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Pursuing an Answer: Bureaucratic and Legal Accountability in Local Law Enforcement Pursuit Policies

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Using qualitative and quantitative data obtained from 30 interviews with local law enforcement managers (12 county sheriffs and 18 municipal police chiefs), this study explores the decision-making processes used by these managers in the context of a pursuit-related accident involving an innocent third party. My findings suggest that: (1) managers most often conduct internal investigations to ensure that their officers' behavior demonstrated adherence to the agency's standard operating procedures; (2) managers use multiple mechanisms, including consultations with legal actors and professional peers, to keep their pursuit policies updated with regard to case law; (3) policy restrictiveness shares a positive, but marginal, relationship with a manager's education level; (4) policy restrictiveness shares a negative, but marginal, relationship with a manager's total number of professional association memberships; and (5) policy restrictiveness shares a significant negative relationship with a manager's total years of law enforcement experience.

Pursuit driving is one of the most captivating law enforcement behaviors in American popular culture. It is also one of the most easily recognizable situations in which public sector accountability and the phenomenon of multi-jurisdictional governance can be found. Consider, for instance, the Fox network's perennial run of *World's Wildest Police Videos*. Now in syndication, this show was essentially a compilation of agency-submitted videos showcasing police officers engaged in pursuits and other dangerous situations. Pursuits have also been fodder for news media reports, such as the recent piece written by journalist Lara Moore detailing her experience when a simple "ride-along" with Sgt. Cullen LaFrance of the Cumming, Georgia, Police Department turned into a "harrowing" police chase (Moore 2008), or the televised coverage of the 1993 O. J. Simpson pursuit spectacle. This can easily be seen as an issue to which scholars of social justice might attend, especially if one remembers that the infamous Rodney King beating was preceded by a pursuit. Surprisingly, scholarly attention to police pursuits has only developed recently. It is within this realm that pursuits have been most thoroughly scrutinized, and sometimes completely demonized.

One might begin to question why police pursuits are so intriguing. Perhaps the

answer rests with the fact that the pursuit itself is an awesome display of law enforcement officers' power, manifested in their willingness to risk endangering themselves in order to apprehend criminals. With this great power, however, comes a matching level of responsibility because law enforcement officers involved in pursuits hold the potential to endanger not only themselves, but also the suspects being chased and the innocent by-standers and drivers who happen to chance upon the pursuit. In fact, some scholars argue that pursuit driving is a display of deadly force (Alpert and Friddell 1992; Alpert 1998) and should be regulated with the same degree of caution that agencies give to shooting decisions.

Increasingly, litigation has become a common mechanism for ensuring that a law enforcement agency is held accountable for pursuit decisions (Becknell, Mays, and Giever 1999; Kennedy, Homant, and Kennedy 1992; Hicks 2006). Despite this surge in litigation, Hicks' (2006, 106) examination of the pursuit policies of 47 state police agencies in the United States suggests that law enforcement agencies might not give adequate consideration to the legal implications of pursuit driving, because many policies failed to mention "elements pertaining to liability and negligence: concerns that have been demonstrated to be instigators of liability." This is troubling, Hicks (2007, v) asserts because "legal rulings resulting from instances of pursuit can impact other areas of law enforcement and serve to heighten the legal risks for most contemporary law enforcement organizations."

Awareness of the potential effects of such legal decisions upon one's agency is the essence of what Romzek and Dubnick (1987) label "legal accountability": defined as the process by which actors outside of an agency wield the ability to impose legal sanctions on the agency. However, employees of a law enforcement agency are also expected to demonstrate a degree of accountability to the organization's guiding principles, embodied in the agency's standard operating procedures manual. This form of accountability is what Romzek and Dubnick (1987) label bureaucratic accountability.

In the event of a pursuit-related tragedy, these two forms of accountability seem to conflict with one another. In these instances, local law enforcement managers must make difficult decisions about legal accountability *vis-a-vis* bureaucratic accountability, the most important of which center on: (1) the restrictiveness of the agency's pursuit policy, operationalized as the nature and types of offenses for which pursuits are condoned; and (2) the sources of information by which law enforcement managers keep their pursuit policies updated with regard to recent court decisions (Kennedy et. al. 1992).

