DEDICATION

These Guidelines are Dedicated to
the Prevention of Injuries and Death
of Law Enforcement Officers
Who Put Their Lives on the Line
Every Day

Table of Contents

Chapter 6 - Emergency Vehicle Driving Curriculum Guidelines

This chapter provides law enforcement agencies and standards-setting organizations with suggestions for designing a law enforcement driver training curriculum that meets their respective state or local needs.

Module 1 - Legal Aspects of Law Enforcement Driving
Module 2 - Non-Emergency Driving
Module 3 - Emergency Response Driving
Module 4 - Pursuit Driving

Chapter 7 - Testing and Performance Evaluation

This chapter provides law enforcement standard-setting and operational organizations with information to assist in the development of standardized individual assessments of operation proficiency levels. The material in this chapter can help in evaluating both knowledge and skill acquisition.

Chapter 8 - Validating a Driver Training Program

This chapter is directed toward the development of methods and processes for evaluating driver proficiency.

Appendix A - Emergency Vehicle Glossary and Instructional Terminology

Appendix B - Emergency Exemption Provisions Listed by State

Appendix C - Case Law Regarding Police Liability for Fleeing Suspect's Collision with Innocent Bystanders

Appendix D - Instructional Methodologies and Learning Activities to Include Sample Test Questions

Appendix E - Practical Exercise Examples and Evaluation Criteria

Appendix F - Resource Materials

Appendix G - Instructional Aids

FORWARD

If you ask officers on foot patrol to name the most dangerous part of their assignment, they are likely to say it's entering a dark alley to the sound of breaking glass. First responders might rank domestic violence or bar fights as the most dangerous. If you put the same question to tactical operations officers they will say it's serving a high-risk warrant. Narcotics detectives will name the undercover buy as the most dangerous assignment; or perhaps the raid on a supplier. But if you ask any of these officers to name the most dangerous part of the job for all law enforcement officers, regardless of assignment, their unanimous response would be…operation of the patrol vehicle.

Whether it's a high speed pursuit or response to a felony-in-progress call for service, or answering an emergency assist call from a fellow officer, or cruising the beat in a crime prevention mode; operation of the police vehicle is dangerous. Simply stated, the car is a tool. It was designed to transport law enforcement officers and some varying amount of support equipment to their assigned duties. In general, the operation of the police car is consistent with the operation of any civilian automobile. There are, however, a few but dramatic differences.

As a sworn law enforcement officer, the operator of the police vehicle must necessarily multi-task. Sensors and senses are working. Listening to dispatched calls for service is not an option, it's a requirement. Talking into the portable radio while driving is an expected operational skill. Thinking, planning, and strategizing while maneuvering through traffic is a must. Scanning and assessing homes, businesses, parked cars and other motorists, as well as pedestrians, are essential tasks to patrol work. Add to this cacophony the motoring environment which includes the uncontrollable choreography of other drivers, road conditions, weather, and the motivation and emotional state of the officer, and you have a stage set for disaster that is averted only by the extraordinary driving skills of the officer-operator.

Every police academy knows how critical driver training is to the training curriculum. In an effort to ensure this training has the very best information, the best practices, and the best instructional strategies, the U. S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA) and the International Association of Directors of Law Enforcement Standards and Training (IADLEST) have worked collaboratively to produce the ***Law Enforcement Driver Training Reference Guide***. The 2007 edition is the forth iteration of this material since 1986. Each successive edition has been researched and updated to ensure the fundamentals are still sound and the enhancements are cutting edge. It is our hope and our intention that you will use this manual to enhance your training programs and, by doing so, the driving skills of your students.

The partnership between IADLEST and NHTSA, and by extension all of the law enforcement driver trainers across the country, is built on our mutual dedication to ensure the safety of our law enforcement officers, the motoring public and our communities. It is a partnership in which we can all take pride.

Patrick L. Bradley
President, IADLEST

Preface

Law enforcement in America has come to realize that the cooperation of the public is an essential ingredient in meaningful and effective efforts to reduce crime and to improve public safety. Exciting new programs in community policing, problem-oriented policing, and other innovations have shown the value of community confidence in their law enforcement agencies. Enhanced community confidence leads to better financial support, better cooperation during enforcement activities, and a better sense of well-being for citizens, and most importantly, reduced levels of crime.

