested copies of these policies from all police departments in the state and received only 19, it is possible other departments do not (or did not) have policies either.

Chases for Motor Vehicles Violations

In line with the CHP and Beckman studies, we found that a high percentage of chases were initiated in response to police officer observance of motor vehicle violations, not felonies. Of the 21 chases cited that resulted in death or serious injury, over half were prompted by such violations -- some of them as minor as having a front registration plate missing or failing to have headlights on.³¹

Again, policies varied widely. While Coventry specified that no high speed chases should take place for violations of speed, Jamestown's pursuit policy, on the other hand, emphasized an officer's responsibility to enforce local and state traffic codes. Its provision that "Failure to take appropriate action in traffic violations cases is considered neglect of duty," actually encourages rather than discourages pursuits.

Many departments paid lip service to the notion that the seriousness of the offense was a major factor in determining whether to begin or halt pursuits; but this seemed to be all but ignored in practice. In Providence, for example, high-speed pursuit policy specifically stated that "police officers of this department shall not initiate chases for any traffic violations." However, as the summary of incidents in this report shows, numerous Providence police chases began for just this reason, and have resulted in serious injuries.

As noted previously, chasing a speeder often only increases the risk and the speed of a chase. This is not to suggest that officers should not take traffic violations seriously, but rather that, if apprehension is important, alternate procedures should be used. For example, officers should make a diligent effort to obtain the registration number and other description of the vehicle and apprehend the individual at a later time, by tracing the registration to the person's residence.³² If the registration plate is not visible initially and the suspected driver flees, the police should break off pursuit, and instead radio ahead to other vehicles to be in a position to get the plate number. This would help to protect the public's safety and to decrease the likelihood of needless deaths and injuries in Rhode Island.

The tragic death of a 21 year old killed after being chased for speeding by Lincoln Police illustrates the point. The police had obtained the registration plate of the car, then lost sight of the vehicle; rather than halt the pursuit, another cruiser took up the chase and the fatal accident occurred shortly afterwards (See #15). There are many other examples where chases could and should have stopped, but did not -- and where chases never should have begun -- once registration information was obtained.³³

Chases of "Suspicious" Persons

East Providence policy barred high speed chases of "suspicious persons for which there would be no grounds for arrest." As obvious as this sounds, too many police chases have been started on such flimsy grounds as the completely unsubstantiated suspicion of a crime, and have been the cause of some serious accidents.

Our report cites a number of examples of this problem: an October 1986 chase -- initiated by the Providence Police because an officer "just wanted to talk" to the car's occupants, which included a 4 year old -- that luckily resulted in no injuries; a December 1986 chase, initiated by Cranston Police because a man was acting "suspicious" in a McDonald's parking lot, injuring a driver and passenger; and two eerily similar chases initiated by Coventry police merely because police suspected -- both times erroneously -- a break-in might have occurred at a store, with one of the pursuits resulting in the death of two teenagers.

Obviously, mere "suspicion" of a crime should never be considered sufficient grounds for engaging in a dangerous chase.

Number of Cruisers

High speed pursuits pose danger to other citizens using public roads. This danger can be magnified with each extra speeding car.³⁴ Although high speed pursuits are allegedly permitted to protect public safety, we have seen as many as twenty police cruisers participate in one chase.

The excessive use of multiple cruisers shows a lack of communication between individual cars and their supervisor, or, more likely, a total lack of appropriate guidance by the supervisor. It is a shocking waste of police resources in addition to being a danger to the public. Territo's national study that examined high speed pursuit policies of 45 agencies from 37 states found a "clear and consistent" theme that no more than two vehicles be directly assigned to a pursuit, noting such a policy was important "to reduce the possibility of inadvertent collisions between police cars all converging at high speeds into a single area, and to decrease the potential for police/citizen accidents resulting from officers speeding to the aid of a comrade involved in the chase."³⁵

Similarly, many of the policies we reviewed were explicit in generally restricting chases to one or two cruisers. But a number of departments made no mention of this issue, and even those that did appeared to have little trouble making exceptions to the rule.

Excessive Speed

Our study also shows the extremely high speeds common to police pursuits: 75 MPH on busy city streets; 90 MPH on streets like Post Road in Warwick and Union Avenue in Providence; and up to 120 MPH on the highways.

At these speeds, no car can stop quickly enough if it should need to. Only two of the departments that responded to the ACLU placed a speed limit on high speed pursuit. Barrington placed a

60 MPH limit on chases which follow traffic violations or misdemeanors; and Jamestown required that "No police vehicle shall give chase or pursue a fleeing vehicle at a speed greater than twenty (20) miles above the speed limit."

Because so many different factors are involved in the safety of a chase, a maximum speed limit does not, in and of itself, make for a safe pursuit. As one commentator has noted: "Driving five miles per hour over the speed limit through a congested school zone could be far more dangerous than a police officer driving 20 miles per hour over the speed limit in pursuit of a vehicle on an expressway at 4:00 AM where no other vehicles are present."³⁶ Nonetheless, the chases we have examined show no consideration of such factors. Instead, the lack of any defined limit has been taken as a "green light" to go as fast as possible to apprehend a suspect, with the only limit on speed appearing to be the police officer's ability to handle the car.

Inadequate Regulations and Guidelines

A common problem in many of the departments' rules on high speed pursuit was their excessive ambiguity or failure to address basic questions. In many cases, the course of action to be used to apprehend different types of offenders was unclear, thus leaving room for the overuse of pursuits. These inadequacies were apparent across the board, but were especially conspicuous in the case of Providence and State Police.

A. "General Considerations and Guidelines"

We found that many police departments had the same four-page "model" policy, which was entitled "High Speed Pursuit: General Considerations and Guidelines." Unfortunately, this policy was quite ambivalent on the fundamental question of when to engage in a chase. It authorizes police officers to initiate high-speed pursuits for minor offenses, while also advising that "if at all possible, especially when the situation involves traffic violators or other misdemeanants, the police officer should take preventive measures in an attempt to avoid a continuing high speed chase. . ." The policy then goes on to state the following:

A continuing high speed pursuit (over a greater distance and for a longer period of time) is authorized when the pursuing officer has reasonable grounds to arrest the person pursued for a serious felony or any felony involving the use or threat of physical force or when any vehicle is being operated in such a manner that the public safety is seriously endangered. (emphasis added)

On its face, this policy might appear relatively limited as to when high speed pursuits should be continued. But the underlined section is ambiguous on a major point. Is this meant to apply to

an inherently dangerous operation of a car like driving under the influence? Or does the policy authorize a self-fulfilling prophecy -- that even minor traffic violators or misdemeanants can be pursued over greater distances because the fact that they have become engaged in a pursuit now endangers the public?

The verbatim adoption of this policy by so many departments is not itself a good sign, for it suggests that they failed to discuss or give serious consideration to the issue themselves or to determine whether any changes or additions to the policy might be appropriate.³⁷ Since it is called "General Considerations and Guidelines," it is not surprising that the "model" policy contains holes to be filled in. What was surprising was the failure of departments to consider plugging any of the holes.

B. Providence and State Police.

Specific mention must be made of the policies of the two departments that figure in the largest number of chases that are cited in our report -- the State Police and the Providence Police Department. The policies and practices of these two departments were surprising and disturbing.