Using qualitative data obtained from 30 interviews with local law enforcement managers (12 county sheriffs and 18 municipal police chiefs), this study explores the decision-making processes used by these managers in the context of a pursuit-related accident involving an innocent third party. The key research questions guiding this exploration are: (1) What immediate action does each manager take in the wake of a pursuit-related accident?; (2) What mechanisms do these managers employ to ensure that their pursuit policies are adequate and up-to-date with regard to case law changes?; and (3) What relationships exist between geographic, demographic, and personal characteristics of a given manager and his agency and the agency's policy restrictiveness? After briefly describing this chapter's methodology and participants, I will begin to tackle these questions.

Method
As part of a larger project, this study uses qualitative data obtained through in-depth interviews with 12 county sheriffs in Iowa (4), Illinois (5), and Wisconsin (3), and 18 municipal police chiefs in eight of these counties, this study explores the choice patterns of county sheriffs and municipal police chiefs elicited from their responses to a scenario that places legal accountability at odds with bureaucratic accountability to the agency's standard operating procedures (SOPs). Additionally, I will compare the mechanisms that sheriffs and chiefs use in order to keep their policies updated. Later in the paper, I will employ statistical techniques to explore relationships between an agency's policy restrictiveness and a host of variables related to an agency and its manager. Thus, this paper will leverage a mixed methods approach to answer the research questions.

Case Selection and Process
Cases were selected based on two criteria. First, in order to hold constant any regional effects on law enforcement decision-making, I used a purposive sampling method that targeted sheriffs and police chiefs in three Midwestern states. Second, in order to capture variation in decision-making based on agency size, I chose only counties with an urbanization index (*UI*) score of 2 or 5 (see Table 2)

In the recruitment phase (April 2008-October 2008), I mailed cover letters, made phone calls, and sent e-mails to 16 sheriffs and 43 police chiefs. In the end, I successfully recruited 12 sheriffs (75% participation rate) and 18 police chiefs (42% participation rate). Eight sheriffs came from UI-2 counties, and four sheriffs came from UI-5 counties. Fourteen police chiefs came from UI-2 counties, and four came from UI-5 counties. Once recruited, interviews were conducted in the managers' offices or via telephone.

Respondent Characteristics
Out of space considerations, the most pertinent data reflecting respondent characteristics appear in Table 1. For greater detail regarding the characteristics of individuals in the sample, see LaFrance and Placide, 2010. Most generally, all law enforcement managers were males. All sheriffs were Caucasian and only two chiefs were non-Caucasian (both were African American).

The Scenario
Each manager was presented with the following scenario:
Your officer is involved in the pursuit of a fleeing felon. During the course of this pursuit, the felon loses control of his vehicle and crashes into an uninvolved bystander vehicle. The driver of this uninvolved vehicle now wants to sue your department. What do you do?

Table 1: Average Respondent Characteristics of Sheriffs and Chiefs

Type of Mgr	Mean Age	Education Distribution	Median Years in Current Position	Mean Total Training (State + Local + National + Workshops)	Mean Total Professional Association Memberships (National + State + Local)
Sheriff	54 Range 45-61	HS diploma: 1 AA Degree: 2 BA Degree: 7 MA Degree: 2	7 Range: 1-16	2.5	2.5
Police Chief	51 Range: 38-64	HS Diploma: 1 Some College: 1 AA Degree: 1 BA Degree: 7 MA Degree: 7 PhD Degree: 1 JD Degree: 1	4.5 Range: 2 months-27 Years	2.28	2.39

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Table 2: Urbanization Index Scores of Respondents

County	Score
F	5
L	2
C	5
I	2
D	2
K	5
G	2
B	2
H	2
J	2
E	5
A	2

Source: 2003 USDA Urban Influence Codes
http://www.ers.usda.gov/Data/UrbanInfluenceCodes/2003/

