

**REPORT OF THE**  
**JOINT SUBCOMMITTEE STUDYING THE ADVISABILITY OF**  
**HIGH SPEED CHASES AND ALTERNATIVE APPROACHES FOR**  
**APPREHENDING SPEEDING MOTORISTS**  
**TO**  
**THE GOVERNOR**  
**AND**  
**THE GENERAL ASSEMBLY OF VIRGINIA**



**HOUSE DOCUMENT NO. 30**  
**COMMONWEALTH OF VIRGINIA**  
**RICHMOND**  
**1983**

## MEMBERS OF COMMITTEE

A. Victor Thomas, Chairman  
Dudley J. Emick, Vice-Chairman  
William A. Beeton, Jr.  
Gladys B. Keating  
Willard J. Moody  
William F. Parkerson, Jr.  
C. M. Robinson  
William P. Robinson, Jr.  
Leslie T. Sheppard  
Carl Wells

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Office of the Clerk, House of Delegates

Barbara Hanback

**Report of the  
Joint Subcommittee Studying the Advisability of  
High Speed Chases and Alternative Approaches for  
Apprehending Speeding Motorists  
To  
The Governor and the General Assembly of Virginia  
Richmond, Virginia  
December, 1982**

To: Honorable Charles S. Robb, Governor of Virginia  
and  
The General Assembly of Virginia

**INTRODUCTION**

In recognition of the dangers resulting from hot pursuit chases of speeding motorists, Delegate C. Richard Cranwell introduced House Joint Resolution No. 68 (Appendix A). The resolution was passed by the 1982 Session of the General Assembly. A joint subcommittee was appointed to study the advisability of high speed chases and to examine less dangerous alternatives for apprehending speeding motorists. Specifically, the joint subcommittee was directed to examine (i) the available statistical information regarding the number of accidents and injuries resulting from hot pursuit chases; (ii) the adequacy of training and instructions given to law enforcement officers for conducting high speed chases; and (iii) the feasibility and desirability of implementing alternative methods for apprehending speeding motorists.

Delegates A. Victor Thomas, William A. Beeton, Jr., Gladys B. Keating and William F. Robinson were appointed to the subcommittee by the Chairman of the House Committee on Militia and Police. Senators William F. Parkerson, Dudley J. Emick, Jr. and Willard J. Moody were appointed to the subcommittee by the Chairman of the Senate Committee for Courts of Justice. In addition the following law enforcement officers were appointed: Major C. M. Robinson (Virginia State Police); Colonel Leslie T. Sheppard (Henrico County Police); and Sheriff Carl T. Wells (Bedford, Virginia). Delegate Thomas was elected chairman of the Subcommittee. Senator Emick was elected vice-chairman. The subcommittee held two meetings in the summer and late fall of 1982 and a public hearing in Richmond on August 18, 1982.

**BACKGROUND**

A failure to yield to a signal from a law enforcement officer to stop a motor vehicle constitutes reckless driving under § 46.1-192.1 of the Code of Virginia. Upon conviction, the court is authorized to impose a fine of \$50 to \$1,000 or confinement in jail for sixty days to one year, or both. Additionally, the court may suspend the violator's operator's license for up to one year. If the person attempted to elude the police by operating his vehicle in excess of seventy miles per hour where the maximum speed limit is fifty-five miles per hour, the court is required to suspend the person's license for a minimum of ninety days. The court is granted discretion to reduce the charge to improper driving in any case where the degree of culpability is slight. (See § 46.1-192.2, Code of Virginia.) To sustain a conviction under § 46.1-192.1, it is necessary for the police officer to identify the driver at the time of the offense. A number of law enforcement officers cited this requirement as a cause for the frequency with which pursuits are undertaken.

Two sections of the Virginia Code exempt law enforcement officers and those persons operating a motor vehicle under their direction from criminal prosecution for violation of the speed limit laws or certain other moving violations. See §§ 46.1-199 and 46.1-226. The exemption applies whenever (i) the vehicle is operated in the chase or apprehension of a violator or suspected violator of any law; (ii) the operator displays a flashing, blinking or alternating red light and sounds an audible, automatic, intermittent signal; and (iii) a standard automobile insurance policy covering injury, death and property damage or a certificate of self-insurance is in effect. However, each section specifically provides that the operator will not be exempt from criminal prosecution for conduct involving reckless disregard for the safety of persons or property, nor will the operator be relieved of civil liability for failure to use reasonable care in the operation of a vehicle. Thus, a law enforcement officer who undertakes a high speed chase will be exempt from criminal responsibility and civil

liability so long as the pursuit is undertaken in a reasonable and safe manner.

With respect to training, the Department of Criminal Justice Services currently requires twenty-four hours of defensive driving training for law enforcement recruits. In contrast, the North Carolina Highway Patrol recommends a minimum of forty-four hours basic training in pursuit driving techniques. The Department of Criminal Justice Services does not require annual in-service re-training in defensive driving. The Virginia State Police and a number of local law enforcement agencies do require such re-training either annually or as needed.

### **FINDINGS AND CONSIDERATIONS**

The subcommittee sought input from the public regarding the number of accidents and injuries resulting from pursuits, the adequacy of training and instructions given to officers and the feasibility and desirability of alternatives for apprehending speeding motorists. During their deliberations, the subcommittee heard from both concerned citizens and law enforcement officers. All persons addressing the subcommittee recognized the dangers inherent in high speed chases; all agreed that the risks generally outweigh the benefits when pursuit is initiated as the result of a mere traffic violation. However, many people noted that a number of arrests for serious offenses result from the apprehension of a person for a minor traffic violation. (Written comments submitted to the subcommittee are attached as Appendix B.)

The subcommittee reviewed some of the national data available on accidents and injuries resulting from high speed chases. Summaries of three of the major studies in this area are found in the Appendix to this report: the 1967 study by the Physicians for Automotive Safety (Appendix C); the 1970 study by the National Highway Traffic Safety Administration (Appendix D); and the 1978 Connecticut Safety Commission Study (Appendix E). Unfortunately the statistical information reported in these studies has been subject to criticism because of the methods used to compile the information. For example, when surveys were used, the response rate was low. Additionally, few of the survey recipients had retained records on the number of police vehicle accidents which resulted from high speed chases of fleeing vehicles, or the number of such chases engaged in. Finally, the subcommittee noted that it was not possible to isolate any information specifically applicable to the Commonwealth.

The subcommittee concluded that it would be necessary to survey all state and local police and sheriffs departments to adequately evaluate and isolate the particular problems associated with pursuits in Virginia. A questionnaire was developed (Appendix F) and mailed to the Virginia State Police, 140 sheriffs departments and 215 police departments. The questionnaire asked that records be maintained of the data requested for the period August 1, 1982 through November 1, 1982.

To ensure an adequate response, the subcommittee requested assistance from the Virginia Association of Chiefs of Police, the Virginia State Sheriffs Association and the Virginia Association of Commonwealth's Attorneys. These groups communicated the importance of responding to the questionnaire to the local chiefs and sheriffs. Notwithstanding this assistance, the response rate was, as expected, low. Responses were received from only 103, or 29%, of the agencies to which the questionnaire was sent.

The subcommittee recognized that, due to the low response rate, the statistical data compiled is suspect. (See Appendix G for summary of the statistical results.) Nonetheless, it was believed that the information compiled did provide a starting point for discussion of the pursuit problem. The comments and suggestions provided by the jurisdictions responding were found to be of special significance.

With respect to pursuit policies the comments showed that in most jurisdictions throughout the state, the decision to pursue is made by the officer. Generally, the officers are instructed to balance the seriousness of the offense with the dangers of pursuit. Twenty-seven of the jurisdictions responding indicated there was no official policy specifically governing pursuits. Ten jurisdictions limit pursuits to those situations where the operator is suspected of a serious felony. Because the decision to pursue is generally made by the officer in the field the subcommittee believes that adequate training and access to necessary information are necessary.