Community confidence extends to officer competence, as well. As community members come to know "their" officers better, they also develop a fairly good understanding of the strengths and weaknesses of their officers. One of the most visible and publicized activities of the police is driving, especially emergency vehicle operation and pursuits. It is important to provide a message to the public that their officers are as competent and well-managed in this critical activity as they are in the more traditional areas of firearms, arrest procedures, etc.

Professional law enforcement leaders now realize that driving is certainly as dangerous as, and probably more dangerous than the use of firearms and control tactics. While data is presently not available, informed law enforcement leaders will admit that about one-fourth to one-third of officer fatalities occur in motor-vehicle crashes. The cost of law enforcement crashes is high indeed, not only in property loss, but in fatalities and injuries.

I know only too well the high cost of the lack of training. While driving home one evening, my first wife and 2-year old daughter were killed and my 4-year old daughter was critically injured after being struck broadside by a patrol unit that ran a stop sign at 100 mph while pursing a speeding motorcycle in a residential neighborhood. They became innocent victims of a law enforcement pursuit involving a law enforcement officer who had not been trained in law enforcement driving.

It is reasonable to expect officers to receive as much training with emergency vehicle and pursuit driving as they do with the use of issued firearms and other weapons. While this seems logical, with few exceptions it rarely occurs. Often we hear opposition to additional police driver training, noting that it is too expensive, unnecessary, the facilities do not exist, etc. Veteran police officers have experienced first-hand the cost associated with vehicle crashes, including those involving fellow officers. Good and recurrent training is necessary. Good training is not too costly. Most professionals in risk management would argue that it is too costly *not* to provide good and periodic vehicle training!

This Guide points out that good training can be provided in small areas, it can be tailored to existing facilities and conditions, and it must compliment established departmental policy. It is not necessary to invest in expensive high-speed tracks in order to provide useful and effective training. While such tracks are a wonderful resource, there are simply not enough of them to provide the frequency of training required. We must provide training, then, in the types of facilities commonly available, i.e., parking lots, airports, wide roadways, etc.

This Guide can be used by all sizes and types of law enforcement agencies to develop meaningful and effective driver training for all employees. I want to urge all law enforcement leaders, trainers, and educators for both personal and professional reasons to review this Guide for its use in your department or agencies you serve.

Sheriff John Whetsel
Oklahoma County Sheriff's Office, Oklahoma City, OK
Chair, Traffic Safety Committee, National Sheriff's Association
Past President, International Association of Chiefs of Police

About the Guide

The knowledge, skills, and abilities that the average student brings to a basic recruit training academy are not sufficient for operating a law enforcement vehicle. The type of vehicle driven by civilians and law enforcement officers is similar, but the actual driving task is different. This becomes very obvious when comparing the collision rate for the general population with that of law enforcement officers, which is no less than twice as great.

The increase in the number of civil suits and the monetary awards related to driving incidents are a primary concern of law enforcement agencies and those who insure them. Adverse court decisions are the result of many factors: the adequacy of the collision investigation, the competence of attorneys, the relationship between police and the community, the level of competence of the law enforcement officer as a driver, etc. The competence of a law enforcement officer's training as a driver is the focus of this Guide.

The competence of a law enforcement officer as a driver has been challenged on the basis of documented factors. Either no training was provided, or the training was inadequate in some way: the training for the physical performance of a task was restricted to classroom lectures; the training did not address the causes of the collision at hand, and so forth. In defense, training administrators, at times, have been unable to provide documentation to establish the validity of the driver training provided, nor could they show common training standards across similar agencies to give face validity to the training. Instructors called to testify have sometimes not been able to justify the training on a rational basis.

These factors prompted the formation of a committee of members of the International Association of Directors of Law Enforcement Standards and Training (IADLEST) to address these issues. IADLEST members have committed staff time, money, and administrative resources to the project to revise the "Guide." The Review Committees were made up of a geographic representation of the Association membership, as well as other stakeholder organizations, to include representation from NHTSA.

The exact cause for the high rate of law enforcement vehicle collisions can not be precisely stated because many law enforcement agencies do not keep meaningful records. Those agencies that do keep records do not use a standardized format that allows compilation of statistics on a national basis to identify common causes of collisions, or to make comparisons between similar agencies. Without a valid statistical base to identify the cause of collisions it has been necessary for committee members to construct these guidelines and compare them to existing driving programs.