Results

Managers' Scenario Responses (see Table 3)

When presented with the scenario, most managers (20/30, or 66%) explained that they would conduct an internal investigation to ensure that the pursuing officers followed each department's pursuit policy. Two of these 20 managers also claimed that they would review the agency's pursuit policy. An additional two managers simply suggested that they would review the policy, but did not mention an internal review. Three other managers suggested that they would take no action. Instead, these three suggested, they would rely on the soundness of their pursuit policy and would let their departments' insurance companies handle the lawsuit. Two other chiefs (from the same county) explained that an outside, state level, agency would review the pursuit. Finally, two other chiefs (from another county) suggested that they would publicly blame the suspect for the injuries sustained by the uninvolved third party. However, these final two chiefs conceded that it was doubtful that the city attorneys or the departments' legal counsel would allow them to speak openly about the incident.

Table 3: Scenario Responses

Type of manager	Internal investigation	Review policy	No action (rely on policy and insurance)	Outside review (DCI, state patrol, etc.)	Publicly blame suspect
Chiefs	12	4	2	2	2
Sheriffs	10	1	1	0	0

Note: **Some chiefs gave more than one response.**

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Mechanisms Used to Keep Policies Updated (see Table 4)
With all due respect to these two exceptional rationales, one can safely conclude that the creation and revision of detailed pursuit policies are commonly undertaken in order to ameliorate potential legal liability among managers in this sample. With this in mind, each manager was asked to describe the methods he uses to ensure that his pursuit policies (and all other policies) are effective in minimizing legal liability. Managers' responses to this question fall within eight broad categories (see Table 4). Because most managers cited multiple mechanisms used to ensure the policies were adequate and timely (with regard to current case law), I have ranked each mechanism by the order each manager mentioned it.

Independently reviewing case law. As Table 4 shows, 19 managers suggested that they look at case law changes on their own, whether by subscribing to a database of case law such as WestLaw or regularly meeting with members of their command staff. Twelve of these managers cited this as the number one mechanism of keeping their policies up to date and six cited this as the second most commonly used mechanism.

Professional association information. Thirteen managers suggested that they rely on information sent out by professional associations (e.g., memos and bulletins), professional conferences, external training seminars, and professional associations' legal staffs to ensure that they are adequately ensconced from litigation. Seven managers mentioned this mechanism first, five mentioned it second, and one mentioned it third.

Local government attorneys. Seven managers claimed that they seek advice from county or city attorneys and agencies' legal staffs to keep their policies updated. One manager mentioned this first, five mentioned it second, and one mentioned it third. Only one manager claimed that he hired private attorneys to review his policies and keep him informed of changes in case law. This was his most important (first mentioned) source of protection from liability.

Accreditation and alternatives. Six managers cited accreditation as a shield from litigation, explaining that the accreditation body requires an annual review of all policies. Four managers mentioned this mechanism first and two mentioned it second. Though he cited the role of the accreditation body as the primary mechanism used to protect the agency from liability, one of these managers expressed disdain for accreditation and advised that he will not renew the department's accreditation. Two other managers cited an alternative mechanism to accreditation, contracting with a risk management corporation, as their first and second most important liability shields. The use of a risk management company, these managers argued, provides all the liability protection that accreditation brings but it is substantially more affordable and it does not constrain managers' decision-making or mandate uniformity. Three other managers have developed another alternative to accreditation by hiring at least one officer in each department whose sole responsibilities are: (1) monitoring case law changes, (2) suggesting revisions to the standard operating procedures manual, and (3) conducting internal training based on these revisions. Additionally, two managers suggested that they regularly network with other local law enforcement managers in their counties, regions, and states to discuss policy changes.