The majority of those responding (58%) felt that twenty-four hours of basic training in defensive

driving was not enough. A significant number felt that a minimum of forty hours of basic driver training should be required, with at least sixteen hours of the program being devoted to high-speed pursuit driver training. In order to reduce the risks to the public and law enforcement officers associated with high speed pursuits, it is required that the officer who makes the pursuit decision be a highly skilled driver familiar with the limitations of the vehicle and pursuit driving techniques.

Colonel Leslie T. Sheppard was designated to speak for the subcommittee before the Department of Criminal Justice Services Committee on Training. On December 2, 1982 Colonel Sheppard advised the Committee on Training that the joint subcommittee noted a need for additional driver training and recommended that the minimum required hours be increased from twenty-four to forty hours. Additionally, Colonel Sheppard expressed the subcommittee's view that annual or semi-annual retraining in defensive driving and pursuit driving techniques should be required. The subcommittee recognized that additional funding will be necessary for the training program if these recommendations are adopted. There are not enough facilities in the Commonwealth equipped to provide adequate field training in defensive driving. (See Appendix H.) The subcommittee believed that such an expenditure would be justifiable to ensure the safety of the citizens of the Commonwealth. The DCJS Committee on training appointed a subcommittee to study these recommendations further. Colonel Sheppard was designated an ex-officio member of the training subcommittee.

A significant number of the jurisdictions responding to the questionnaire (85%) indicated they were satisfied with the current procedures for obtaining information on operators and vehicles while on patrol. The subcommittee looked into the methods by which an officer obtains information from the Virginia Criminal Information Network (VCIN) and from the Department of Motor Vehicles. Thirteen of the jurisdictions indicated that there was a problem gaining access to the data on file. The subcommittee contacted the Department of Motor Vehicles and the Virginia State Police regarding these reported access problems. The State Police and DMV have agreed to examine the matter to see if the problems can be isolated and corrected. The subcommittee noted that in order to have a system which is always accessible it would be necessary to expend significant sums for a back up system or for an up-graded interface system. Because there appears to be general agreement that the current system satisfactorily meets the requirements of the officers in the field, the subcommittee does not believe that such an expenditure would be justified at this time.

The subcommittee also noted the comments of a number of law enforcement agencies regarding the need for pursuits. The consensus in the law enforcement community is that pursuit is a necessary tool. Recognizing that an absolute ban on pursuits would effectively encourage flights from law enforcement officers, the subcommittee sought to reduce the risks by eliminating the most frequently cited rationale for engaging in pursuits. Therefore, the subcommittee recommends adoption of legislation creating a rebuttable presumption that the owner of the vehicle was the driver at the time of the attempted flight. Senator Emick suggested delaying introduction of the legislative recommendation for one year. However, a majority of the subcommittee agreed that a bill incorporating their recommendations should be introduced this year.

Under this proposal, once an officer has identified the license plate number, generally there would be no need to pursue. The officer may charge the owner of the vehicle with a violation of § 46.1-192.1. The onus is then placed on the owner to come forward to identify the operator at the time of the offense.

There will still be occasions when a high speed pursuit will be necessary. But in the majority of cases where the operator is wanted for a mere traffic infraction, if he attempts to flee the officer may charge the owner of the vehicle with a violation of 46.1-192.1; it would not be necessary to engage in a high speed chase in order to identify the operator.

The subcommittee considered increasing the penalties for a violation of § 46.1-192.1. A number of persons addressing the subcommittee suggested the offense be made a class 6 felony. After much deliberation and discussion, the subcommittee concluded that the offense of eluding the police did not warrant a felony conviction. The penalties authorized by § 46.1-192.1 were generally felt to be sufficiently stringent. However, the subcommittee does recommend mandatory ninety day license suspension whenever the operator exceeds the speed limit by fifteen miles per hour or more while attempting to elude the police.

## RECOMMENDATIONS

In summary, the subcommittee recommends to the Department of Criminal Justice Services Committee on Training that the basic training program for law enforcement officers be up graded to include a minimum of forty hours of defensive driving training and that consideration be given to requiring in-service driver retraining on a regular basis. A majority of the subcommittee further recommends that legislation be enacted which would (i) reduce the number of pursuits engaged in by removing the evidentiary requirement of identifying the operator of a fleeing vehicle and (ii) impose a mandatory ninety license suspension whenever the accused, in attempting to flee, exceeded the maximum speed limit by fifteen miles per hour or more. (Appendix I)

Respectfully submitted,

A. Victor Thomas  
Dudley J. Emick, Jr.  
William A. Beeton, Jr.  
Gladys B. Keating  
Willard J. Moody  
William F. Parkerson, Jr.  
C. M. Robinson,  
William P. Robinson, Jr.  
Leslie T. Sheppard  
Carl Wells

APPENDIX A  
**1982 REGULAR SESSION**

LD4063444

**HOUSE JOINT RESOLUTION NO. 68**

Offered January 28, 1982

*Requesting a study on the advisability of hot pursuit by police officers and alternative approaches to apprehending speeders.*

\_\_\_\_\_  
Patron—Cranwell  
\_\_\_\_\_

Referred to the Committee on Militia and Police

WHEREAS, in recent months several serious accidents have occurred during the course of a "hot pursuit" by a police officer of a speeding motorist; and

WHEREAS, a number of people have died in these accidents; and

WHEREAS, these high-speed chases jeopardize the lives and property of innocent motorists and pedestrians who happen to be in the way; and

WHEREAS, the head of one local law-enforcement agency in the Commonwealth has banned high speed chases by his officers, with no noticeable increase in crime or decrease in conviction rate; and

WHEREAS, the advent of modern communication and computer systems may have made hot pursuit an obsolete method of apprehending speeding motorists; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the House of Delegates Committee on Militia and Police and the Senate Committee for Courts of Justice are requested to conduct a study of the advisability of hot pursuit by law-enforcement officers. The study should include an investigation of the number of accidents and injuries occurring during hot pursuits, consideration of the adequacy of the training in high-speed driving available to law-enforcement officers, and an examination of alternatives to hot pursuit and their feasibility.

The subcommittee appointed to conduct the study shall consist of ten members to be appointed as follows: four members of the House of Delegates Committee on Militia and Police, to be appointed by the chairman; three members of the Senate Committee for Courts of Justice, to be appointed by the chairman; and three law-enforcement officers, two to be appointed by the House chairman and one to be appointed by the Senate chairman.

The subcommittee shall complete its study in time to make its recommendations to the 1983 Session of the General Assembly. The cost of conducting this study shall not exceed \$3,500.

APPENDIX B

5217 Linton Hill Circle,  
Roanoke, Virginia 24014  
January 12, 1982

The Honorable C. Richard Cravall  
Virginia House of Delegates  
101 Capitol Street  
Richmond, Virginia 23219

Dear Delegate Cravall,

As I mentioned to you on January 5th, I am interested in the law enacted in Virginia in regard to the issue of high speed chases by police.

On July 27, 1981, my oldest son, Scott, age 24, was killed on Interstate 581 during a high speed chase by a Roanoke City police officer. I am enclosing, for your information, copies of the newspaper articles that appeared in the Roanoke Times and World News, and also an article that was published in the Richmond Times-Dispatch.

The events surrounding my son's death are still unclear. My attempts in August to obtain information from the Roanoke City Police Department were futile and I have since engaged an attorney in order to have the Roanoke City Police Department record to my inquiries.

There are several issues involved. The reaction of the police toward my son is one, the reaction of the police to me is another, and the lack of experience and training for police in high speed chases is still another. The issue that I am writing to you about is my belief that if Virginia had a law mandating high speed chases, specifying what officers may do; how to behave in such situations, then perhaps my son may well be alive today.

To avert the death of a child, particularly a tragic and needless death in a chasing, I would hope no one would ever have to face. If I can do something, that if I can attempt to investigate having a good solid law regarding high speed chases enacted in Virginia, then perhaps others will not have to suffer from such a needless tragedy and that from Scott's death, there may be some benefit for the people of Virginia.