The policy of the State Police can be summed up fairly simply -- they had none. Colonel Stone advised the ACLU:

The decision to pursue or not to pursue nearly always is one that must be made in a split second. Consequently, we would be pleased if a fixed rule, applicable to all situations, could be devised which would ensure that our troopers would always make the correct decision in the space of a split second. To date, we have been unable to devise such a rule. Consequently, our training and internal discussions focus on a "rule of reasonableness" whereby each officer is required to exercise his informed judgment as to whether the public safety is better served by a high speed chase or by permitting the motorist to escape, at least for the moment.

The only pertinent written "regulation" the State Police had consisted of two paragraphs, stating in large part: "The overtaking of a motor vehicle law violator does not justify the police in any type of driving which endangers traffic. To do so merely doubles the traffic danger," and "The public properly resents State Police travelling at dangerous speeds when there is no necessity for it."

It is nothing short of astounding that a state police force would have absolutely no formal rules to govern a matter as crucial as high speed pursuits. The dangerousness of the chases that the state police have engaged in over the years, a few of which are summarized later, demonstrates a rather unreasonable interpretation of the "rule of reasonableness" and brings into serious question whether unnecessarily "travelling at dangerous speeds" is really considered improper by top officials.

In 1988, a report prepared for the state police union by a former director of the FBI's National Police Academy appeared to confirm this disturbing absence of meaningful policy guidance. The report concluded that "many of the training, personnel and operational practices and policies of the Rhode Island State Police are archaic, contrary to accepted police practices, and dangerous to troopers and the public."³⁸

The Providence Police Department policy in effect in 1983, when first sought by the ACLU, had been adopted in 1972. In certain respects, it appeared fairly strict. It held officers "strictly responsible" for operating police vehicles "in a reasonable and safe manner at all times." It also barred high speed chases "for any traffic violations or in the event a motor vehicle has been reported driven off without the owner's consent," and instead ordered officers to relay registration and other information about the vehicle to the dispatcher.

However, rather than using that information to apprehend the violator at a later time, the policy called for establishing roadblocks to try to stop the fleeing car. Because of the serious danger posed by roadblocks, their use has generally been discouraged by police departments.³⁹ Only recently the U.S. Supreme Court upheld the potential liability of police for the use of roadblocks causing the death of a suspect.⁴⁰

In any event, it appears this policy was routinely ignored in practice, as evidenced by the variety of chases undertaken by Providence Police as the result of motor vehicle violations. We have no way of knowing how seriously the threat of "strict responsibility" was taken, but its impact was questionable in light of the on-going nature of the dangerous chases engaged in by Providence officers and the incredible number of accidents they get involved in. (Providence police cars have been involved in 582 accidents since 1985, and 194 of them in 1987 alone.)⁴¹ To the extent any concern about "strict responsibility" was expressed in the past, it appeared geared more towards the cost of fixing damaged cruisers than the dangers of the high speed chases themselves.⁴²

Because of this acute contradiction between the Providence police policy and their practices, we attempted to find out in 1988 whether there had been any changes in the Department's policy in the intervening five years. Despite extended correspondence with officials there, we never received an answer. Later that year, Mayor Paolino announced that he had asked a former New York Police Commissioner to review all of the police department's policies and procedures.⁴³

It is unknown what, if any, recommendations came out of that review, but it is unlikely that they covered the issue of high speed pursuits. Only last month, it was disclosed that Providence police cadets do not undergo any practical, on-the-road high speed pursuit training!

In short, of the two major police departments in the state, one of them has had no policy whatsoever on high speed pursuits, and the other has been providing no actual training on the subject. And there are basic questions as to the extent the department that has a policy appears to enforce it. This state of affairs should be considered nothing less than scandalous.

C. Other Departmental Policies

Policies of other police departments were also unduly general. The Hopkinton department, for example, distinguished its chase procedures by suggesting that its officers pursue misdemeanants and traffic law violators with "less aggressiveness" than they would chase known or suspected felons. Yet what this exactly means is never made clear. Even in instances where the fleeing person "is known and he or she poses no immediate threat to the community," the policy rather unhelpfully states that "delay may be the wiser choice" on the part of the officer.

Pawtucket's policy also urged officers to use restraint for less serious offenses, but was not specific enough. Pawtucket required that "an officer weigh the seriousness of the offense which has been committed against the hazards present to the health and welfare of citizens who might be affected by the chase. If pursuit is initiated, a continuous balancing of seriousness is mandatory." As our summary of incidents shows, the Pawtucket Police have conducted risky chases for less-than-major offenses.

One example of the failure of such a general policy is an April, 1986 chase that began with a car going the wrong way down a one-way street, and during the course of the pursuit by 14 cruisers, the vehicle went through numerous stop signs and red lights. Pawtucket's policy of "weighing the seriousness" of the traffic offense seemed to be ignored in this case, since by any reasonable standard the chase grew way out of proportion to the nature of the offense.

In short, allowing for too much "discretion" fails to adequately protect the public. Police departments need to adopt fairly explicit regulations on high-speed chases, so that officers have a firmer idea of when it is appropriate to engage in a chase and how to respond to the different factors involved in high speed pursuit. In their absence, chases are more likely to occur for inappropriate reasons.

After all, "In the highly charged emotional context of hot pursuit, even the most skilled and experienced pursuit driver may suffer from a momentary lapse of good judgment and not respond appropriately to a hazard. A clear and comprehensive set of pursuit guidelines eliminates a great deal of guesswork."⁴⁴

Of course, the various factors to be considered in exercising discretion in a high-speed pursuit can be complex. Territo has set out a variety of factors to be evaluated, such as: the seriousness of the offense; the road, traffic and weather conditions; the condition and type of police vehicle involved; the number of pedestrians in the vicinity; the type of area--such as school, residential, or business district; the possibility of apprehension in the future; the officer's familiarity with the area; the officer's training and experience in high speed driving; and the possibility of successfully apprehending the suspect.⁴⁵ The "model" policy used by many departments cites some of those factors, such as road and traffic conditions and nature of the offense, as "major" ones. Further, the officer should constantly reevaluate these factors in order to decide how fast to pursue the suspect and when to terminate the pursuit.⁴⁶

Obviously, pursuits occur in high-pressure situations, requiring spontaneous decision-making and a great deal of concentration. Explicit guidelines can be helpful for dealing with many of those situations, and officers should be trained to consider and know how to respond to the varied circumstances that can confront them during a chase.

At the same time, we must stress that clearly-defined guidelines are just one aspect of a good chase policy. In light of the difficulties faced by the officer in the field, appropriate implementation and supervision become absolutely critical, and it is here where a major problem seems to lie, as will be discussed below.

Failure to Stop A Chase Once Begun

Though policies of many police departments quite sensibly recommended that the officers terminate pursuit when the hazards outweigh the benefits, this is an extremely rare occurrence. Infrequently were chases halted, allowing a suspect to get away, because of the danger involved. It is possible that the calling off of pursuits is more common than we believe but that such incidents were not reported. Even if this were the case, our documentation of chases that have been reported shows that pursuits are not called off anywhere nearly as often as they should.