Table 4: Mechanisms Used to Ensure Policies are Adequate and Timely
Note: **One chief did not mention any mechanism**

Type of manager	Accreditation	Hire private lawyer(s)	Contract with risk management company	Seek advice from county/city attorneys and legal staff	Hire officer dedicated to monitoring case law changes	Rely on professional associations' bulletins, memos, conferences, training, and legal staffs	Look at case law changes on their own (subscribe to West Law, etc.) on a regular basis	Network with other chiefs and sheriffs
Chiefs	Rank 1st: 3 Rank 2nd: 2	Rank 1st: 1	Rank 1st: 0 Rank 2nd: 1	Rank 1st: 1 Rank 2nd: 4 Rank 3rd: 1	Rank 1st: 1 Rank 2nd: 0 Rank 3rd: 1	Rank 1st: 3 Rank 2nd: 2 Rank 3rd: 1	Rank 1st: 7 Rank 2nd: 3 Rank 3rd: 1	Rank 1st: 1
Sheriffs	Rank 1st: 1	0	Rank 1st: 1	Rank 1st: 0 Rank 2nd: 1	Rank 1st: 1	Rank 1st: 4 Rank 2nd: 3	Rank 1st: 5 Rank 2nd: 3	Rank 1st: 0 Rank 2nd: 1

The Use of These Mechanisms

Foremost, one might handily draw the conclusion that the development and implementation of a pursuit policy are goals that the local law enforcement managers in this sample consider important enough to devote considerable time to fulfilling. One might also begin to see that writing a pursuit policy is not a one-time endeavor. In fact, these policies are constantly being revised and amended so that they are within the boundaries of current case law. These responses also demonstrate that, in addition to the manager's perceived obligation to remain informed about case law changes, court decisions, and other relevant data, he often feels an obligation to complement his own research with the advice of knowledgeable outsiders as well as his professional peers.

Table 4 shows that law enforcement managers often engage the aid of county and city attorneys, legal staffs, risk management corporations, and private attorneys in formulating policy. It is unsurprising that these managers would attempt to enhance their legal accountability by consulting with these actors and groups. It seems, too, that consulting with these sources of advice is a less expensive and less constraining choice than seeking and obtaining accreditation. Another potential benefit of seeking policy advice from these legal actors, especially in the cases of risk management corporations and private attorneys, is that doing so helps to diffuse legal responsibility in the aftermath of a pursuit-related accident.

In addition to consulting legal experts for help with writing policies, managers'

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responses indicate that they also frequently receive legal advice from those outside the legal profession in at least three formal ways: (1) through memoranda and bulletins from professional associations to which they belong, (2) through their own and their subordinates' formal training, and (3) through accreditation bodies; and at least one informal method: through networking and conversing with other managers. Thus, the law enforcement managers in this sample seem to engage in what Frederickson (1999, 708) calls "administrative conjunction," defined as "the array and character of horizontal formal and informal association between actors representing units in a networked public and the administrative behavior of these actors."

Administrative Conjunction
Essentially, administrative conjunction occurs because problems often cross jurisdictional boundaries. Police pursuits provide an excellent example of the need for cooperation between law enforcement managers from different agencies because pursuits can begin in one jurisdiction and carry on through others before they are finally terminated. One sheriff explained that this possibility motivated him to work with the chiefs of municipal police departments within his county to craft very similar pursuit policies, agreeing on certain aspects of pursuit behavior by their officers, so that everyone involved in the pursuit would be "on the same page" with regard to pursuit behavior. In fact, at least one agency in a neighboring state joined in on the formulation of these tenets. The sheriff explained:

> The pursuit policy [at my agency] came from my involvement with the [X-region] police administrators, made up of [5 other managers and myself]. We meet every month and work together to get grants for such things as public safety software. One of the ideas we had was a pursuit policy that is very similar throughout all of these agencies… because by the nature of a pursuit, it will be going through different jurisdictions. If [City 1] had a policy that was very different from [City 2], and [City 2] had a policy that was very different from the county's policy….our officers crossing jurisdictions would become very confused about what they could and could not do. So, we tried to model…not necessarily a county-wide policy, but a very similar one…that way, all of our people who are out working together are kind of on the same page and they know what everybody is supposed to be doing and what everybody is not supposed to be doing. They have their policy and I have my policy, but they're very similar.