I will look forward to hearing from you.

Sincerely,

Rita J. Clifton



# Cyclist dies after chase on I-581

By DOUGLAS PARDUE  
Staff Writer

A Roanoke County man was killed early Monday when he lost control of his motorcycle during a high-speed chase with Roanoke police.

Scott David Gliniecki, 24, of the 5000 block of Hawk Bill Circle Southwest, died when his motorcycle hit a guardrail on the Roy L. Wetber Highway and he was tossed over an embankment, police said.

Gliniecki was being chased at the time by Roanoke police officer T.H. Turner, who reported that Gliniecki was leaving him behind even though he was driving 80 mph.

Police Chief M. David Hooper said Turner reported that he was never able to get closer than 300 feet to Gliniecki and was not certain if Gliniecki knew he was being chased.

The chase began about 1:30 a.m. when Turner spotted a motorcyclist speeding south on Interstate 581 near the Hershberger Road overpass. Turner started after the motorcycle, but was so far behind that he did not turn on his lights or siren. Instead, Hooper said, the officer tried to close the gap.

Turner did not catch up until near the Elm Avenue exit, where the motorcyclist had to slow down because of traffic. Hooper said the officer reported that the cyclist was driving erratically and was weaving in and out of the traffic.

Once the officer caught up, Hooper said, he turned on his red lights and the motorcyclist began pulling over to the side, as if he were going to stop for the officer, who also slowed down.

However, Hooper said, as the officer prepared to pull over, the cyclist accelerated and sped off.

Turner took off again after the motorcyclist. He reached a speed of 80 mph but the motorcyclist seemed to be getting away, Hooper said.

The officer was about one-half to two-thirds of a mile behind Gliniecki when Gliniecki entered a sweeping curve of I-581 near the Tanglewood Mall exit, clipped a guardrail and flew off the motorcycle. Gliniecki was thrown over the guardrail and the motorcycle continued down the highway for nearly 600 feet before crashing in the median, Hooper said.

Hooper said Turner followed proper departmental procedure in chasing Gliniecki. The officer saw someone speeding and driving erratically, and attempted to pull him over after first closing distance on the speeder, the chief said.

Court officials said Gliniecki was awaiting trial next month in Roanoke County General District Court on a charge of driving while intoxicated.

Aug. 1981

## Don't pursue

THE SON of a friend was killed recently in a motorcycle accident after being chased by a Roanoke City policeman. If my friend's son had lived in Albemarle County, he might still be alive. The Albemarle Police Department is the only county department in Virginia with a no-pursuit policy.

Why jeopardize the lives of patrolmen and the pursued? Why can't local police get the speeder's license plate number and follow up with a routine investigation?

It's time to leave the romance of pursuit to The Dukes of Hazard and Burt Reynolds' movies. Let's get a humane policy on speeders in the Roanoke Valley now.

THE REV. PAUL D. STEINKE  
Roanoke

July 16, 1982

Delegate Vic Thomas  
1301 Grange Avenue, N. E.  
Roanoke, Virginia 24012

Dear Delegate Thomas:

I understand that you are working toward a study involving hot pursuit by the police in the State of Virginia. Approximately three years ago I was witness to such a chase at approximately 2 o'clock one morning from my bedroom window. It was very obvious that the police were determined to run a young driver to his death through stop signs, the wrong way down one way streets. Upon witnessing such a wanton disregard for human life, I called the Richmond Newspapers who informed me that they would do some kind of study since they had also been concerned about loss of life to young people in this state through hot pursuit tactics. I have heard nothing further from the Richmond Newspapers.

At that time I had collected several articles where the police had run young people at a high rate of speed into trees or other vehicles where the obvious result was loss of life, untold sorrow and a void within the family unit. Whoever was responsible in the matter must have been heralded by the compatriots as a hero.

I would like to know the reason for hot pursuit since the courts in this land are so liberal that they let people go anyway. No one that I have ever known has been locked up due to a traffic violation. Why kill young people or put someone's life in jeopardy by hot pursuit tactics?

I would like for a study to be done through the Richmond Newspapers and other newspapers over the past six years to determine loss of life, dismemberment, disfigurement and develop some kind of statistics on hot pursuit.

I will be glad to help in any way that you see necessary.

Very truly yours,

  
William L. Andrews

WLA/lp  
cc: Ms. Mary Devine

COUNTY OF ALBEMARLE



Office of the Sheriff

ROOM 100  
COUNTY OFFICE BUILDING

G. W. BAILEY  
SHERIFF

TELEPHONE: 804-296-2112

P. O. BOX 203  
CHARLOTTEVILLE, VA. 22901

July 19, 1982

The Honorable Richard Cranwell  
Member of the House of Delegates  
Roanoke County

Dear Dick:


I have taken a hard line on Hot Pursuit on my law enforcement officers as you can see in my policy.

I just read House Joint Resolution Number 68 offered January 28, 1982 and I hope that the information that I have written in my policy will be helpful to you and the committee on militia and police. Prior to the writing of the policy I was averaging more than one vehicle being demolished each year due to high speed chases. I came down hard on my deputies in 1980 after I saw an incident in which four police vehicles were heavily damaged after a vehicle ran through radar in Richmond. The City of Richmond Police officers and several State Troopers chased a vehicle into Albemarle County during the night time and asked my officers to assist them in a road block on interstate 64. My officers did assist in that road block and consequently one of my cars was demolished and the State trooper piled into those two cars and two other cars had wrecked coming out of Richmond prior to the incident in Albemarle County. Thank goodness we did not have a person killed. The month before that incident the same thing had happen when a State trooper was chasing a violator that had run through radar and asked assistance from my department and again one of my patrol cars was damaged by a vehicle that the State troopers were chasing. During the same month we had a Virginia State Trooper killed in the southeastern part of the State. As well as I remember two troopers were chasing one violator, one trooper made it around a sharp curve and the second died when he lost control on the same curve that the first trooper got around. I also noticed in my policy certain articles that I cut out of papers indicating that localities and Sheriff's were being sued over negligence in high speed chases. I recently asked in a recent staff meeting if any of my officers had been effective by my policy on high speed chases and most every officer said that they were glad that I took the position that I did.

It has been many years since I have had a chance to shake hands with you. I wish you would come by and see me when you are in Charlottesville and we will have lunch. Just in case you have forgotten, we are second cousins, your grandmother was my great aunt. I followed your tenure in the General Assembly and I hope you will run for State Office and give me the chance to work for you in the Ivy area of Albemarle County where your father was born.

Look forward to seeing you in the future.

Yours truly,

  
George W. Bailey  
Sheriff

GWB/lgb

COUNTY OF ALBEMARLE

(APPENDIX B Continued)



Office of the Sheriff

ROOM 101  
COUNTY OFFICE BUILDING

G. W. BAILEY  
SHERIFF

TELEPHONE: 804-253-2112

P O BOX 203  
LOTTESVILLE, VA. 22801

C P

TO: ALL DEPUTIES AND PART-TIME DEPUTIES  
FROM: G. W. BAILEY, SHERIFF  
DATE: EFFECTIVE AUGUST 1, 1980

I would like to clarify a law that came effective on July 1, 1980 in reference to signing of a summons on class 3 and class 4 misdemeanors. This law directs an officer to fill out a summons and asked the person charged with an offense to sign it. If the person refuses to sign the summons, you will advise them to be in court on the date that you specify and hand them a copy of the summons. You will also advise the person that if they do not appear a warrant will be issued for his arrest for failing to appear in court. Since that law has been passed under no circumstances will you arrest a person for failing to sign a summons.