Collision reduction is not tied solely to the quality of driver training. A good recruit selection process will eliminate applicants who are poor driving risks. Management plays a key role in reducing collisions by providing well-considered, enforceable policies. These would include driving, on-the-street supervision, vehicle maintenance, fair and impartial investigation of accidents, and the taking of corrective and disciplinary actions. Therefore, it has not been possible for the committee to identify which existing driving courses were most cost-effective because so many agencies possess unique characteristics.

The goals and objectives of the Revision Committees were to review the Guide as originally published in 1989 and subsequent revisions to ensure that the Guide reflects contemporary concerns in law enforcement driver training, especially new technology and pursuits. The Guide has taken the form of a generic curriculum with learning objectives, an evaluation system, and an instructor qualification process. The information in the Guide is presented in the form of concepts along with guidelines and suggestions for implementation. This information is intended to be a model for a driver training process, not a series of standards or mandates, but a guide. Individual agencies are responsible for reviewing their specific needs and evaluating their current driver training process in light of the information and guidelines offered in this document.

The rationale for the Guide being in the form of generic information and guidelines with directions for use is that there are enough differences among States and agencies to prohibit making specific recommendations. Some of these differences include:

- Laws governing emergencies and the use of sirens and lights differ among the States.

- Agency policies on emergencies and pursuits differ to reflect local needs and concerns.

- The number of instructional hours required to produce the same level of competency can vary due to instructional strategies, instructor qualifications, instructor-trainee ratio, training physical plant, qualifications of students, and other factors.

- There are no statistics that conclusively identify common causes of law enforcement vehicle collisions. Consequently, we do not know if all States are the same. Therefore, adequate training for one State may not be adequate for another.

The Guide identifies the knowledge, skills, and abilities required for law enforcement driving but do not mandate what level of proficiency should be attained. It does not advocate particular teaching strategies to maximize retention or to be the most efficient. What appears in this Guide is not a description of any existing training process. It is the product of numerous contributions. Each State or local agency has the responsibility for assessing its training situation and determining what should be adopted from this Guide to meet its needs. Justification for including or excluding any of the information, suggestions, or examples into a State or local course is the responsibility of that agency.

Goals and Philosophy Statement

The initial Task Force as well as the subsequent Revision Committees has been formed in response to a need for consistency and continuity in law enforcement driver training. These efforts have been guided by the law enforcement profession's commitment to:

- Improving both public and officer safety, and

- Reducing real and potential liability threats against individual agencies and personnel.

These goals are to be achieved through the development of a model driver training curriculum that:

- Addresses vehicle operation in the performance of the law enforcement function;
- Will reduce police vehicle crashes and resultant injuries and costs;
- Is legally defensible (i.e., job-related, subject to validation);
- Is sensitive to a broad spectrum of agencies or concerns;
- Is feasible and cost effective; and,
- Can withstand the test of time.

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Special Thanks
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CHAPTER 1

ESTABLISHING A DRIVER TRAINING PROCESS

The reference guide provides generic information and guidelines for establishing a new driver training process or evaluating a current one. As a State standards setting agency or training administrator, success in implementing an effective and legally defensible program depends in part on the review and analysis process. As previously indicated in the Preface, State and local conditions vary dramatically and have to be carefully considered when contemplating changes. The contents of this reference guide should not be adopted without an analysis of every component of the existing training process.

The process for reviewing this guide and analyzing the current training process in comparison is a four-step approach. Read through this entire chapter and then proceed with the step-by-step process.

1. Preparation
2. Reading and Notations
3. Analysis and Comparison
4. Planning To Implement Changes

Step 1 - Preparation

A. <u>The Purpose of the Training</u>

What is the purpose of the current driver-training course? Is it to teach basic driving skills, develop new or higher level driving skills, develop attitudes not normally possessed by recruits, reduce collisions or something else? The purpose can be one or all of these. Although it is easy to say "all of these", it is difficult to design a course that will address all of them effectively. Each of these purposes require much thought and research. If you want the course to have credibility, should it be challenged, be cautious in stating the purpose of the course.

Liability suits involving driving are a lot like liability suits involving firearms. The courts react the same way, and so do law enforcement agencies. In both types of cases the reality is the cause for the judgment revolves around three points: violation of law, poor judgment, or violation of agency policy.

Improper attitudes can cause poor judgment and poor judgments lead to poor decisions. If one of the purposes of the training is to change attitudes, is there any data or other proof to show that a certain attitude exists, to what extent it exists, and what type of officer has this attitude?