It is important to note that neither (1) participation in this group nor (2) agreeing to the policy tenets the group decided on is compulsory. None of the managers involved in the group wield any coercive power over the others. Instead, the group relies on the power of persuasion and peer pressure described in the literature of international diplomacy as "soft power" (Nye1990; 2004; Slaughter 2005). Similar demonstrations of soft power occur through the other conduits mentioned above: accreditation and professional associations, and the formulation of very similar policy wording are not limited to pursuit driving.

Indeed, one could list several other instances when cooperation between agencies and different levels of government are absolutely imperative to meaningful criminal interdiction by law enforcement agencies. Examples include, but are certainly not limited to: drug trafficking, stolen goods trafficking, and gang activity. With the growth of information technology, especially the Internet, even greater possibilities arise for multi-jurisdictional criminal behavior. As a result, conjunctive behavior between law enforcement agencies is necessary if police chiefs and sheriffs hope to be successful in disrupting such activity.

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The Holistic Nature of Accountability

Taken as a whole, managers' consultation of groups and actors outside of the legal profession, but within the law enforcement profession, demonstrate the interrelated nature of public sector accountability streams. In this instance, accountability to the law enforcement profession (professional accountability) leads to the development of reliable standard operating procedures.   Allegiance to these standard operating procedures (bureaucratic accountability) then serves to ensure that the agency is shielded from court losses, or is accountable to the court system and exogenous legal actors and groups who otherwise might attempt to impose legal sanctions upon the agency (legal accountability). Perhaps, too, a benefit of having a well-developed pursuit policy is the avoidance of public outrage that might result from the consequences of unrestricted pursuit behavior (political accountability).

Despite their best efforts, many of the managers in my sample have cited examples where policies alone could not save lives. In the next section, I consider the painful truth that no matter how well thought-out and well-written an agency's pursuit policy may be, even the most justified pursuits have resulted in tragedy.

Can Pursuit Policies be Perfected?

While these managers' responses might cause a reader to reflect upon the painstaking measures that law enforcement executives take to shield themselves from liability, the dynamics of the policy—creation-review-revision—cycle also highlights the fact that none of the managers in this study have been able to create a perfect pursuit policy. One manager, after moments of silence and, I imagine, deep reflection, explained, "You do the same thing 100 times and you get the results that are good and the last time [things go wrong]." This chief went on to describe a recent occurrence in his city, involving the county's sheriff's department, where the officer in question was not engaged in a pursuit. Instead, this officer was simply responding to a call. With slow, deliberate, and emotion-tinged language, the chief explained:

> You know, we just don't have the pursuits here that you would expect. Actually we had one of the deputies here on a straight emergency run, you know, just a lights and sirens type run, crossed the street and it's still going through the process, he hit… T-boned and killed a girl back in October. He is [a] thirty-year veteran and was going to retire now. You know we did everything we did the reconstruction, we called the state in and interviewed the witnesses, and presented the case to this DA. He exempted himself and the case is going to a DA two counties over. We have charged him with reckless homicide. It's the same basic…if its legally justified but the risk outweighs the benefit analysis that you need to go through…whatever you're doing if you go through a red light regardless of lights and sirens by state statute you're still responsible for your action. You know you need the standard by which the decision was made. You had the right to go through the intersection but it is going to be judged. Was it a reasonable and prudent thing to do? Could you have stopped? If you go through that intersection and you have contact…the guy was going fifty-two miles an hour at the point of impact, and something I have been told anecdotally was that the history of the department was they always drive fast. I mean if you're forty miles away from your back up and they're at a domestic, you know, they drove fast. That was what you got because

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you felt you were protecting and saving lives. You know a guy said when he came for an observation the other night, that going fifty-two miles an hour was cutting the speeds they used to drive at in half. You know so he had had the effect of the change. The tragic part is you are not above the law, you trained it, you knew it, should have known it. You know and you know, all you can do is you go through your criminal investigation and make sure it is a neutral party, in that case the county had us investigate it, and we called in the state for reconstruction expertise.