During the past twelve months we have had two County owned vehicles wrecked trying to set up a "running road block". Effective today deputy sheriff's of Albemarle County will not participate in a "running road block" unless the person that is wanted has been charged with a felony. Under no conditions will a deputy sheriff participate in a "running road block" on a simple traffic charge. We have had entirely too many citizens killed or injured with officers in high speed chases. The same applies if a deputy sheriff intends to arrest a person on a simple traffic charge and the person fails to stop after the license number is obtained by the deputy sheriff, he should run it through the computer and if the person is not wanted on a felony the deputy sheriff will call off his chasers, make an investigation and obtain a warrant and arrest the person at a later time. An officer not heeding this policy will be dealt with very severely. I have commented on road blocks before but never to the fact that I have written instructions on how they are to be handled. I have read numerous editorials on officers in high speed chases and there are a lot of courts, lawyers and people feel that the officer is contributing to the accident by setting up a road block or dealing in a high speed chase.

CCRE's and is now the same for our uniform traffic summons.

The Mayor of Scottsville has appointed another auxiliary officer, and the number for officer Davis of the Scottsville Police Dept. will be Scottsville #4.

The evaluations as per County policy have been completed and I will be glad to go over these evaluations with you. Please make an appointment with me before coming in to go over your evaluations.

When I wrote the policy on high-speed chases and using the county vehicle for road blocks, I did not do this without a complete study of the problem. Those of you who have been with the department for a long time should know that we have had many vehicles wrecked in high-speed chases. We have been very fortunate not to have an officer seriously injured. I am giving you a photocopy of two articles that have been recently printed in papers that deal with officers driving in a reckless manner. I have a complete file on editors in the State supporting my policy if you all would like to see, please contact me.

NOTE: More than one charge on a summons -

Virginia Code 19.2-72 and Rules 3A:4(c) require that each charge be written on a separate warrant or summons regardless of whether or not all of the charges arose out of the same incident which led to the arrest.

Mileage reports should be in by September 5, 1980 with copies made. Please doublecheck these reports before they are turned in.

CHANGES IN THE IN-SERVICE TRAINING SCHOOL SCHEDULE:

PLEASE NOTE THE CHANGES:

September 8-12, 1980 - George Knight and Willie Barnett

September 15-19, 1980 - George Swingler, Robert Frazier, & John Cetrulo

September 22-26, 1980 - Lewis Leake, Earl Newton, & Jimmy Bunch

The Sheriff will need five (5) volunteers to work traffic for all home UVA games. He will need part-time officers, and officers from the 5:00 and midnight shifts. There will be reserved seats for all officers who work traffic.

§ 54-817. (Repealed effective July 1, 1983) Auction sales of certain commodities between certain hours prohibited. No person licensed as hereinbefore provided shall sell at auction as herein provided, from the first day of April until the thirtieth day of September, both inclusive, between the hours of seven o'clock in the evening and eight o'clock the following morning, nor from the first day of October until the thirtieth day of March, both inclusive, between the hours of six o'clock in the evening and eight o'clock in the morning, any jewelry, diamond, or other precious stone, watch, clock, gold and silverware, gold and silver-plated ware, rugs, curtains, carpets, tapestries, statuary, porcelains, chinaware, pictures, paintings, bric-a-brac or articles of virtu.



CHARLOTTEVILLE DAILY PROGRESS  
Wednesday, Aug. 20, 1980.

### **Sheriff Sued for \$1 Million**

ROANOKE (AP) — The family of a man killed when his pickup truck was struck by a car driven by a woman deputy has filed a \$1-million suit against the deputy and Roanoke County Sheriff O.S. Foster.

The suit, filed in U.S. District Court, says Roanoke County Sheriff's Deputy Denise Jones was speeding at nearly 90 mph April 17 when her cruiser crashed into the back of Carl Mitchem's pickup truck and killed him.

Ms. Jones was negligent and reckless and violated Mitchem's civil rights, the suit contends. Foster was sued because he was the man who hired the deputy.

The issue of high-speed police chases also caused problems for the department. In March 1979 Charlotte police adopted new chase regulations after 11 chase-related deaths or injuries involving city or county officers in less than six months. Then in November, officer Michael Flaherty was injured and three members of the George Farrar Parker Jr. family were killed when Flaherty's patrol car struck their car as he raced to help a fellow officer.



(APPENDIX B Continued)

# VIRGINIA STATE POLICE ASSOCIATION

P.O. Box 2009 • Springfield, Virginia 22151

ADDRESS TO THE HOUSE COMMITTEE ON MILITIA AND POLICE AND  
THE SENATE COMMITTEE ON COURTS OF JUSTICE STUDYING H.R. 68  
"Advisability of hot pursuit by police officers  
and alternative approaches to apprehending speeders."

Mr. Chairman, members of the Committee, my name is

John A. Olocka. I am a Virginia State Trooper assigned to  
the counties of Fairfax and Arlington. I have served in  
this capacity for the past seven years. Today, I am here to  
represent the 768 members of the Virginia State Police  
Association. Our Association is primarily composed of  
State Troopers.

We are fully aware of the extreme danger to the public  
and the ever present and grave danger to the police officer  
that high speed pursuits represent. These pursuits require  
a high degree of competence on the part of the police  
officer and call on him to make split-second decisions which  
the courts, the press and the public will scrutinize closely.  
However, under existing law, the police officer may only  
charge the violator with reckless driving under §461-192.1

or, if a death should occur, involuntary manslaughter which is only a class 6 felony which, as you know, carries no mandatory jail term. Prosecutors have advised us that these current laws are perhaps among the most difficult to prosecute successfully because of the effective use of ignorance as a defense (when the driver maintains that he did not know he was being pursued) and because an increase in speed by the violator is not prima facie evidence of flight.

The current statutes represent an inadequate deterrent as witnessed by the increase in the number of instances in which the pursued driver attempts to flee. The Virginia State Police Association maintains the position that the uncertainty of serious punishment is not consistent with the seriousness of the offense and the extreme risks involved, and, further, that the present laws fail to deter drivers from fleeing a pursuing officer.

We propose that the Committee carefully study and review the proposed amendment to the Virginia Code that you now

have in front of you. (Read proposed amendment.)

Police officers are sensitive to the public criticism that is directed towards them when a high speed pursuit results in injury or property damage. But we also are ever aware of the adverse legal implications and public criticism that would follow if the officer were to fail to pursue a suspect. Very seldom is the officer aware of the reasons why a suspect is fleeing from him. But should the officer fail to pursue and someone gets hurt, the officer is still at the bottom of the list and he gets the brunt of the criticism both ways. He is damned if he does and damned if he doesn't.

In closing, we believe it untenable to prohibit police officers from pursuing suspects wanted for a criminal offense or a traffic violation, and that this would lead to a significant and potentially dangerous disregard of the laws requiring drivers to stop when they receive a visible or

audible signal to do so. We believe that if any changes in the law are made, they should indeed deter the offender, rather than compromise the ability of the officer to carry out his duty.

Gentlemen, I thank you for your time.

**PATSY BICKERSTAFF**

ATTORNEY AT LAW  
115 WEST COURT STREET  
WOODSTOCK, VA. 22664

(703) 459-5595

August 9, 1982

Mary P. Devine  
Division of Legislative Services  
Post Office Box 3-AG  
Richmond, Virginia 23208

Dear Ms. Devine:

I have just read of the public hearing which is to be held August 18th, by Delegate A. Victor Thomas, respecting a study of the Advisability of Hot Pursuit of Police Officers, an Alternative Approach to Apprehending Speeders. As I am scheduled to be in Federal Bankruptcy Court on that date, I shall be unable to attend the hearing. However, I am very much interested in obtaining any possible information from the hearing. It may be, too, that Delegate Thomas will be interested in hearing of the particular case which prompts me to write.