B. Need for Documentation

There is a need to document the training being provided. Complete and accurate documentation can serve a number of purposes. It can provide information to new staff members as well as refresh the memories of current staff members. It can be used in criminal and civil court cases to defend the training as effective and valid. It can also be used to gain a commitment from law enforcement agencies and the political community.

There should not be any expectation of support from others if the cost effectiveness of the training course cannot be proven or demonstrated. The same information needed to identify the training problem or problems that need to be addressed can also serve as a basis for comparison later to assess the effectiveness of the training.

The training process, which includes the selection and training of instructors, the course content, the evaluation of the students, and other components, should be recorded in a standardized format. It should have sufficient detail to allow a qualified, objective person to evaluate it and to administer any part of the process, including the presentation of the training. They should have no difficulty in determining the level and quality expected.

C. Define the Problem

The first step in designing training is to define the problem(s) to be addressed. Is there a written description or statement of the problem(s) to be addressed by driver training? If not, one should be prepared. It should describe the entire problem, not just that portion to be addressed by training. It should detail the number of collisions over a five or ten year period, the type and severity of vehicle crashes, whether the collision rate is increasing or decreasing since driver training was instituted, what agencies should be doing but are not doing, and any other facts that will assist in pinpointing the problem(s) and the solution(s).

If the definition of the problem contains sufficient detail, it will be useful in responding to the questions that will be raised throughout the process. It will also serve as a basis for evaluating training and can be used to convince others of the need for action or funding as well as other purposes.

In order to justify the decisions as to what defines training standards, there should be a profile of the drivers and a profile of the collisions. The driver profile can show if there is a need to modify selection standards. It will show which units in an agency need more training or different training. It will also alert an administrator to the need for and frequency of refresher training. A collision profile will show how, when, where, and under what circumstances collisions are happening. Officers on general patrol may need different training than those in a traffic unit. Officers doing investigative or surveillance work may require yet a different kind of training.

Match the Content to the Problem

In looking at the content of the program, what appears to be the most critical aspect as far as achieving the stated purpose(s)? Is it teaching the driving maneuvers in the classroom and on the range? Is it instruction of safe driving habits to avoid or minimize being involved in a potential collision situation?

Does the content, time allocated, and the documentation support the purpose of training? For example, if it is supposed to be changing attitudes what is being done to change attitudes other than just mentioning them? If the purpose is to teach how to make good judgments and decisions in difficult situations, are there exercises that require decisions or are they all preplanned? If the training is supposed to reduce collisions are there statistics available on what causes police collisions? Are there statistics to show that training has or has not reduced these types of collisions? All these questions must be addressed to match the content of the training to the identified problem.

D. What Are the Facts?

For an accurate comparison to determine if the collision rate in an agency is excessive, use similar agency collision figures. The collision rate for a local agency should be compared to the collision rate of the general population in that agency's jurisdiction. Comparisons can also be made between similar agencies with similar reporting procedures for agency-involved crashes.

Driver training is a complex task. Extensive informational and expert input is necessary to the success of the review and analysis process. Information from law enforcement agencies in the form of survey results, commentary on vehicle collision experience, and driving problems should be assembled. This will require the development of survey instruments that will capture the necessary information.

Information is also needed on the existing driver training course(s) for recruit and in-service personnel. There is need to define the purpose of the existing course(s). Is it to teach basic driving skills, develop new or higher level driving skills, and develop attitudes not normally possessed by recruits while reducing collisions? There should also be a description of the course(s). Technical expertise should be obtained from driver training instructors, training administrators, and outside sources that have the qualifications of an expert in driver training.

Do not try to justify a high collision rate without facts. A higher police collision rate can not be justified simply because law enforcement drivers get involved in emergency runs, high speed pursuits, and other activities not faced by the general public. The limited information available does not indicate that the majority of police collisions occur under these unusual circumstances. On the other hand, the general population includes chronic violators, intoxicated drivers, teenagers, and other types of high- risk drivers.

Without facts, no attempt should be made to say that the comparison of statistics of police drivers and all other drivers is unfair. In the absence of good record keeping by law enforcement agencies, these kinds of unrelated facts are being used by insurance companies and defense attorneys to create doubt or a false impression.

E. Evaluation

Is there an evaluation process that evaluates the training at three distinct levels: learning in the classroom, transfer of learning to the job, and if there has been improved job performance because of learning? Describe the evaluation process for each level and how the information is used to alter the training.

F. Matching Priority to Criticality

Considering the criticality of driver training and the current status of all other training: does it have the proper priority for finances, time, instructor qualifications, adequate facilities and course revision?