Another chief shared how the need to update his department's pursuit policy became apparent after a tragic pursuit outcome 15 years earlier. Here, he tells of this tragic occurrence and the impact that it had on the department's standard operating procedures for pursuits:

Nothing is more near and dear to the [city's name] police department than the issue of pursuit. We lost an officer 15 years ago in a pursuit. He was pursuing a non-felony [offender who was] doing doughnuts in the street. The supervisor should've discontinued the pursuit, but this officer was approaching the car and a non-contact car all of a sudden appeared. The officer lost control and hit a telephone pole and was killed instantly. He had a 5 month old baby at home and a 3 year old, as well as a wife. He was 29 years old. The [city's name] police department is very concerned about our pursuit policy. We had been a department since 1889, and prior to this incident, the last time we had an officer killed was in 1926 when an officer was shot by a bootlegger. Between 1926 and 1993, we were involved in hundreds of pursuits where nobody got hurt until this happened. This caused my predecessor, the former chief, to review pursuit policy from top down.

Yet another manager, a county sheriff, explained that a pursuit does not have to be conducted a high rates of speed to be dangerous. Here, he described an incident in which two of his officers were pursuing a vehicle at moderate speeds. The fleeing suspect cut out his headlights and ended up crashing into a van with 4 university coeds. The impact of the collision killed the van's driver, "made a paraplegic out of another passenger," and injured the other two. The fleeing driver, however, was unscathed.

Policy Restrictiveness

The literature concerning police pursuits identifies three types of pursuit policies, based on the degree to which these policies allow officers in a given agency to pursue fleeing offenders, based largely on offense type, e.g., misdemeanor, soft felony, forcible felony, etc. (Fennessy et al. 1970; Alpert and Dunham 1989). These categories are important because previous research indicates that the "most influential factor" that officers consider in deciding whether to continue a pursuit is "the offense for which the suspect is wanted" (Alpert 1998, 347), and one can reasonably expect policy restrictiveness to be a manifestation of a given agency's attention to legal liability concerns.

Judgmental Policies

The first category of pursuit policies, judgmental, is the least restrictive. This type of policy allows officers almost absolute discretion in deciding whether they will pursue a given offender. Two respondents in this study, both county sheriffs, described their policies in a way that can be categorized as judgmental.

Restrictive Policies

The second category of pursuit policies, restrictive, limits an officer's discretion in choosing whether to pursue by limiting the types of offense that are deemed worthy of pursuit. Generally speaking, restrictive policies only allow pursuits of offenders accused of committing forcible felonies rather than non-violent felony offenses. Fourteen respondents described their pursuit policies as fitting into this category (see Table 5).

Discouragement Policies

The final category of pursuit policies, discouragement, strictly limits pursuits to situations in which greater harm is likely to be caused to citizens if there is no pursuit (e.g., pursuing a mass murderer or someone who has kidnapped a child). Thirteen managers described their pursuit policies in ways that could be categorized as discouragement (see Table 5).

One manager, who was actively revising his agency's pursuit policy at the time of the interview, was unable to provide a description of his policy that fit any of the three categories. Subsequently, his responses to other items will be omitted from the analyses that follow.

Table 5: Policy Restrictiveness

Type of manager	Judgmental	Restrictive	Discouragement
Chiefs	0	9	8
Sheriffs	2	5	5

Note: **One chief did not describe his pursuit policy. He is currently writing a new one.**

Correlates of Policy Restrictiveness

Past research has explored correlates of the amount of restriction written into law enforcement agencies' pursuit policies. For instance, in a study of the pursuit policies of 23 city police agencies and 47 state police and state patrol agencies, Kennedy, Homant, and Kennedy (1992) find that, while the content of pursuit policies varies substantially, municipal police agencies in their study were much more likely to restrict officer discretion in pursuits than were state police agencies. Kennedy et al. (1992, 242) also found that: (1) the amount of detail with which a policy is written shares a minor relationship (R=.24; p=.05) with the overall restrictiveness of the policy; (2) there is a positive, but statistically insignificant (R=.26; p=.30) relationship between population density and the restrictiveness of an agency's pursuit policy; (3) and no relationship between the policies of a given state and cities within this state.