There are probably a number of reasons for this: policies fail to give specific guidance, there is not an adequate exercise of supervisory responsibility, and police officers may feel obligated to see a pursuit through to its conclusion. We have earlier noted the psychological and physiological factors at work in encouraging the continuation of dangerous pursuits.

The policy of the Wisconsin State Patrol emphasizes a point clearly missing in many Rhode Island pursuits:

(When) reduced speed is necessary to provide a reasonable degree of safety to the trooper and others, the speed must be reduced accordingly. The speed or actions of the fleeing violator have no bearing on this factor. The danger created by the violator (does not justify) the creation of a similar or greater danger by the trooper. . .⁴⁷

Many of the chases we reviewed operated directly to the contrary, often serving only to increase the dangers involved. A few examples, cited in our summary, include the continued chase by Lincoln police of a speeder after the registration of the car was obtained, and that resulted in the driver's death (#15); the lengthy chase of a 16 year old known by police simply to be driving without his mother's permission (#13); and an 80 MPH chase by up to a dozen Providence and Cranston police cruisers on busy streets in the middle of the day to pursue a stolen car (#29). That the variety of other perilous chases highlighted in this report would be allowed to continue indicates something is fundamentally wrong with the way top police officials view these pursuits.

Lack of Supervision

All of the experts who have studied the problem of high-speed chases agree on the critical need for strict controls and supervision as a supplement to clearly-defined guidelines.

Territo concluded that there was a clear need to "impose strong controls upon the operation of police vehicles in emergency responses and high speed pursuits if there is to be a reduction in the increasing number of injuries and deaths."⁴⁸

Another researcher on the issue has explained it this way:

The most important thing is supervision and control. You need a supervisor who's going to take the place of training and policy when the officer in the patrol car loses track of what he's doing....You can control the cops, you can control his speed, her speed. You can control when he or she can chase, and under what conditions. You cannot control the bad guy. You cannot control the innocent civilian who happens to be walking off the curb. Since you can't control two of the three, you damn well have to control the first. You have to have very strict control on that officer.⁴⁹

That control is noticeably lacking in Rhode Island. As just indicated, chases once begun rarely are voluntarily terminated by police. Of the chases resulting in death cited in this report, there are at least three instances where the police claim to have called off the pursuit shortly before the fatality occurred. Without being in a position to challenge these statements, it does seem slightly suspicious that chases are allegedly called off only when there is a fatal ending.

We do not know what, if any, supervision has been in place in the many chases cited in this report. But it clearly has been grossly inadequate -- too many chases are allowed to go on for too long periods of time, many more cars than are reasonably necessary are allowed to join in as the chase gets more dangerous, and pursuits occur in apparent violation of both the law and common sense when measured in relation to the "offense."

The lack of adequate supervision and control may be the crux of the entire problem, and cannot be understated. Indeed, many of the other problems discussed in this section -- excessive speeding, number of cruisers, etc. -- can ultimately be considered "symptoms" of the real problem, a complete breakdown in any sort of supervisory control.

Lack of Sanctions; Implicit Approval of Dangerous Chases

Directly related to the problem of inadequate supervision is the apparent lack of meaningful sanctions imposed on officers for engaging in unnecessarily dangerous chases, or on the supervisors who allow them. This is especially disturbing when one considers that so many pursuits appear to have been done in violation of department rules and state law. While the ACLU has no direct knowledge of the disciplinary actions of police departments, our conclusion seems reasonable given the circumstantial evidence available.

The Providence Police policy stated clearly that its requirement that police vehicles be operated in a reasonable and safe manner at all times "shall be strictly enforced and members of the department shall be strictly responsible for the provisions of this regulation." However, as noted earlier, the department's accident rate remains incredibly high, and the main concern evinced by officials appears to have been with the costs to the city for repairing the cruisers, not the dangers that the chases have posed.

The continued nature of the unnecessarily dangerous chases throughout the state inevitably leads to the conclusion that little such discipline is taking place. In fact, the last year of our study, 1987, was the worst in terms of injuries and death.⁵⁰

Further, our summary of incidents shows police chiefs consistently defending their officers' actions in these chases, no matter how questionable or risky the pursuit. Perhaps the most striking example was the mid-day chase in November 1986 by twelve cruisers of a stolen car. The chase, going through busy streets at up to 80 MPH, ended in a five-car collision (with a number of injuries to other motorists) at Bald Hill Plaza. A Providence police official acknowledged the danger the chase posed to others, but simply blamed all the danger on the driver of the stolen car. Perhaps in a comment that sums up the

complete disinterest most police officials seem to have about the extreme hazards of high speed pursuit, the Warwick police chief said, in response to that same chase which rashly put the lives of innocent bystanders in jeopardy: "Definitely you give chase. What do you let people do, steal a car and get away with it?"⁵¹

This invariable public defense by police officials of their officers' pursuits might be tolerable if it were accompanied by private action to correct the problem, at the very least by using dangerous chases as a reason to carefully review and revise their chase policies. As far as we can tell, this simply does not happen.

Perhaps the starkest example concerns the Coventry police, which in September 1987 began chasing some teenagers whom they erroneously suspected, without any evidence, might have been involved in a break-in. That chase fortuitously resulted in no injuries, as a police car rammed into the suspects' car shortly after the passengers had gotten out to run away. The police department could have used this dangerous incident as a lesson to revise their high speed chase policies and practices. Instead, the police chief defended the chase without reservation. Little more than a year later, two other innocent teenagers, who fled Coventry police under very similar circumstances, died in a crash.

In light of this general attitude by police officials, it is no surprise that the dangers and deaths persist. Until police officials take these hazards seriously, little change can be expected.

Other Factors

Other policies and procedures on pursuit-related issues could also be discussed. Issues such as the use of roadblocks and warning signals would show varying levels of policy and procedure among departments.⁵² But the major ones are discussed above, and all additional factors ultimately are symptoms of the more fundamental problems caused by police officials failing to adequately supervise chases or to take corrective action to prevent future dangerous pursuits.

V. RECOMMENDATIONS

Based on its findings, the ACLU makes the following recommendations for improving public safety in high-speed pursuits:

- * There should be a statewide policy on high-speed pursuits which is consistent with R.I. state law, and which provides uniformity throughout all cities and towns in the state.

- * The policy should specify which types of violators will be pursued, and limit it to the most serious criminal offenses.

- * For less serious offenses, chases should be prohibited and alternatives substituted, such as taking the driver's registration number for later apprehension. In general, officers should use maximum self-restraint.

- * The policy should specifically include procedures for all the aspects of high-speed pursuits -- limits on the speed and number of cruisers, guidelines for the use of sirens and cruiser lights, roadblocks, firearms, etc. -- and should provide guidance for the typical situations officers are likely to find themselves in during chases.

- * Once a clearly-defined policy is established, it should be periodically discussed and reviewed, in order to make improvements where necessary.

- * All patrol officers should be required to periodically undergo practical as well as classroom re-training in high-speed driving.

- * Police departments should improve communication and coordination during any chases, to insure continuing contact between officers and supervisors and with other departments should police from more than one community become involved in a pursuit.