G. Identify the Role of Training

There may be a number of solutions to the problem(s) associated with driving and training. The selection of recruits with a good driving record rather than those with a poor record could be a less expensive solution. The enforcement of existing driving policy and procedures through supervision, objective investigation of collisions with fair, impartial and consistent corrective action are other possibilities. Concentrate on the part of the problem that is to be addressed by training. At the same time make administrators aware of what remedies are available that you have no authority to implement.

H. Make Management a Part of the Process

Is training viewed by law enforcement administrators as the only or primary means of improving driver performance? Not all training is completed in a training environment. For example, circumstances and time do not always permit an instructor to observe if the students can drive safely while performing patrol observations. Time does not permit the instructor to observe a student's performance during several hours of driving to see if the student maintains proper space management practices.

How are administrators made aware of what training is addressed, what level of expertise is achieved, and to what extent an agency is responsible for completing the training? How are administrators made aware of the responsibilities for promoting safe driving: selection standards that measure the ability to make good judgments; agency policy on driving; supervision; corrective or disciplinary action for those who do not comply with policy or use good judgment; adequate vehicle maintenance? Management participation in the development process is critical for the training development process.

I. Get Your Staff Involved

To increase the level of the analysis, give some consideration to having staff members go through this process individually before meeting to discuss the findings as a group. Each person involved should have an unmarked copy of these guidelines to work from.

This will give every staff member the opportunity to think through each issue at a comfortable pace. It will prevent them from being influenced by the answers of others before they have had an opportunity to formulate their own answer. It also requires them to take a position by committing their responses to writing. The writing need not be extensive, just enough for their own reference.

They have an opportunity to identify or gather evidence to support their conclusions and position. When the staff meets as a group there will be fewer tendencies to make a statement or to argue against a statement without prior thought and consideration. This should result in a critical and objective assessment of the training that currently exists and what type of training should exist.

Review - Step 1: Preparation

The following should be in written form to establish your driving program:

1. Explain the purpose of the training. (1.A.)

2. Describe the law enforcement driving problem.

3. Detail what part of the problem is to be addressed by training.

4. Describe to what extent the current content matches the problem statement and the purpose of the training.

5. Describe to what extent the priority for resources matches the criticality of the problem.

6. List what part agencies are to play in solving the problem.

7. Describe how administrators are made aware of their responsibilities for promoting safe vehicle operations.

8. Describe the instruments that evaluate the training at three distinct levels: classroom, transfer of learning to the job and the impact the training has had on job performance.

9. Describe how the staff is to be involved in the review process.

10. List content experts from outside the organization and vocational education specialists who will be involved. If names aren't available, list what their qualifications should be.

11. List who is responsible for coordinating inputs and making final decisions for each of the above areas.

Step 2 - Reading and Notations

Read the chapters and the appendices and compare the process described there to your current process. Be sure to review Appendix A before you begin and whenever you are in doubt about terminology. Make whatever notes you wish regarding deficiencies, content areas not included in your current course, questions that need to be answered and so forth. These notes should be referenced to either the pages of the guidelines or current documents, as you will be examining these issues in more detail later on. In addition to determining if it is complete and adequate to meet the driving requirements of the officers in your state, determine if the current process is properly documented.

Review - Step 2: Reading and Notations

The following should be written to establish your driving program:

1. Notations for each chapter and appendix.

2. A list of current terminology and definitions that need to be revised or examined in closer detail.

3. A list of obvious deficiencies in content, exercises, evaluations, resource materials, and instructor qualifications.

4. A list of who is responsible for coordinating inputs and making final decisions for each of the indicated areas.

5. A list of the due dates for finalizing information in each of the preceding areas.

Step 3 - Analysis and Comparison

So far the chapters and appendices have been read. Any differences in terminology have been clarified by referring to Appendix A. The current driver training process should have been compared to the guidelines to verify that it addresses the purposes and goals and that the process is complete and adequate in all aspects. While doing this, notations should have been made regarding such things as missing pieces, things that could be done better, things that are in doubt and so on. This may have resulted in a new perspective of the current training, or at least an up-to-date one.

Now it is time to go back to analyze each component to clarify or verify your initial reaction and plans for change. Is the current process properly documented, and is it complete and adequate to meet the driving requirements expected of law enforcement officers in your state? If the current level of the training process is not satisfactory, incorporate the information as presented in this Guide, or modify it to suit the situation.