Currently, I am representing a young man from Mt. Jackson, Shenandoah County, Virginia, who is appealing one of six convictions which arose from an incident involving hot pursuit in a speeding case. My client was driving a motorcycle, with a passenger on the rear, in the Town of Mt. Jackson; when a Mt. Jackson Police Officer began to pursue him. The officer chased him outside the city limits, rammed the motorcycle with the police car, several times, and fired his pistol at least once. These are the facts to which the Police Officer admits. My client, and his passenger, states that the Police Officer fired three times, and was aiming in the direction of my client, not in the air as a "warning shot." My client was convicted in General District Court of two charges of reckless driving (one of which is being appealed), and of failure to have a drivers license, license plates, registration, and insurance. He was ordered to make restitution for damage to the police car.

Our appeal is based on the fact that only one conviction may be had for reckless driving, arising from the same transaction, and upon the basis that there is no authority for the Court to order restitution in a traffic case. The Town of Mt. Jackson is currently investigating the actions of the Police Officer, and, I believe, intends to make some

Mary P. Devine  
August 9, 1982  
Page 2

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sort of settlement with the passenger, who was injured, when the motorcycle was rammed and turned over, pinning him underneath.

Of course, this particular incident is probably highly unusual, but because it happened it is not impossible. The mistakes of the Police Officer were only compounded, not corrected by the further mistakes of the Commonwealth's Attorney and the District Court Judge, when my client appeared in that Court without counsel. Of course, had he obtained a lawyer, some of the problems would have been avoided, but in the long run, the real loser will be the Town, through the adverse publicity and civil liability it suffers.

I am enclosing a copy of an article from a local weekly newspaper, which covers the matter. I hope that Delegate Thomas and his Subcommittee will find this information useful; in return, I should like to request a copy of any reports that may be made available on the Subcommittee's findings.

Thank you very much for your attention.

Very truly yours,



PATSY BICKERSTAFF

PB/dn

Enclosure



## City of Virginia Beach

DEPARTMENT OF POLICE

PUBLIC SAFETY BUILDING  
MUNICIPAL CENTER  
VIRGINIA BEACH, VIRGINIA 23456

November 3, 1982

The Honorable A. Victor Thomas, Chairman  
Joint Subcommittee on the Apprehension of  
Speeding Motorists and Hot Pursuit  
Division of Legislative Services  
General Assembly Building  
910 Capitol Street  
Richmond, VA 23208

Dear Delegate Thomas:

The purpose of this correspondence is to register my personal opposition to any piece of legislation which reduces or eliminates the police officer's capability to utilize "hot pursuit" as a method by which to apprehend speeding motorists. Although the phrase of "speeding motorist" implies on its face that the issue is restricted to those persons who violate only motor vehicle statutes regarding speed limits, the real issue of "hot pursuit" is one which also includes the apprehension of those individuals who have committed offenses in violation of the Virginia criminal code and who use a motor vehicle to evade apprehension.

According to House Joint Resolution No. 68, a number of unfortunate ramifications have occurred as a direct result of engaging in high-speed chases including serious traffic accidents and accident-related fatalities. Also mentioned is the way that high-speed chases jeopardize the lives and property of innocent motorists and pedestrians who happen to be in the way. Certainly, I admit that these unforeseen effects are indeed unfortunate. However, the way that the resolution is worded suggests that the police officer and not the violator is ultimately responsible for the unfortunate results which may occur. It must be remembered that the high-speed chase would not have been initiated unless there had been probable cause to do so and, more importantly, if the individual who was the object of the pursuit had not attempted to willfully evade apprehension. Obviously, the high-speed pursuit could have been avoided altogether if the alleged violator would have simply pulled to the side of the road as so directed by the police officer.



This is not to say that less than satisfactory driving tactics on the part of the police officer do not contribute to the accidents which may result if a high-speed chase is undertaken. However, before such an assumption is made, it is imperative to systematically analyze the traffic accidents which have occurred as a result of high-speed chases in order to ascertain whether the officer or the pursued driver engaged in an inappropriate maneuver which directly contributed to the occurrence of the accident. In the event that the actions of the officers are, in the long run, determined to be the primary causative factors of the accidents, then one suitable remedy would be to have all police officers certified as to their proficiency to engage in and successfully terminate a high-speed chase. Such a remedy should not be implemented, however, until it has reasonably been established on the basis of more than just one or two cases that the officer was deficient in his/her performance.


Another issue cited in House Joint Resolution No. 68 is that no noticeable increase in crime or a decrease in the conviction rate has been observed even after banning high-speed chases by officers in one particular jurisdiction. Unfortunately, such evidence is irrelevant and has no bearing on the most important issue surrounding the use of the high-speed chase which is apprehension. The high-speed chase was not designed to significantly deter crime nor was it intended to appreciably decrease the conviction rate. Its primary objective is to apprehend. However, it should also be remembered that without apprehension, crime may go undetected while convictions would be next to impossible to secure. Moreover, simply because one jurisdiction has not experienced an increase in crime or a decrease in the rate of convictions does not necessarily mean that the same phenomenon would be observed throughout the Commonwealth even if the two factors were germane to the issue under consideration.

The idea that modern communication equipment or sophisticated computer systems may have made "hot pursuit" an obsolete method by which to apprehend speeding motorists belies the fact that inaccurate data will subvert the integrity and effectiveness of any information system regardless of its degree of refinement or level of technological development. That is, the accuracy of the data which is fed into the system has a profound effect on the quality and the utility of the data which is generated. If the resulting data is inaccurate, then the system itself is rendered ineffective.

In conclusion, it is my opinion that any attempt to eliminate in an across-the-board fashion the use of the high-speed chase as a legitimate apprehension strategy should be abandoned. Certainly, the removal of "hot pursuit" from the operating procedures of police departments across the state would create a real difficulty in apprehending speeding motorists regardless of the offense for which they are being pursued. The wisdom of the General Assembly must not be contravened by the emotionally laden arguments of those persons who cite isolated, unsubstantiated, or irrelevant observations regarding the short-term or long-term effects of high-speed chases.

Please be assured that I will be happy to discuss with you in detail and at your convenience any issue which is relevant to the topic of "hot pursuit" prior to any legislation which is enacted to prohibit its use. Thanking you in advance for your consideration of the ideas contained herein, I remain

Yours very truly,



Charles R. Wall  
Chief of Police

CRW/DEK/lt

cc: Senator Dudley J. Emick, Committee Vice-Chairman



VIRGINIA COMMONWEALTH UNIVERSITY  
901 West Franklin Street • Richmond, Virginia 23284

Department of Public Safety  
918 W. Franklin Street  
Richmond, VA 23284

November 4, 1982

Mary P. Devine  
Staff Attorney  
Division of Legislative Services  
P O Box 3-AG  
Richmond, VA 23208

Dear Ms. Devine:

We are happy to provide data for your office pertaining to police vehicle pursuits. Our data is limited, however, somewhat illustrative of police vehicle pursuits.

I was somewhat concerned with the methodology of your questionnaire. It would seem that one critical question to be explored would be, "Why did the driver flee?"

In one of our pursuits, the officer attempted to stop the offender for a possible traffic violation. The violator fled from the officer and a pursuit developed through the MCV area and was terminated near the Madison Building. The pursuit began by the Bank of Virginia branch at our MCV Clinical Center (11th & E. Marshall). After apprehension, the violator was found to be wearing a ladies stocking rolled to the top of his hairline and possessed a handgun in a bag in the front seat. The violator was also wanted for two bank robberies and one attempted murder charge.

At the beginning of the pursuit the officer did not know that she was interrupting a possible bank robbery and a person wanted in connection with three violent crimes. This illustrates the point that occasionally, motorists flee the police because they are wanted for crimes. If the officer failed to pursue in this case, it is possible that the suspect would have been free to commit another bank robbery or attempted murder.

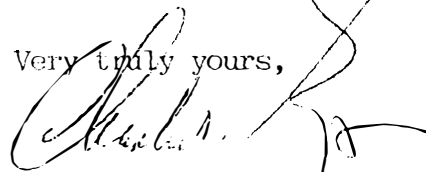
Secondly, I would like to comment on question 14. Pursuit is not the most effective method. Technology could probably develop a device that would allow for an electronic ignition disable system. Or, the state could fund aerial chase units through the Compensation Board or Michie Bill (H.B. 599). However, these are not fiscally realistic.