- * Disciplinary procedures should be implemented against officers who violate departmental high speed pursuit policy or otherwise fail to use good judgment as to the benefits and hazards of a high-speed chase.

- * There should be strict responsibility imposed on the officer's supervisor to order the termination of a pursuit if conditions warrant such a termination. If supervisors monitor chases closely, many excessively dangerous pursuits could be eliminated.

* For all chases -- or at least those resulting in serious property damage, injury or death -- a formal investigation by the police chief, Internal Affairs Board, or other body should be required.

* Reports detailing the results of such investigations should be available to the public to insure public oversight on this issue, and should be periodically reviewed to determine if policy changes are necessary.

* There must be a change in attitude by police officials as to the appropriateness of high speed chases in general.

As we hope this report has shown, the time has come for police departments to treat high-speed pursuits much more differently than they are currently treated. They must be analogized to the use of weapons by officers, and scrutinized and discouraged to the same extent.

Until recently, the use of firearms by police was much more common than it is today. The legal and policy restrictions that have been put in place are now routinely accepted, and have not seriously impeded the ability of police to enforce the law. It is time for the same evolution in thinking to occur with high speed chases.

In 1979, when Providence Police shot and killed two unarmed suspects in separate incidents, there was a large community outcry and a push for the enactment of legislation to restrict deadly force. While more people may die through high speed police pursuits than through the use of firearms, the same outcry has been lacking. That must change, for the documented risks of these pursuits are abundantly clear. We believe the recommendations we have offered are reasonable ones to help effect that change. The alternative is a continuation of the needless carnage that has plagued Rhode Island's streets and highways over the years.

VI. A SAMPLE OF HIGH SPEED PURSUITS IN RHODE ISLAND: 1983-1987

Below are summaries of 50 police high-speed pursuits that have taken place in Rhode Island between 1983 and 1987. This listing is intended to show in a more concrete fashion than the previous sections just how prevalent these chases are, to give readers a better idea of the various circumstances under which they arise, and to document their unduly harsh consequences.

Most of the chases we reviewed began for various motor vehicle violations, and almost half of the pursuits summarized below resulted in death or serious injury.

Relying on sometimes-short news stories, we recognize that the information contained in some of our summaries may be incomplete. However, since most of the stories appear to have been taken directly from police reports, they are more likely than not to have a slight bias in favor of the police version if there were disputed facts about a chase. In any event, we believe that, on their face, it is clear that the overwhelming number of these chases were inappropriate, unnecessarily dangerous, and should either have never begun or have been called off much sooner than they ended. We are hopeful that the summary will lead to a recognition of the widespread and perilous nature of so many of these chases.

The glossary of symbols immediately below is used to note the consequences of each chase summarized in this section.

* * * * *

- # High Speed Chases Resulting in Death
- + High Speed Chases Resulting in Serious Injury
- * High Speed Chases Causing Injuries or Extensive Property Damage
- Other Risky High Speed Chases

- 1. January 1983: After a car allegedly speeded through an intersection in Pawtucket, a long and dangerous chase ensued, involving four police departments. The chase went through Pawtucket, Lincoln, North Providence and Providence, and reached speeds of 100 MPH on the highway. Several shots were fired at the fleeing car. The chase finally ended in Providence when the fleeing car hit a utility pole, and then slammed against a police cruiser. Damage to the vehicles was not specified, and no injuries were reported. Obviously, this chase was potentially much more dangerous than the original offense of speeding through an intersection.

+ 2. May 1983: A Westerly patrol officer sustained multiple injuries after his cruiser struck two utility poles. The officer

had chased a motorcyclist driving at high speed at 1:20 in the morning. The motorcyclist was charged with operating his bike with a suspended license and with eluding a police officer.

- 3. June 1983: The Providence Police pursued a suspected stolen car from downtown and then 80 MPH down Smith Street. The driver swerved twice to try to force the cruiser off the road. The chase finally ended when the fleeing driver made a bad turn, ran across somebody's lawn and into a porch.

* 4. August 1983: At about 5:30 PM, the North Providence Police chased a motorcyclist who was riding without a registration plate. The chase went about 3/4 of a mile from Mineral Spring Avenue and then into Providence. The police cruiser struck another motorist on Charles Street, and both the officer and the "innocent bystander" driver were injured. The motorcyclist got away.

A police spokesman was quoted as saying the officer was using "reasonable speed," and was in compliance with the department's policies. Certainly, driving without a registration plate is not serious enough to warrant a chase on busy streets at 5:30 PM.

5. August 1983: The Smithfield Police had pulled over two motorcyclists. Although the details are not clear from the news story, an officer indicated it was decided to follow one of the cyclists "because of a discrepancy in his license." A chase ensued on Route 7, and one cyclist was killed when he lost control on a curve and struck a telephone pole. The other cyclist was charged with reckless driving.

Smithfield's policy discouraged pursuits of people who are merely "suspicious," and for whom "there would be no grounds for arrest." It says pursuits "should only be undertaken when all other avenues of apprehension are not available and the offense is serious enough to so warrant said pursuit."

* 6. January 1984: Police from three departments (Providence, East Providence, and Seekonk) joined a chase of a suspected stolen car at 8:00 PM -- from Providence, to 195 East, to various streets in East Providence. The chase finally ended when the car (containing 4 occupants) smashed into East Providence cruisers at a road block, flipping over a cruiser and rolling at least twice after that. Two officers were injured, and the occupants of the pursued car were "shaken up."

* 7. February 1984: The Providence Police were responding to a domestic dispute, when the man involved in the alleged dispute bolted in his car. He was chased through Smith Hill, but the police lost him. A while later, the police chased him again until his car collided with two police cruisers. At least half a dozen police cars were damaged in the chase.

- 8. March 1984: An off-duty Cranston police officer led Warwick police on a chase at speeds of up to 100 mph on Post Road, after the car hit a median and sped off without stopping. The outrageousness of this chase is in the result: because he was a police officer, he was only charged with failure to report an accident, instead of the various charges such as speeding, reckless driving and eluding the police that most persons are charged with after a chase. The police chief candidly stated: "If he wasn't a known person probably the decision would be to charge him with a more serious charge." He further expressed support for the charges brought by the officers because "they get paid to make a decision and I'm not going to question any decisions they are going to make."

9. October 1984: This was a police chase from Newport to Braintree, Mass. -- a chase of almost 50 miles -- that was sometimes at speeds greater than 100 MPH. The incident began when a security guard at Salve Regina College reported that a car struck a parking lot wall and then left at a high rate of speed. Newport cruisers began chasing the car after it was spotted, but dropped out on East Main Road in Middletown because of safety concerns. However, Middletown and Portsmouth police took over the chase, which headed into Massachusetts, and the car was pursued by police there. Police ultimately lost sight of the car in Braintree.

+ 10. October 1984: A man who allegedly broke into a Providence clothing store at about 2:00 in the morning suffered severe injuries when his car crashed into a pole while being chased by police. The chase began after officers saw the store door open and a man inside; the suspect ran to a waiting car and sped off, and a chase through Federal Hill ensued, ending in the crash. Police found about 50 pairs of jeans in the car.