As your current process is compared with the information listed here, don't think of this as a check off list to determine if you have or don't have something. Look at the information as a brief outline of a concept. There should be enough information for you to understand the concept. Visualize the concept that is being described and think of all the details and actions that would be required to make it work. Think of the benefits that could accrue and the safeguards that would be in place by using this process rather than your current one. If the results are more favorable, make a notation to adopt it.

A. Ask Yourself These Questions

In the case that the initial reading did not raise all the questions that need to be answered, some have been developed for possible inclusion here. Following the questions are narrative statements that relate to some factors that should be considered in answering the question. In the interest of brevity, the narrative is limited to raising awareness from a different point of view or to providing information you may not have.

The answer to all questions, including those listed for each of the chapters as well as any that were raised during the initial reading, should be put into writing. This will minimize the possibilities for misunderstanding and will allow the responses to be edited as new information is obtained. The importance and relationship of one answer to others becomes clearer when you can compare written descriptions or statements.

In answering some questions, there may be a number of responses. If so, rank them in order of priority or value. Do not take the easy way out and say that they are equal. This will help in sorting out values that may influence decisions or standards.

- Having reviewed the chapters and appendices, has the statement or description changed? Have the changes been put into writing?

- Has the purpose(s) of the training course changed? If yes, has the revised purpose been put into writing? Restate this purpose as an instructional goal(s).

- Is the role of training to remain the same? If not, has the change been put into writing?

- Are there any changes in the type of involvement that is expected from law enforcement administrators? Are facts being gathered to support the need for change? Has the change been put into writing? When and how are the administrators to be notified of the changes?

B. Read the Summaries of Chapters and Appendices Contained in this Guide

The summaries of each chapter and appendix are provided to aid in your analysis of your present driver training process with the information contained in the guidelines.

C. Compare and Contrast Your Current Training (Chapter 6)

Now that a general comparison of the content of the present training and that found in Chapter 6 of the guide has been made, it is time to make a closer examination. These guidelines are general in nature, since they have to be useful to a variety of users. Some agencies have staff that are highly skilled in providing law enforcement driver training. Others do not have this luxury. The level of instructor experience and training and the manner in which the training is carried out is also very diverse. Consequently, the key controllers of the content, the objectives, have been formatted as learning objectives and each objective addresses only one issue.

Analyze Your Curriculum Content (Chapter 6) and the following should be written to establish your driving program:

1. How the learning objectives are to be converted into measurable performance objectives.

2. How the instructional goals will be developed.

3. Whether or not the objectives match the instructional goals. If not, what has to be done?

4. Whether the content matches to objectives; if not, what has to be done?

5. The qualification of a legal instructor must be met. If not an attorney, how will this person keep up to date.

6. The most effective instructional methodologies for teaching the content; are the instructors qualified to use these methodologies? If not, how will they be trained?

7. Who is responsible for coordinating inputs and decisions for each of the preceding areas?

8. The due dates for finalizing information in each of the preceding areas.

D. Summary of Evaluation Devices (Chapter 7)

There are two major evaluation methods: (1) paper and pencil testing and (2) performance testing. Writing a test and writing a valid test are as different as writing a note that you will be late for dinner and writing a computer program. In both instances the latter is more complex and demanding. In writing a valid test or a computer program a well-thought-out plan is required before beginning. Expect to write, rewrite, check and rewrite some more. In both instances, if one small mistake is made the desired results will not be obtained.

Is there currently an evaluation process that evaluates the training at three distinct levels: learning in the classroom, the transfer of learning to the job, and if there has been improved job performance because of the learning? High test scores will show that they learned what was taught, but that doesn't mean that they will apply it on the job. If they do apply what was learned, has it eliminated or minimized the performance discrepancies originally identified? That is, does it reduce the overall collision rate or specific types of collisions?

Validate your testing and performance evaluations and the following should be in written form to establish your driving program:

1. Are the current paper and pencil tests valid? If not, why not? Who is qualified to rewrite the items and the tests?

2. What means will be used to ensure that tests stay valid?

3. Will there be a test bank so the test will not be compromised by using the same questions time and time again?

4. How will the test results be analyzed to determine if the content is being taught and the test items are at the desired level of difficulty and discrimination?

5. Are the performance exercises testing all the skills that are required by the objectives?

6. Is the method for scoring the performance exercises and setting the pass/fall score defensible as representing real world conditions and essential tasks?