We come down to one fundamental question. Shall we allow motorists to elude the police knowing that some violent criminals will be facilitated? It would be difficult to develop the answer from a cost benefit standpoint. Obviously, more lives are lost from "routine" pursuits than persons saved by the attempted apprehension of violent criminals who are attempting to flee the police. However, if the state adopts a policy prohibiting pursuits unless the offender is wanted for a felony; will we increase the likelihood that more persons will flee the police thus increasing the probability of accidents during the short period in which they are actually fleeing from the police?

It is possible that the problem will be eventually solved by industry. In the next two years, we will be seeing smaller fuel-efficient cars purchased by police agencies. The big cars with large engines for police use are gone. However, teenagers and others with older high performance cars will be able to easily out run troopers or other law enforcement officers in their smaller four-cylinder police cars. The alternative will be to purchase sports-type cars such as a Ford Mustang, Pontiac Trans-Am, etc. While some agencies have turned to sports-type cars to maintain a high speed capability, their procurement will probably be sporadic.

You have serious questions to explore and I do not envy your tasks or the decisions that must be contemplated. If our agency can be of any further help to you, please do not hesitate to call.

Very truly yours,



Capt. Charles V. Bryson  
Chief  
Administrative Services

CVB/pam

**APPENDIX C**

PHYSICIANS FOR AUTOMOTIVE SAFETY (1967)

Source of Data: National newspaper clipping service collected all cases involving hot pursuit between April and June 1967. Forty-one states and the District of Columbia were covered.

Data: In the 512 cases reported, 627 persons were injured or killed.

	<u>Fatalities</u> (19.8%)	<u>Major Injuries</u> (43.4%)	<u>Minor Injuries</u> (37.8%)
Suspect	44.0%	27.2%	27.0%
Passenger			
w/Suspect	28.1%	29.8%	27.0%
Police	4.2%	12.9%	24.0%
Other Vehicles	19.2%	28.0%	19.0%
Pedestrians	4.2%	2.1%	3.0%

Data: In 423 of the cases reported, the initiating cause of the pursuit was identified.

Traffic Offense	60.5%
Auto Theft	23.4%
Misdemeanor or other minor offense	14.4%
Suspicion of or wanted for violent crime	1.7%

APPENDIX D

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION (1970)

Source of Data: Two-week field study involving eleven state and local agencies and departments. Forty-six pursuits were recorded (thirty-six pursuits were from the North Carolina Highway Patrol).

Data: 11% of the pursuits ended in a crash.<sup>1</sup>

80% resulted in apprehension.

30% involved a police vehicle.

Data: 89% of the pursuits did not end in a crash.

90% resulted in apprehension.

20% involved one near-miss.

22% involved two near-misses.

15% involved three more near-misses.

Data: Driver being pursued was suspected of:

Felony 2%

Misdemeanor 9%

Traffic Offense 89%

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1 In North Carolina, only 3 of the 36 pursuits (8.3%) resulted in a crash.

Conclusions of Study

ESTIMATES OF THE NATIONAL PROBLEM

50,000-500,000 annual pursuits. Unlikely that there are less than 20,000 nor more than 500,000.

6,000-3,000 pursuit-related crashes. Unlikely that there are less than 2,000 nor more than 25,000.

300-400 pursuit-related fatalities. Unlikely that there are less than 100 nor more than 1,000.

2,500-5,000 pursuit-related injuries. Unlikely that there are less than 2,000 nor more than 15,000.

These national figures should not be converted to ratios (e.g., one in twenty pursuits results in a crash, etc.) because of the lack of precise definition of the pursuit event and the variability and uncertainty of the data."

## APPENDIX E

### CONNECTICUT SAFETY COMMISSION STUDY (1978)

Source of Data: Questionnaires submitted to the study commission by various local and state law enforcement agencies.

Data: In 1975 there were 53 pursuit-related accidents in Connecticut.

4 persons killed; 57 persons injured.<sup>1</sup>

33 police vehicles involved in pursuit-related accidents.

42 pursued vehicles involved in pursuit-related accidents.

13 innocent parties involved in pursuit-related accidents.<sup>2</sup>

In 1976 there were 73 pursuit-related accidents.<sup>3</sup>

3 persons killed; 29 persons injured.

28 police vehicles involved in pursuit-related accidents.

59 pursued vehicles involved in pursuit-related accidents.

39 innocent parties involved in pursuit-related accidents.

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1 From the information provided, it is not possible to transfer these figures to percentages. However, the study concludes that 70% of pursuit accidents resulted in at least one injury.



- 2 Presumably this figure includes pedestrians as well as innocent drivers.
3. At least 100 of the total 344 emergency vehicle accidents reported in 1976 were caused by the failure of motorists to yield the right of way to an emergency vehicle.

APPENDIX F

PLEASE COMPLETE AND RETURN BY NOVEMBER 15, 1982 TO:

Mary P. Devine  
Staff Attorney  
Division of Legislative Services  
P. O. Box 3-AG  
Richmond, VA 23208  
(804) 786-3591

QUESTIONNAIRE ON PURSUIT

NOTE: As used in this questionnaire "pursuit" means an active attempt by a law enforcement officer, in a patrol vehicle, to apprehend one or more occupants of another moving motor vehicle, where the driver of the fleeing vehicle (i) is aware of the attempt to apprehend him and, (ii) is resisting the apprehension by maintaining or increasing his speed or, by ignoring the law enforcement officer's attempt to stop him.

1. Jurisdiction served is essentially:

- a) urban
- b) suburban
- c) rural
- d) combination

(Circle all of above which comprise a part of the combination)

Please provide the following information for the period August 1, 1982 through November 1, 1982.

2. Number of active police officers: \_\_\_\_\_

3. Total number of police vehicle accidents: \_\_\_\_\_

4. Total number of police pursuits engaged in: \_\_\_\_\_

a) number of pursuits resulting in personal injury and/or property damage: \_\_\_\_\_

b) number of such accidents resulting in at least one injury or fatality: \_\_\_\_\_

c) total number of persons injured or killed in such accidents:

Injured      Killed

number of police officers: \_\_\_\_\_

number of pursued or passengers in pursued vehicle: \_\_\_\_\_

number of third parties (no connection with the police or pursued vehicle) \_\_\_\_\_

5. Total number of pursuits resulting in apprehension: \_\_\_\_\_

6. Initiating cause of pursuit:

a) pursued wanted for/suspect of felony \_\_\_\_\_

b) pursued wanted for/suspect of misdemeanor \_\_\_\_\_

c) pursued wanted for/suspect of traffic violation \_\_\_\_\_

7. a) Information was requested regarding pursued vehicle or operator prior to initiation of pursuit in how many of the pursuits engaged in: \_\_\_\_\_

b) Pursuit was initiated in response to information received in how many of the pursuits engaged in: \_\_\_\_\_

8. Are you satisfied with the current procedures for obtaining information on drivers and vehicles:

yes

no

(Circle one)

9. Do you have any suggestions for improving the procedures used by officers in the field for obtaining such information: (Attach extra sheets if necessary).

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10. Does your department have any policies or procedures governing pursuit chases? If so, please summarize (Attach extra sheets if necessary).