11. December 1984: At about 1:00 AM, two Pawtucket Police cruisers were pursuing a 17-year-old driver whom they were trying to pull over for speeding. They chased him at high speeds through various Pawtucket streets. The officers said they finally decided to call off the chase because it was becoming too dangerous, but moments later, the teenage driver's car slammed into a utility pole. The youth died instantly. "We believe in abandoning a chase when it gets too fast," a police spokesperson said, although this chase had already continued through numerous city streets. Further, a look at the two other Pawtucket chases cited in this section (Numbers 1 and 24) also suggests that chases don't get abandoned so easily.

12. January 1985: A 17-year old driver was killed after an 18 mile chase through Smithfield, Glocester, Scituate and Foster, when his car ran into a tree. The chase began when Smithfield police spotted the car without a front license plate. Smithfield, Glocester and state police participated in the chase, which also involved a series of roadblocks that the victim swerved around during the course of the pursuit.

* 13. February 1985: Up to ten police cars from three police departments -- North Kingstown, South Kingstown and Charlestown--engaged in a 22 mile chase to pursue a 16-year old driving his mother's car without permission. The chase reached speeds of up to 85 mph, and police cars tried to "box" the car in, finally forcing the youth off the road. A patrolman was hurt and some cars damaged. This lengthy and potentially dangerous chase continued even though the officers knew the age of the driver and what his "offense" was.

* 14. February 1985: Although authorities said the cars weren't going fast, a 19-year old received injuries when his car struck a tree after being pursued by Charlestown and Westerly police. The chase began when the driver refused to pull over for "a routine check" at 1 AM.

15. April 1985: The Lincoln Police tried to pull over a driver for speeding at about 11:00 PM on Great Road. Three cruisers chased him at high speeds through various Lincoln streets and onto Route 146. The officers claimed that, because of the danger, they decided to abandon the chase when it attained a speed of 60 MPH on Sayles Road. Less than a mile down the road after that, however, the car hit a telephone pole. The driver died of extensive head injuries. Even after an officer had taken down the registration plate and lost sight of the car, the pursuit was picked up again. Thus, why the chase went on for as long as it did was a question left unanswered.

* 16. June 1985: The Providence Police chased a car for speeding, from Olneyville to Route 10, to 95 South, to Route 2 in Cranston, and finally into Warwick. The chase reached speeds of up to 100 MPH and involved a total of six police cruisers. During the chase, the fleeing car hit two cruisers and a parked car. The driver was finally cut off by cruisers near the shopping malls. Minor injuries were reported, and many cars were damaged -- and the chase itself was obviously much more dangerous than letting a speeding car go, and apprehending the suspect later, would have been.

+ 17. June 1985: After seeing a motorcyclist speed the wrong way down a one-way street, the East Providence Police chased him down Taunton Avenue and onto Route 195. The cyclist lost control near the South Main Street exit and tumbled over the median into the high-speed lane on the other side, where another car hit him. The cyclist was in critical condition the next day.

+ 18. July 1985: Lincoln Police, seeing a motorcyclist with two riders go through a stop sign without stopping, initiated a chase at 85 MPH down Smithfield Avenue and into Pawtucket. The chase ended when the cyclist ran a red light and struck a car. Both riders were thrown into the air, and the cyclist -- whose body slammed into a wall -- was permanently paralyzed.

+ 19. September 1985: The details were not provided on what provoked this chase, in which the Cranston Police followed two people in a car through four municipalities: Cranston, Warwick, East Providence and Providence. The chase ended when the fleeing car hit a tree on a street in Providence, and the car burst into flames. Both the occupants were injured; the passenger had head and neck injuries from slamming into the windshield. Also, the pursued car had struck another car during the chase, ripping much of its back portion off and rupturing the fuel tank, but no information was provided on the condition of that driver.

- 20. November 1985: This extremely dangerous chase started after a speeder on 95 North in Attleboro, went through various Massachusetts streets, onto 95 and then 195, into East Providence, and finally stopped in Swansea when the fleeing car "tangled" with a R.I. state cruiser. In total, the chase lasted for 37 minutes, involved 20 cruisers (including the State Police and Providence and East Providence Police) and reached speeds of 120 MPH! Fortunately, there were no injuries, only some car damage. The driver was charged with drunk driving and many other traffic violations, and was also alleged to have cut off "numerous cars and endangered the life and safety" of their occupants. It is unclear, however, how much of that danger may have been brought on by the nature of the chase itself.

+ 21. March 1986: The Providence Police chased after a car which had been speeding. The four teenagers in the car were chased through various city streets and finally onto Route 10 at speeds of up to 80 MPH. The chase ended when the car overturned at an exit ramp. All four teenagers were injured, the driver seriously.

* 22. April 1986: On Route 95 near Atwells Avenue, the Providence Police started chasing a car for speeding. The chase continued at speeds of more than 90 MPH through various city streets, on Route 10 and finally to the Hartford Park Housing project. It ended when the fleeing car collided with a cruiser and skidded down an embankment. The collision caused damage to the cruiser, as well as injuries to the patrolman.

23. April 1986: Unlike the overwhelming number of cases, this police chase was for someone suspected of a felony. However, three innocent people who happened to be motoring near the chase were struck, and an 8-month-old baby was killed.

At about 8:00 PM, the Providence Police were chasing a suspected armed robber at extremely high speeds. The fleeing driver struck another car, shearing the "innocent" car in two and causing it to tumble 150 feet down an embankment. All three passengers in that car, a couple and their 8-month-old baby, were seriously injured; the baby died later that night. Meanwhile, after ricocheting against the other car, the pursued car slammed into a utility pole. The fleeing driver had a broken leg and internal injuries; his two passengers were also seriously

injured internally, and one also had a broken neck. All five adults were admitted to R.I. Hospital. (The driver was arraigned for murder in his hospital bed the next day for the baby's death.)

- 24. April 1986: The Pawtucket Police spotted a car going the wrong way down a one-way street. The ensuing chase went from Pawtucket, onto North Main Street into Providence, back into Pawtucket, then along Smithfield Avenue for several miles into Lincoln. The chase finally ended at a roadblock in Lincoln. This chase lasted for 17 minutes, involved a total of 14 cruisers from four departments (Pawtucket, Providence, Lincoln and State Police), and reached speeds of up to 75 MPH on city streets. Altogether, the driver had gone through 11 stop signs and 9 red lights without stopping. No injuries or damage were reported, but the chase obviously precipitated greater hazards than the original wrong-way offense.

+ 25. May 1986: The State Police chased a speeding car down Route 95 for 17 miles at more than 80 MPH. The chase ended near the Connecticut border, where the fleeing car hit a guardrail and rolled over the roof of a police cruiser. Both cars skidded 100 feet, and were demolished. The driver was critically injured, and the trooper was slightly injured.

* 26. May 1986: A car which ran a red light in Providence was chased by three police departments -- at speeds of more than 100 MPH -- for a total of twenty minutes. Specifically, the fleeing driver was chased from Olneyville, down Broad Street, into eastern Cranston, then down Reservoir Avenue toward the Warwick Malls. The Providence, Cranston and Warwick police departments were all involved. The driver finally lost control of his car at Route 5 and Bald Hill Road in Warwick. His car overturned, burst into flames and was demolished. The driver was pulled from the wreckage with injuries, and was charged with reckless driving and eluding a police officer.