7. Do the objectives call for the student to make judgments and decisions and do the exercises test this, or are they scripted so no judgments or decision-making is required?

8. Is what is taught actually used on the job as it is taught, modified to some extent, or not applied at all? If the knowledge and skills are not applied as taught, why not?

9. If the knowledge and skills are used on the job as they were taught, to what extent has the problem been minimized? If it has not made a difference, why not? What can be done to correct it?

10. Who is responsible for coordinating inputs and making final decisions for each of the previous areas?

11. What are the due dates for finalizing information in each of the previous areas?

E. <u>Establish a Driver Training Facility (Chapter 5)</u>

The information presented in Chapter 5 includes a number of considerations for temporary and permanent facilities as well as course management.

- Changes in technology
- Local atmospheric conditions
- Topographical considerations
- Type of driving exercises used
- Whether the facility will be shared with other training programs

As a result of your facility analysis, you should have the following information in written form to establish your driving program:

1. What exercises need to be practiced and tested; the number of students to be trained, and other factors; are the facilities adequate in terms of size, location, configuration, and safety?

2. What needs to be done for a temporary solution?

3. Are the facilities adequate for future needs? If not, when will the improvements be needed?

4. Who will develop a plan to generate local and state support for an adequate facility?

5. Who should be contacted for guidance in developing a plan?

6. Who is responsible for coordinating inputs and making final decisions for each of the previous areas?

7. What are the due dates for finalizing information in each of the previous areas?

F. Develop a Cadre of Qualified Instructors (Chapter 4)

In this chapter some of the concerns should center on the operational decisions, activities, and practices associated with those who design or present the curriculum. A critical component of the driver training process is the qualification of those responsible for ensuring the quality of training. The qualifications of those responsible for the design and development of the course, presentation of training and the evaluation of the students should meet a recognized standard. Does the training staff meet professionally recognized qualifications? What methods are used to determine what qualifies an individual as a subject matter expert?

As a result of your instructor analysis, you should have the following information in written form to establish your driving program:

1. The qualifications for each staff position or responsibility: instructor, instructional designer and developer, testing specialist, instructional materials developer.

2. Whether these requirements meet any recognized standards.

3. Identify deficiencies that need to be addressed in order to achieve acceptable instructor standards.

4. What are the requirements for a person to be labeled a content or subject matter expert?

5. Whether the requirements are the same for all subjects. If not, what are the differences and why?

6. The on-going process for evaluating instructors on the job and correcting deficiencies.

7. Who is responsible for coordinating inputs and making final decisions for each of these areas?

8. The due dates for finalizing information in each of the previous areas.

G. Confirm Your Terminology (Appendix A)

Every agency and driving instructor within the state should be using the same terminology and definitions. It will help improve communication and establish credibility for the training. Every effort should be made to eliminate local terminology that is not consistent.

Ensure that your glossary is complete and organized. If not, make the necessary changes. Publish and distribute copies to all those who will benefit from it. Encourage them not to deviate from the terminology and definitions unless they are authorized.

As a result of your glossary analysis, you should have the following information in written form to establish your driving program:

1. Which, if any, driving course terminology or definition is not acceptable. Why?

2. The means for deleting old terminology and definitions.

3. The means for gaining acceptance for the new terminology and definitions.

4. List the publications and documents that will be affected by changes.

5. Who is responsible for coordinating inputs and making final decisions for each of these areas?

6. The due dates for finalizing information in each of the previous areas.

H. Analyze Your Instructional Methodologies (Appendix D)

What percentage of the current course is taught by lecture? Which parts should be taught by using something other than lecture? Are the instructors qualified to use the instructional methodologies and learning activities? If not, additional training should be provided. As mentioned in the appendix, instructors should avoid any teaching method or activity they are not comfortable doing. This may compromise the effectiveness of the training.

As a result of your instructional methodology analysis, you should have the following information in written form to establish your driving program:

1. The percentage of the content taught by lecture.

2. The percentage of instructors that are trained and qualified to use methodologies other than lecture.

3. Any physical skills that are being taught solely or primarily by lecture.

4. Who is responsible for coordinating inputs and making final decisions for each of these areas?

5. The due dates for finalizing information in each of the previous areas.

I. Select Performance-Based Exercises (Appendix E)

Analyze and compare the exercises in Appendix E and select the exercises that best fit your driving program. The following considerations should be answered and placed in written form to establish your driving program:

1. Are the current exercises adequate? If not, why not and which ones have to be changed?

2. Do any of the exercises need to be changed to encompass different conditions; i.e., night driving?

3. If one of the objectives is pursuit driving, do the exercises measure judgment and decision-making, or only the ability to handle high speed?