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11. Do you feel that 24 hours of training in defensive driving is adequate for police trainees?

yes

no

(Circle one)

12. Do you feel that the course itself is adequate:

yes

no

(Comments or criticisms are welcome)

13. Does your department require additional defensive driving training for officers: \_\_\_\_\_

If so, how frequently and how many hours: \_\_\_\_\_

14. Do you feel that pursuit is the most effective method for apprehending speeding motorists?

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PURSUIT STUDY SURVEY RESULTS\*

BACKGROUND

356 QUESTIONNAIRES WERE MAILED OUT

1 State Police  
140 Sheriff's Departments  
215 Police Departments

103 RESPONSES WERE RECEIVED (65 Police; 38 Sheriffs)

6 Sheriffs' responses indicated their jurisdiction was civil only, therefore there were no pursuits  
1 Police response indicated responsibility for pursuits was taken over by State Police

OF THE JURISDICTIONS RESPONDING:

23 were urban  
4 were suburban  
28 were rural  
38 were a combination  
(10 did not indicate a response)  
7,503 active police officers in the jurisdictions responding  
(1,345, or 18%, of active officers were state police)

STATEWIDE PURSUIT DATA

337 police vehicle accidents within the time period covered  
(33% of reported police vehicle accidents were pursuit related)

486 pursuits within the time period covered  
(16% of the pursuits were reported by the state police)  
(18% of the pursuits resulted in an accident)

Statewide Mean: 5 pursuits per office that engages in pursuits per three month period.

100 REPORTED PURSUIT RELATED ACCIDENTS  
INJURY/FATALITY BREAKDOWN:

0 fatalities  
10 Police Officers (16%)  
45 Pursued or Passenger in Pursued Vehicle (71%)  
8 Third Parties (13%)

In the jurisdictions that engaged in pursuits there were .26 pursuits per officer.

403 PURSUITS RESULTED IN APPREHENSION (approximately 84%)

- 68 cases pursued wanted for felony (16%)
- 49 cases pursued wanted for misdemeanor (12%)
- 360 cases pursued wanted for traffic infraction (72%)

In 20% of the reported cases information was requested on pursued vehicle or operator prior to initiating pursuit.

TRAINING STANDARDS/PURSUIT POLICIES

OF THE JURISDICTIONS RESPONDING:

85% (82) reported satisfaction with the current procedures for obtaining information on drivers and vehicles

- 15 were dissatisfied
- 6 jurisdictions did not respond
- (29 responses provided suggestions for improving the procedures (Appendix 1))

58% (55) indicated that 24 hours of defensive driving training is not adequate.

42% (40) indicated 24 hours is adequate.

59% (54) are generally satisfied with the training course as a whole.

26% (25) require additional annual driving training  
19 of those provided information on the number of hours required:

- Average hours required per year - 20
- most frequently provided hours -
- 40 hours/year - 4 responders
- 16 hours/year - 3 responders
- 8 hours/year - 4 responders

67 jurisdictions provided information regarding pursuit policies (Appendix 5)  
27 indicated there were no policies  
9 did not respond

72% (67) of the responses indicated that pursuit was the most effective method for apprehending speeding motorists (Appendix 4)  
26 indicated it was not  
10 did not respond

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\* The above information merely represents the best estimates available, based on the responses received.

BREAKDOWN BYJURISDICTION TYPE \*

(Appendix G Continued)

	Total police vehicle acci- dents per officer	Pursuits per officer	% of pursuits resulting in at least one injury	% of pursuits resulting in apprehension	% of pursuits during which information was requested	Pursued suspect of		
						Felony	Misd	Traffic
Urban	.06	.31	59%	83%	49%	20%	14%	66%
Suburban	.05	.12	41%	92%	16%	2%	14%	84%
Rural	.13	.75	38%	98%	65%	15%	5%	76%*
Combination	.18	.16	32%	82%	24%	13%	14%	70%*
<b>Statewide Mean</b>	<b>.05</b>	<b>.26</b>	<b>41%</b>	<b>84%</b>	<b>20%</b>	<b>16%</b>	<b>12%</b>	<b>72%</b>

\* Some responses which should have been keyed as zeros were keyed in as no response. Therefore, the percentages do not add up to 100%

The above information merely represents the best estimates available, based on the responses received.

Pursuit Questionnaire  
Summary of Comments/Suggestions

Question 9  
Suggestions For Improving Procedures For Obtaining  
Information on Pursued Driver

VCIN out of service too often; need better service or back up unit;  
too slow and complicated (contrasted with North Carolina Police Network)  
(12 responses)

Add vehicle color and model to registration information (3 responses)

VCIN should provide license information in addition to registration  
information

DMV should not register vehicles to P. O. Box address

License check should provide information on "wanted" status

Officers need modernized radio system

Works well for small department

Takes too long to get information

Can't get a "hand search" on weekends

Probably most efficient



## Pursuit Questionnaire Summary (cont'd)

## Question 10

Policies Governing Pursuits\*

Use good judgment (11 responses)

No "unsafe chases" (7 responses)

Governed by state law (7 responses)

No pursuit if citizen is in police vehicle

Emergency only (3 responses)

High speed pursuit discouraged for safety reasons

Use roadblocks only for known felons

No road blocks

No pursuit if life endangered

Supervisor always in charge

Limited to one mile except for extreme emergencies

Discontinued if officer loses sight of vehicle in misdemeanor cases

No high speed pursuits for misdemeanors

Pursue only confirmed felons, likely to commit additional crimes

Chase to next jurisdiction and radio for help

If pursued vehicle exceeds 70 mph and is wanted only for traffic violation, pursuit is terminated; otherwise, officer must use discretion

Only for major crime

Try to identify driver; then obtain warrant

\* See also attached Appendix B

## Pursuit Questionnaire Summary (cont'd)

## Question 12

Adequacy of Driver Training Program

Should include on the road high speed training (5 responses)

More training is needed (e.g. mandatory annual retraining) (4 responses)

Knew nothing about a defensive driving program (3 responses)

Personnel who exhibit poor driving habits are given in-service retraining (2 responses)

Not enough information to comment

Number of accidents, though minor, has increased since participation in program

Should be a minimum of 40 hours; minimum of 16 hours devoted to pursuit driving (4 responses)

Minimum of 20 hours of high-speed training should be required

40 hours of defensive driving in recruit school required

Gives officer false sense of driving ability

Requires in-service training every two years (no indication of number of hours)

National Safety Council Defensive Driving Course mandated for new officers

Need regional annual retraining schools to help the smaller departments

## Pursuit Questionnaire Summary (cont'd)

## Question 14

Effectiveness of Pursuit

Pursuit most effective unless law mandates that vehicle owner is responsible at all times (if officer can't I.D. driver, case dismissed) (17 responses)

Effective in some cases, deters attempts to elude (7 responses)

No other alternative (5 responses)

Discretion and judgment must be used to insure safety of others (3 responses)

Restrictions on pursuit self defeating (cite to studies by International Assn. of Chiefs of Police)

Most habitual offenders and felons will not stop; pursuit is necessary

"Swift, mandatory penalties for apprehended offenders" would deter flight

Effective only if felony has been committed

One important tool

Public education and pursuit technique training are necessary

Better coordination between jurisdictions needed

In most cases, it's the only way

Necessary in some cases; good directives and proper supervisory control are essential

Driver causing high speed, dangerous pursuit should be charged with a felony

Should be felony (Class 6) to attempt to elude officer

Not most effective; radio broadcast combined with rapid police unit response can minimize pursuit speed and length (problem is availability of back up unit though)

Cost/benefit analysis doesn't justify pursuit for speeding alone

Requirement that officer identify driver, not merely registered owner, is good; however, this requirement makes pursuits necessary

## SUMMARY OF PURSUIT POLICIES AND PROCEDURES

Twenty-four localities provided copies of written department policies and procedures governing pursuit. Most local procedural guidelines emphasize public safety and officer's use of discretion to balance the public danger against the duty to apprehend criminals. Pursuit is not discredited but limited by reasonableness.

In general, law enforcement officers must consider the safety of the public as their highest priority when engaging in high speed pursuit. Other factors which the officer must consider are the road and weather conditions, traffic volume, the time of day, the possibility of apprehension at a later time, and the seriousness of the offense as compared to the danger of high speed pursuit. All pursuits are discontinued at the jurisdictional boundary unless the suspect is wanted for a serious felony.\*

The City of Norfolk Police Department restricts its officers to 15 m.p.h. above the speed limit while engaged in pursuit. Alexandria's police may not exceed 20 m.p.h. over the posted speed limit.