+ 27. October 1986: The Providence Police did not provide a clear explanation for starting this dangerous chase of six people in a car. The story quoted one officer as saying: "We just wanted to talk with them, but he [the driver] swung past." For whatever reason, this car was chased at high speeds through numerous city streets, where it finally slammed into another car. The pursued car contained four adult passengers and two infants. At least three people were injured: the fleeing car driver's head smashed through the windshield; a passenger (his wife) received multiple bruises and cuts; and the other car's driver was trapped for a half-hour before being cut free from the wreckage and treated at R.I. Hospital. Afterwards, police learned that the woman was wanted for failing to appear in District Court on a prostitution charge.

* 28. November 1986: Providence and Cranston police chased a suspected stolen car for 10 miles on busy streets at speeds of up

to 80 MPH in the mid-afternoon. It started on Cranston Street in Providence, and continued through Cranston, and finally on Route 2 into Warwick, through heavy midday shopping traffic near the malls. During the chase, the car sideswiped a vehicle with two children passengers. The chase ended when the fleeing driver crashed into another car at Bald Hill Plaza, setting off a chain reaction accident. A total of 12 cruisers were involved in the chase, and the five-car collision which ended it resulted in injuries to four people.

A Providence Police official admitted that the chase endangered pedestrians and motorists, but maintained that police officers drove in a "reasonable and prudent" manner, and blamed the driver. Eyewitnesses and people involved in the accident took a different point of view.

* 29. December 1986: North Providence Police chased a driver who had allegedly left the scene of a minor accident on Mineral Spring Avenue. The driver was chased onto Douglas Avenue, into Providence, where Providence Police joined the chase. During the pursuit, he rammed into some police cruisers, was shot at after allegedly trying to run down an officer, evaded a roadblock, and drove his car along a sidewalk to evade police. The car finally crashed into a curb. No injuries were reported, but the fleeing driver had struck and damaged three other cars during the chase. One police cruiser had to swerve off the road to avoid collision. The driver was charged with assault with a dangerous weapon--his car -- and a variety of traffic offenses.

* 30. December 1986: Cranston Police wanted to question a "suspicious" person whose car was parked in a McDonald's lot. The driver bolted, and was chased into Providence, through various city streets, and then onto Route 10. The Providence Police also joined the chase, which finally ended when the fleeing car flipped onto its roof at the Atwells Avenue exit. The car was crushed and caught on fire. The driver and a passenger were both injured.

31. April 1987: An under-aged driver (15 years old) and his passenger (14) were seen speeding down Spring Street in Newport at 4:00 AM. They did not pull over for police, and a high speed chase ensued down Broadway and onto West Main Road at 85 MPH. The chase ended shortly over the Middletown line when the car hit a telephone pole, and the 14-year-old passenger was killed. (Just by horrendous coincidence, that boy's sister had been killed in a car accident six weeks earlier.) The Newport officer had stopped the chase and radioed to Middletown Police as the pursuit approached the town boundaries, but the car had sped up to escape, prompting the fatal accident.

A police spokesman denied that the pursuit was "high speed," saying it continued "at a speed higher than you'd want to normally drive that road, but not really at a dangerous rate." The Chief said the pursuing officer followed all department

policies, and was "very prudent in his actions." The Middletown Police Chief noted that dozens of accidents had occurred at that telephone pole, but said: "The problem isn't the pole, it's the people who exceed the speed limit around that curve."

+ 32. April 1987: The East Providence and Providence Police got involved in a chase which started in Seekonk, when VCR recording equipment was stolen from a store at about 10:00 AM. Police chased the robbers all the way into Fox Point in Providence, where the fleeing car smashed head on into an oncoming car on Ives Street. A woman driving the other car was seriously injured, and her car demolished. Also, another parked car was struck, and the fleeing passenger was injured. (The fleeing driver got away on foot.)

This extremely dangerous chase, initiated against suspected shoplifters, was made even more dangerous by bad street conditions on a snowy and rainy day. An East Side Monthly editorial, calling the chase an "idiotic parade," stated that residents "are very much at risk, faced with a police mentality that thinks nothing of turning our quiet byways into the raceways of a Dirty Harry.... That a young woman almost lost her life on a quiet residential street over three stolen video recorders is absurd." A resident of Fox Point also succinctly noted in a letter to the editor: "We question the rationale of risking lives for stolen video equipment."

+ 33. May 1987: After more than two dozen motorcycle riders rode through the Newport Bridge toll booths without paying, the State Police and local police chased the cyclists through Jamestown, South Kingstown, and North Kingstown. Although the details are sketchy, one cyclist was seriously injured when he hit the back of a car on Route 1 in North Kingstown. Failing to pay a \$2 toll would not seem to warrant such a chase.

* 34. May 1987: Acting purely on grounds of suspicion, the Providence Police chased a car through various city streets, which ended when the fleeing car hit an innocent motorcyclist, and then a utility pole. The motorcyclist was knocked to the ground and injured. As it turned out, the fleeing suspect was a purse-snatcher who had fled in a stolen car, but the police were not aware of this when the chase began. It was one of the few instances of a questionable and risky police chase catching somebody who was "hiding" other crimes.

- 35. July 1987: The Coventry, East Greenwich and North Kingstown police were all involved in a 50-minute-long chase of a 17 year old suspected burglar and car thief. The suspect was chased through these three towns, swerving into the opposite lane, running several red lights, stop signs and even a roadblock. The chase ended when a North Kingstown officer shot at the rear tire, and the driver lost control.

+ 36. July 1987: A tragedy was barely averted when the Providence Police chased a suspected stolen car which was allegedly speeding on Thurbers Avenue at 8:30 PM. The chase continued onto Route 95, then into the Elmwood area, through various residential streets onto Longfellow Terrace, where a 3-year-old boy darted out from a driveway, and ran into the side of a cruiser. The child was treated at R.I. Hospital for various bruises.

+ 37. July 1987: Later that same night, the Providence Police chased a car because it did not have registration plates. The fleeing car contained three youths, who were injured when their car finally slammed into a telephone pole. The driver had two broken legs and internal injuries, and the car was twisted "into a horseshoe shape."

* 38. August 1987: The Providence Police pulled over a driver who was driving at night with no headlights on. However, the driver then sped off, and a chase ensued onto Smith Street, down Routes 95 and 195, onto Broadway in East Providence, and back onto Route 195 into Providence, off the Washington Street bridge exit. By this time, East Providence Police had joined the chase. The fleeing driver struck a cruiser, drove through a few back yards, hit another cruiser, and finally went over a guard rail and hit a utility pole. The driver suffered head injuries, and the cruisers were damaged.

- 39. August 1987: The West Greenwich Police started chasing a car which had no front license plate and which was allegedly driving over the center line. The chase continued for 20 miles, down Route 95, and was joined by six other cruisers from the West Greenwich and State Police departments. During the chase, the driver jerked his car into a West Greenwich officer's cruiser. The fleeing car then sideswiped an overpass, hit a light pole, and finally stalled in Connecticut. No injuries were reported, but there was damage to at least two patrol cars.