Testing These Correlates

While I have not analyzed the level of detail in the pursuit policies of the 30 agencies in my sample, I can offer a modest comparison of the latter two findings with the data I have collected, albeit with some slight variations. First, rather than using Kennedy, et. al.'s (1992) 5-point scale of pursuit restriction, I will use Fennessey, et. al.'s (1970) 3-point scale, which classifies pursuit policies according to the three categories described above. Second, rather than using population density, I will use the USDA's county-level urban influence data. Finally, rather than using state police agencies as my comparison group, I will

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compare the policies of county sheriffs' departments with those of municipal police departments.

Propositions
I expect that my findings will match Kennedy, et. al.'s (1992) findings with regard to policy restrictiveness and urbanization, though my results might reach statistical significance. Because municipal and county law enforcement managers have more opportunities to meet and discuss common goals, I expect that the relationship between municipal police agencies' policies and the policies of county sheriffs' departments in paired counties will be stronger than the relationship these researchers found between state-level and municipal pursuit policies.

Findings
In line with Kennedy et al.'s (1992) findings, the relationship between county urban influence code and the restrictiveness of an agency's pursuit policy is insignificant, but is in the expected direction (in this case, negative, since smaller counties are given larger UI codes).   Also in line with the Kennedy team, I find no relationship between policy restrictiveness and sharing the same county among those agencies in the same counties. In fact, only one of the eight groups of agencies who share a county had the same level of restrictiveness in every agency. Even when the county sheriff's office is excluded from the analysis and only counties with multiple police agencies are included, there is no relationship between host county and pursuit policy restrictiveness.

Despite anecdotal evidence from at least one county, the data do not support the assertion that administrative conjunction aimed at formulating very similar pursuit policies is occurring on a large-scale between local law enforcement managers based in the same county. This is disheartening, given the potential benefits of conjunctive behavior in law enforcement iterated above. Perhaps, though, conjunction does take place but is carried out in more formal settings. To test this possibility, I will next consider measures of association between the restrictiveness of an agency's policy (coded 1 for judgmental, 2 for restrictive, and 3 for discouragement) with indicators of engagement in these formal organizations (total professional association memberships, total training, and education, and accreditation).

Table (6) shows some promise for the argument that administrative conjunction occurring through at least one formal conduit serves to unify the tenets of pursuit policy among multiple agencies. While a manager's total training shares no relationship with the restrictiveness of his agency's pursuit policy, the manager's education level does share a positive relationship with policy restrictiveness, though this relationship is significant only at the .10 p-level.

When considering the total number of professional associations to which a manager belongs, however, the relationship of this variable to policy restrictiveness is marginally significant (p<.09) in the *opposite* direction than expected. The only potential explanation I can provide for this finding is that the manager might be receiving conflicting policy advice from multiple professional associations at once, thus precluding the manager from making

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Table 6 Measures of Association for Policy Restrictiveness

Independent Variables	Policy restrictiveness	Significance level
Sheriff (1, 0)	-.148	.434
Age	-.246	.189
Years in current position	-.210	.266
Years in this agency	-.163	.389
Total years in law enforcement	**-.383***	.040
Total professional association memberships	**-.316†**	.090
Accreditation	.037	.844
Total training	.096	.615
Sworn employee ratio	.141	.458
Total employees	-.169	.373
Education	**.307***	.099

Note. **Measure of association was Spearman's *Rho*.**
$p < .05$. † $< .10$.

his policy more restrictive. This makes sense theoretically because the need for multiple professional associations would dissipate if each association advocated for the same values and policies.

Accreditation status does not share a relationship with policy restrictiveness at all. This non-finding might be explained by the fact that only six agencies in the sample were accredited.