In most of these localities, no more than two police vehicles may be directly involved in a single pursuit. The shooting of a firearm from a moving vehicle is strictly prohibited unless used in self defense. All police vehicles must display all emergency equipment (i.e., siren and flashing red or blue lights). All unmarked vehicles must relinquish pursuit as soon as a marked vehicle becomes available.

Roadblocks are used strictly as a last resort by authorization of a patrol supervisor. A forcible, physical stopping (ramming the suspect vehicle) shall be used only as a final method and where there is no danger of bystander injury. Some jurisdictions prohibit the use of roadblocks and/or forcible, physical stoppings under any circumstances. The City of Petersburg restricts the use of roadblocks to the following offenses:

- capital offenses
- murder
- armed robbery
- rape
- other heinous crimes which endanger the public

Many jurisdictions prohibit pursuit for any offense which is less than a serious felony.\* Most of the guidelines warn officers that they can be held civilly liable for damages incurred during pursuit.

\* A serious felony as used in this report shall include robbery and/or a felony where personal injury or death has occurred.



## COMMONWEALTH of VIRGINIA

CRIMINAL JUSTICE SERVICES BOARD

*Department of Criminal Justice Services*RICHARD N. HARRIS  
Director805 EAST BROAD STREET RICHMOND, VIRGINIA 23219  
(804) 786-4000

January 10, 1983

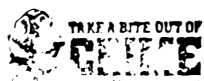
Colonel L. T. Sheppard  
Chief, Henrico County Police Dept.  
Post Office Box 27032  
Richmond, VA 23273RE: Joint Subcommittee Studying Hot Pursuit  
HJR No. 68 - 1982 General Assembly

Dear Colonel Sheppard:

I am writing in reference to your presentation to the Committee on Training of the Criminal Justice Services Board on December 2, 1982, on the subject of hot pursuit and our subsequent discussion of the same subject at the Executive Board meeting of the Virginia Association of Chiefs of Police in December.

We certainly appreciate you sharing your views with us. We are acutely aware of the need to maintain and improve the quality of training in this area. However, one of our major concerns centers on the facilities and funding support to provide for the increase in training in a safe and professional manner. As you are well aware, behind the wheel driver training programs for law enforcement officers are very costly. Great care must be taken to assure that qualified instructors provide the training and that the equipment and facilities used conform to the highest possible safety standards. In addition, proper care and maintenance of both the facilities and vehicles is of paramount importance.

While I wholeheartedly endorse the increased emphasis on this area of law enforcement training, adequate facilities and equipment and the necessary funds to provide them are considerations which must not be overlooked. Limited facilities exist throughout the state, particularly in the more rural areas, to safely and properly provide this training. I know that you and the other members of the subcommittee recognize the need for sufficient financial support and it is my hope that you will emphasize this in your report to the members of the General Assembly.



APPENDIX H  
(continued)

Letter to Colonel Sheppard

RE: Joint Subcommittee Studying Hot Pursuit HJR No. 68

Page 2

I appreciate your willingness to assist the Committee on Training in its work on this matter. I encourage your active participation as we continue in the months ahead to implement the recommendations of the subcommittee. Please contact me if I can be of assistance to you in this regard.

Sincerely,



Richard N. Harris  
Director

RNH:jc

cc: The Honorable A. Victor Thomas, Delegate

Ms. Mary P. Devine, Staff Attorney  
Division of Legislative Services



# COMMONWEALTH of VIRGINIA

CRIMINAL JUSTICE SERVICES BOARD

*Department of Criminal Justice Services*

RICHARD N. HARRIS  
Director

805 EAST BROAD STREET RICHMOND, VIRGINIA 23219  
(804) 786-4000

January 11, 1983

## MEMORANDUM

TO: Colonel L. T. Sheppard  
FROM: L. T. Eckenrode  
RE: Joint Subcommittee Studying Hot Pursuit

This is in reference to our recent telephone conversations of January 6 and 7, 1983, concerning the above-referenced Subcommittee's proposed recommendations relating to law enforcement training.

A telephone survey was conducted of the majority of the approved academies throughout the state and the following information represents my findings:

### State Supported Regional Academies

Of the seven academies in this category, only three are currently providing any type of instruction in skid pan and high speed/pursuit. The Peninsula Academy conducts skid pan training and the Crater Academy teaches high speed/pursuit; Northern Virginia teaches both. The remainder of the academies teach only the requirements outlined in our current standards. Increasing the time from 24 to 40 hours would cause few problems, since several of the academies already exceed the current requirement.

### Independent Academies

Twelve of the independent academies were contacted and asked if they are currently teaching skid pan and high speed/pursuit. Three academies teach both skid pan and high speed/pursuit, while three others teach high speed/pursuit only and two others teach skid pan only. Once again, the increase in hours would not adversely affect many of these academies as several already exceed the existing mandate.

Memo to Colonel L. T. Sheppard  
 January 11, 1983  
 Page 2

### Available Facilities

Based upon the survey results, it appears there are only four actual skid pans, constructed as such, in use throughout the state. Three are located in the Richmond area; the other is in Northern Virginia. The other academies currently providing skid pan training advised that they are using existing facilities which have been modified.

### Supporting Training Costs

Almost without exception, every training director contacted concurred in principle with the increased emphasis on this type of training. They further advised that compliance with these recommendations would be almost impossible unless the state provides the necessary resources.

It is estimated that a minimum of three additional facilities would have to be constructed throughout the state, assuming that each such facility would serve a regional population as in the present situation with the academies. A conservative estimate is that each such facility would cost \$100,000 to construct, exclusive of land acquisition and related costs.

Another very important consideration that cannot be overlooked in mandating such training is maintenance and operating costs. Items such as vehicles, tires, gasoline, mechanical repairs, as well as security, maintenance and repairs of the facility are both necessary and very costly. Of the seven state-supported regional academies, only one (Northern Virginia) is even providing minimal financial or material support in this regard. At present, vehicles, gasoline, etc., are being provided by the participating departments.

I sincerely appreciate your interest in this matter and your willingness to convey our concerns to the other members of the Subcommittee as you finalize your report. Please contact me if I can assist you in this effort.

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CC: The Honorable A. Victor Thomas, Delegate

Ms. Mary P. Devine, Staff Attorney  
 Division of Legislative Services



APPENDIX I

A BILL to amend and reenact § 46.1-192.1 of the Code of Virginia, relating to failure to stop for police officer; penalty.

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-192.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.1-192.1. Same; disregarding signal to stop by police officers; penalties.—Any person who , having received a visible or audible signal from any police officer to bring his motor vehicle to a stop, shall operate such motor vehicle in a wilful or wanton disregard of such signal so as to interfere with or endanger the operation of the police vehicle or endanger other property or person, or who shall increase his speed and attempt to escape or elude such police officer, shall be guilty of reckless driving ; ~~and, upon~~ . Upon conviction thereof such person shall be punished by a fine of not less than fifty dollars nor more than ~~one thousand dollars~~ \$1,000 or by imprisonment in jail for not less than sixty days nor more than one year, or both such fine and imprisonment . ~~When any person shall be convicted of reckless driving under this section, then in~~ In addition to the penalties provided herein, the operator's or chauffeur's license of such person may be suspended by the court or judge for a period not to exceed one year ; ~~provided, however, .~~ However, in any case where the speed of the accused is determined to have exceeded the maximum allowed by fifteen miles per hour ~~where the maximum speed is fifty-five miles per hour or greater more~~ , the operator's or chauffeur's license shall be suspended by the court or judge trying the case for a period of not less than ninety days. In case of conviction and suspension the court or judge shall order the surrender of the license to the court where it shall be disposed of in accordance with the provisions of § 46.1-425. *In any prosecution under this section, a law-enforcement officer's identification of the license plate number of the vehicle which failed to stop shall give rise to a presumption that the registered owner was the operator of the vehicle at the time of the offense. The presumption may be rebutted by competent evidence.*