- 40. September 1987: Members of the Attorney General's anti-drug task force tried to approach a man in Fox Point after they allegedly witnessed a drug transaction. The man sped off in his pickup truck onto Routes 195, 95 and 146, then onto Mineral Spring Avenue. The driver was finally stopped at Ferra Street. The chase had reached a speed of over 100 MPH. Although no injuries or damage were reported as a result of this chase, it was obviously very dangerous.

- 41. September 1987: Some teenagers were seen at 2:00 AM near a store in Coventry, in an area that had recently had many break-ins. As the Coventry Police approached, the driver took off. The teenagers' car was chased through several stops signs, and over winding roads for four miles at speeds of up to 80 MPH. The car finally stopped when it drove into some trees. A police cruiser came around the bend and hit the car, but the teenagers had already left it and were running away. It turned out that

the driver had simply been waiting for a friend when the chase started.

Coventry Police policy stated that high speed chases were limited to situations where there is "reasonable cause to believe" that a felony has been committed. It later turned out that there was no break-in at the store. However, the Chief was quoted as saying the chase was justified because of, among other things, the "heinous" nature of the crime the teens might have committed! A year later, however, a virtually identical chase by the same police department, undertaken on similar suspicions, would result in two deaths.

* 42. September 1987: A driver and passenger who were suspected of a break-in and of fire-arm possession were chased by the Providence Police for 27 minutes through the city streets. The chase went from Elmwood to South Providence, to Cranston, back to Providence on Broad Street, through downtown and Fox Point, Route 195, through downtown again, up College Hill toward University Heights, and up Doyle Avenue. The two fleeing men were eventually stopped off Hope Street by a police roadblock. During this long chase, a total of eight cars were struck. One police officer and one pedestrian were also struck, suffering minor injuries.

* 43. September 1987: This chase, in which the fleeing truck finally burned and gave off toxic fumes, included police from six departments, including East Providence, Providence, Warwick and State Police. It started on Pawtucket Avenue in East Providence when a truck driver was stopped for allegedly failing to pay enough for some gasoline. (The company voucher he had given the gas station was thought not to have covered the whole amount; as it turned out, it did.) It was 6:15 PM on the Saturday night of a holiday weekend, so traffic was not insignificant.

After the driver took off, a chase ensued onto Route 195 West, then Route 95 South through Cranston and Warwick -- at speeds of up to 80 MPH. The fleeing 18-wheeler was pursued by dozens of police cars, according to the news account. During this chase, many cruisers were struck, and other motorists were endangered. Police shot the tires out, the truck began zigzagging out of control, and it finally crashed into a tree (near the fork of Routes 4 and 95), burst into flames and -- because the truck was transporting 1,000 pounds of resin -- gave off toxic fumes. The truck was totally burned, and total damage estimate for the truck and cargo was estimated at \$200,000. Police cruisers were also damaged, but no major injuries were reported. The driver had apparently fled because an outstanding New York warrant charged him with a parole violation.

As one police officer said, it was "lucky" that "some civilian" didn't get killed -- and this risk was all because of the driver's insufficient gas voucher.

44. September 1987: At about 1:00 in the afternoon, the North Kingstown Police went to a woman's residence for questioning; they thought she might be a person who was wanted on an outstanding arrest warrant for a misdemeanor. However, according to police, when the woman saw the cruiser from her car, she took off. The police chased her car on Post Road at speeds up to 85 MPH. The fleeing driver forced motorists off the road during the chase. Just after the North Kingstown Police allegedly called off the chase and radioed ahead to Narragansett and South Kingstown, the driver's car lost control, climbed a stone wall and slammed into a tree. The driver was pronounced dead at the scene.

Pursuing a vehicle on this busy street at 1:00 PM was clearly inappropriate under the circumstances. Yet the town's police chief praised the pursuing officer for keeping the car in sight and backing off from the chase, saying the officer followed department policy "to a T." He cited that policy as being: "My policy is no high speed chases. Keep the car in sight, if you can." But it is hard to understand how such a pursuit should have started in the first place.

45. September 1987: At about 1:30 AM, the Warwick Police gave chase to a motorcyclist who was suspected of being involved in a minor accident and who was speeding. The cyclist was chased along West Shore Road at speeds of up to 80 MPH. Eventually, the cyclist went through a red light, crashed into a car, and died. The driver of the other vehicle was also injured. A police official called the chase proper since the man was "possibly" wanted for being involved in an altercation with a driver and an accident.

+ 46. October 1987: Lincoln and State Police began a chase against a driver who ran a red light. The chase, which reached speeds in excess of 100 mph, also went into North Providence and Providence. It ended when the driver attempted to ram a police cruiser, the car then flipped over, and the driver sustained serious head injuries, leaving him in critical condition. Police said he was wanted by Massachusetts police for a parole violation.

* 47. October 1987: Police from several communities, including Warren and East Providence, chased a stolen car at more than 100 MPH on Route 195. During the chase, a patrolman was injured, three police cruisers were struck, and the fleeing car smashed into a wall in East Providence.

- 48. November 1987: State police engaged in a chase reaching speeds up to 120 miles per hour after trying to stop a car with no license plates in Providence. On the interstate, the driver lost control of his car after trying to pass another car, struck a guardrail and crossed both lanes of traffic. Luckily, no injuries were reported.

* 49. November 1987: A Providence police officer suffered head and back injuries when his cruiser was struck by a stolen car being pursued by another cruiser. The two teenagers in the car sped off again after the accident, and were finally apprehended after the car struck a chainlink fence.

- 50. December 1987: State police began a chase on Route 10 after a car passed by at a high rate of speed. After the car was halted, the driver sped off, collided with a taxicab, continued through various Providence streets, and was finally stopped when his car collided with that of the state trooper's and mounted a sidewalk. The driver was charged with various traffic violations.

* * * * *

We conclude this section with brief summaries of the three police high speed pursuits since 1988 that have resulted in death:

51. December 1988: Two teenage women -- one the mother of a two-year-old -- were killed when their car hit a utility pole after being chased by Coventry police. The chase began when the car sped away from a convenience store, and a police officer suspected from this that a robbery might have taken place. The police chief defended the chase completely. Ironically, the same police department had engaged in an almost identical chase a year earlier except that there were no injuries that time. At that time as well, the chief defended the chase on the grounds that the teens might have committed a crime. If, instead, the department had used that incident to review their chase practices, this later tragedy could have very well been avoided.

52. March 1989: This chase began after an undercover officer saw a youth buying drugs on a street corner. Speeding away at more than 70 MPH, the teenager evaded one police car. A patrol officer going the other way tried to cut off the car, but the youth drove onto the wrong side of the road to avoid the cruiser, sideswiping one car and forcing another off the road. Finally, the suspect hit broadside another car coming out of a supermarket parking lot, killing the innocent driver. The suspect was charged with manslaughter. A witness to the accident was quoted as saying: "Whatever reason they were chasing him, is it worth somebody's life?"

53. July 1989: Two S. Kingstown police officers tried to pull a car over after finding it had no inspection sticker. The police chased the car on Route 1, where it was travelling nearly 100 MPH in the breakdown lane. The car allegedly swerved towards two other police officers who were issuing a ticket to another vehicle, and one of those officers fired a shot at the car -- in the midst of many bystanders who were stuck in traffic -- as it drove off. Shortly thereafter, state police joined in the chase, and the car then struck an embankment, was thrown in the air and

landed on its roof. The driver was killed and a passenger was seriously injured.