The strongest relationship I have found is the negative association between a manager's total years in law enforcement and the restrictiveness of his pursuit policy. This seems counterintuitive because one might expect a long-serving manager to be more cognizant of rulings about pursuit liability, or to be more familiar with negative outcomes associated with pursuits. However, one might also theorize that longer-serving managers might still operate with the same sense of liability that was common when they began their careers. This is possible because they might also be more detached from academy training, field training, and formal education than their younger counterpart managers.

Most interestingly, in terms of the larger project, is that no significant differences in policy restrictiveness could be found between county sheriffs and municipal police chiefs. This finding is what one might expect to find, since legal liability has an equal impact on each type of manger. Thus, sheriffs and chiefs might be just as likely to attempt to safeguard themselves from courtroom proceedings related to flaws in their policies.

Conclusion and Future Research Suggestions

Every manager in this sample expressed a strong interest in the development of sound pursuit policies. All but two of these managers explained that the primary motivation for doing so was protecting themselves and their agencies from legal liability arising out of an inadequate policy. In the aftermath of a tragedy resulting from a pursuit, most of these managers were driven to conduct an internal investigation in order to gauge how strictly their officer adhered to the policy manual; an indication of the agency's level of bureaucratic accountability.

However, these managers also explained that they continuously consult with actors and groups in the legal and law enforcement professions in order to revise these policies so that they do not become stagnant with regard to changes in case law, and subsequently enhance the agency's vulnerability to lawsuits. Thus, this microcosm of policy development in law enforcement agencies shows that at least three accountability streams, professional, legal, and bureaucratic, work in concert to produce positive outcomes for the agency, the profession, and those who might be endangered in a police pursuit.

Unfortunately, this long-term symbiosis does not always come without a short-term price tag in the event that an agency is caught unaware with a lackluster pursuit policy. Presently, there is no universal pursuit policy used by all local law enforcement agencies. More vexing is the fact that this is probably for the best, as each manager must consider his own internal and external environments, resource constraints, and societal expectations when crafting a policy. Indeed, one might just as readily criticize a police chief or county sheriff for his reticence to engage in a hot pursuit to catch a bad guy as one might criticize the manager for any negative externality resulting from a less restrictive pursuit policy.

An example of these multi-directional pulling forces on the manager comes from preliminary measures of association that show marginally significant relationships between education and policy restriction, in a positive direction, and total professional association memberships and policy restriction, in a negative direction. It could be the case that professional associations and formal educational institutions are giving disparate advice to the local law enforcement manager about crafting a pursuit policy.

These data indicate, too, that longer-serving managers are least likely to have restrictive pursuit policies. A critic might assert that this finding demonstrates a need for more recently trained and educated managers who might be more likely to focus on the newer realities of pursuit liability. Others might argue, instead, that these longer-serving managers are more concerned with carrying out their professional duties than placating lawyers and judges or selling out to civil juries. To get at the heart of this finding, future research should explore this trend.

Perhaps the most important finding to carry away from this study rests in the notion of administrative conjunction between local law enforcement managers facing common problems. While my findings suggest that such conjunction does not always lead to policy agreement, there is tremendous potential in formal and informal conjunctive endeavors to tackle a host of policy concerns that have ripened with the boom in information technology and a decline of jurisdictional relevance. This phenomenon deserves its own study, outside of the context of one type of policy, in order to see if it is effective in manifesting common goals (if not common policies) between multiple agencies.

Given the ubiquity of pursuits involving minorities, future research should also ask whether some pursuits are a direct result of racial profiling. This research question fits into a larger body of literature on the disproportionate interactions, and subsequent incarceration,

of African Americans, especially males, known in the scholarly community as the "new Jim Crow" (Alexander, 2012). Some preliminary research has begun on the relationship between pursuits and racial profiling; especially those depicted in "reality" television shows such as *COPS* and *World's Wildest Police Videos*, leading Prosise and Johnson (2004) to argue that these television shows implicitly endorse racial profiling. As with many studies of police pursuit policy, a final caveat is in order. Kennedy and his colleagues (1992) remind the reader that the written policy, no matter how much effort goes into crafting it, is only as realistic as the unwritten policy, as found in the actual behavior of officers.

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