The police chief conducted an investigation of the police officer's use of his weapon, and concluded that the officer had not violated department policy. However, it appears no review was conducted of the propriety of the deadly chase itself, which occurred for the "crime" of not having an inspection sticker.

* * * * *

This latest incident only seems to confirm the ACLU's repeated concern expressed throughout the report that high speed chases are not treated with the significance they deserve, and that it is time these dangerous pursuits received the same scrutiny that the use of firearms does. That the public would be alarmed about, and a police department would conduct an investigation of, a police officer's firing of a shot at a fleeing vehicle in a high-speed chase, but would not think twice about the chase itself -- a chase that was started for a minor vehicle code violation and that caused a person's death -- epitomizes all that is wrong with the prevalent attitudes about high-speed pursuits.

We are hopeful that this most recent tragedy will not simply end up as another statistic, but will instead serve as an important reminder of the need for immediate reform before any more such needless deaths occur.

FOOTNOTES

1. According to the National Highway Traffic Safety Administration, 255 people died in police chases nationwide in 1987. Cited in John M. Leighty, "Hot Debate Over those High-Speed Police Pursuits," Trenton Times, January 22, 1989.
2. Geoffrey P. Alpert and Patrick R. Anderson, "The Most Deadly Force: Police Pursuits" 3 Justice Quarterly, p. 3, March 1986.
3. Leonard Territo, "Citizen Safety: Key Element in Police Pursuit Policy," 18 Trial 31, August 1982.
4. See Alpert & Anderson, pp. 8-9. Alpert has since performed an analysis of Dade County, Florida police pursuits. We did not have access to that report, but it apparently uncovered no major problems with that department's policies, largely due to the presence of strong supervision of officers regarding chases. The lack of adequate supervision as a major factor in the danger of high speed pursuits is noted later in this report.
5. Department of the California Highway Patrol, "Pursuit Study," June, 1983 (cited hereinafter as "CHP Study"). The one criticism leveled against this study is that since it relies mainly on pursuits conducted on highways, its applicability to urban chases is open to question.
6. Erik Beckman, "A Report to Law Enforcement on Factors in Police Pursuits," October 1985. The findings in this report were reprinted in "Pursuit Driving," Mich. Police Chiefs, May 1986 at 26.
7. Beckman, p. 26.
8. CHP Study, p. 8.
9. Id. Despite these disturbing statistics, the study summarily and rather cold-heartedly concluded that the death and injury to innocent people "is necessary to avoid the greater loss that would occur if law enforcement agencies were not allowed to aggressively pursue violators." P. 21.
10. Beckman, p. 11; CHP Study, p. 18.
11. Beckman, p. 12.
12. CHP Study, p. 72; Beckman, p. 26.
13. CHP Study, p. 20.
14. Beckman, p. 21.
15. Beckman, p. 13.

16. Territo, p. 34.

17. "High Speed Pursuits: Police Officer and Municipal Liability for Accidents Involving the Pursued and an Innocent Third Party," 16 Seton Hall Law Review 101, 116 (1986).

18. Id.

19. Alpert & Anderson, p. 2.

20. Tennessee v. Garner, 471 U.S. 1, 105 S.Ct. 1697 (1985).

21. 105 S.Ct. at 1701.

22. 105 S.Ct at 1700-01.

23. Richard G. Zevitz, "Police Civil Liability and the Law of High Speed Pursuit," 70 Marquette Law Review 237, 239 (1987).

24. Id.

25. Leighty, supra note 1.

26. Quoted in Leighty, supra note 1.

27. David Pierini, "Police Driver Training Called Lacking," Providence Journal, August 21, 1989.

28. "Irresponsible Police Chase", Providence Journal, November 10, 1979.

29. "Perils of High Speed Police Chase," December 24, 1982; "They Went Thataway," August 23, 1989.

30. Matt Bai, "Crash Kills Westerly Man After Police Chase on Rte. 1," Providence Journal, July 16, 1989; Laura Meade, "Motorist Killed by Suspect's Car," Providence Journal, March 23, 1989.

31. In 1982 -- a year not covered by our study -- a 13-year old boy was killed in a short pursuit after Providence police began chasing him for riding an unregistered dirt bike!

32. One of the few instances where this was reported done was in August, 1985 when a Cranston motorcyclist led Providence police on a chase at speeds of up to 95 MPH on Route 10 for running a stop sign. Cranston police, notified of the plate number, traced it and sent a car to the cyclist's home. It is unclear how long Providence police engaged in this speedy chase, but the arrest of the person at home is a striking example of the alternatives available to police that are so rarely used.

33. In fact, there were a number of pursuits we reviewed that began after a car had already been stopped and then sped off. One assumes that police already had enough information to be able to apprehend the driver later, making unnecessary the pursuit that followed.

34. However, it should be noted out that the CHP study was unable to find a statistically significant connection between accident rates and the number of cruisers involved, and Beckman actually found a slight reduction. He called for more attention to be given to the issue. CHP Study, p. 33; Beckman, p. 27.

35. Territo, p. 32-33.

36. Id. at 32.

37. It is worth noting that in 1986, the International Association of Police Chiefs (IACP) came up with its own advisory policy which may be slightly less ambiguous:

Hot pursuit is justified only when the officer knows or has reasonable grounds to believe the suspect presents a clear and immediate threat to the safety of other motorists; has committed or is attempting to commit a serious felony; or when the necessity of immediate apprehension outweighs the level of danger created by the hot pursuit, as in the case of a serious traffic violation such as DWI.

We do not know whether any police departments that had been using the "General Consideration and Guidelines" have now substituted this one.

38. Dave Crombie and Dave McCarthy, "Expert: State Police Lack of Supervision, Training a Hazard," Providence Journal, April 2, 1988.

39. See, e.g., Territo, p. 33.

40. Brower v. County of Inyo, 57 U.S.L.W. 4321 (1989).

41. Pierini, supra note 27.

42. Lee Dykas and Paul Duggan, "Police Told to Heed Laws in Chase," Providence Journal, December 28, 1985.

43. Laura Meade, "Ex-N.Y. Commissioner to Study Providence Police," Providence Journal, April 27, 1988.

44. Zevitz, pp. 255-56.

45. Summarized in "High Speed Pursuit," supra note 17, at p. 114.

46. Id.

47. Zevitz, p. 247.

48. Territo, p. 32.

49. Geoffrey Alpert, quoted in Leighty, supra note 1.

50. A Providence Journal record search for 1988 picked up 60 stories dealing with high speed chases. A cursory glance at these stories suggests the number of chases that ended in serious injury that year was down from the previous few years. Nonetheless, since the end of 1987, at least four more people have died in police high speed chases in the state.

51. It does not appear that Rhode Island chiefs are alone in this stubborn loyalty; Leighty, supra note 1, quotes police officials from other states giving similar unqualified support for their officers' involvement in very dangerous, but questionable, pursuits.

52. For an examination of some of these other factors, see Territo.