4. What documentation is there to justify the dimensions and speed of the exercises? Do not rely on exercises used by other agencies. They may have not have done the necessary research or they might be outdated.

5. How are the exercises scored? Can the pass or fail score be justified? A passing score that is too high can be challenged because it may prevent a qualified person from gaining employment. A score that is too low can be challenged because it may result in approval of an incompetent driver.

6. How good is the rating instrument that is used? Is it so detailed that it overloads the instructor? Sometimes a rating instrument is too detailed and includes too many items that are not critical. In order to complete the form is the instructor's attention diverted from critical observations?

7. Are the instructors qualified to accurately and objectively rate students? The ability to rate a person is a different skill than being able to do the task and being able to instruct someone else to do it.

8. Do you have a performance rating form for each exercise? Is each form adequate or are there any other things to be evaluated? Can a universal form suffice?

9. Each exercise included in Appendix E has a unique evaluation form tailored to the exercise. However, trainers may wish to adopt a common form that can be utilized for ALL exercises. Some examples of a universal form can be found at the end of Appendix E.

J. Review Your Instructional Resources (Appendix F)

The material listed is not limited to materials used in classroom presentations. Some of the material is for instructor development. It can be used in instructor training courses. It can also be used for research to develop a larger and more up-to-date framework of knowledge for presenting information to the class.

As a result of your analysis of instructional resources, you should have the following information in written form to establish your driving program:

1. A plan for reviewing the resources listed to see if they are applicable.

2. A plan for purchasing those that are needed.

3. How these resources will be made known and available to qualified users.

4. Who is responsible for coordinating inputs and making final decisions for each of the previous areas?

5. The due dates for finalizing information in each area.

Step 4 - Planning to Implement Changes

The current training process has been reviewed. It was compared to the information contained in the guidelines. The deficiencies have been identified and put into writing. The next step is to develop a plan for implementing the changes. In this plan, list what needs to be changed, the financial costs, who is responsible for supervising each revision, the sequence for implementing the changes, the completion date for implementation of each revision, and the person responsible for overall supervision of the project.

The person responsible for overall supervision needs to make sure that all of the pieces of documentation fit together. There will be fewer problems if everyone is aware of what is going on in all the other areas, if they know how their piece fits in, and if they are aware of the need to check with others to ensure that there are no duplications, voids, or conflicts.

A. Building a Pyramid

Regardless of how the training process is revised, each component builds on a previous one. Starting with the foundation, these include:

- A statement or description of the problem.

- What part of the problem is training going to address.

- What the responsibilities of the agencies are for completing the training and carrying out their other responsibilities for safe driving.

- A statement of purpose for the training and what it will accomplish.

- A list of instructional goals.

- A list of measurable performance objectives.

- Evaluation instruments for measuring the achievement of the objectives, the transfer of learning to the job, and the effect of the training on agency performance.

- The acquisition of adequate facilities and equipment.

- The development of the content.

- The development of instructional strategies, methods, and teaching aids.

- The development of instructor qualification to meet the course needs.

- A means for monitoring the process to ensure that it remains current.

B. Documentation

You need to document the training you are providing. Complete and accurate documentation can serve a number of purposes. It can provide information to new staff members as well as refresh the memories of old staff members. It can be used in criminal or civil court cases to defend the training as being effective and valid. It can also be used to gain a commitment from law enforcement agencies and from the political community.

You cannot expect support from others if you are unable to show cost effectiveness. The same information you need to identify the problem can also serve as a basis for comparison to show the effectiveness of the training.

C. Final Suggestions

In the analysis of a sampling of current driver training courses, no standardized terminology was found to exist in police training in general and driver training in particular. Many agencies had different definitions for some terms and several terms, although frequently used, were not defined. To ensure a more comprehensive understanding of this Guide, please read the Driver Training Glossary and the Glossary of Instructional Terminology in Appendix A before you begin your review. You are encouraged to use the terms and definitions in Appendix A to standardize the training program.

CHAPTER 2

MANAGEMENT OF EMERGENCY VEHICLE OPERATIONAL RISKS

Part 1 - The Legal Underpinnings Of The Risk Management Process

In our media conscious society, law enforcement and public safety organizations face increased scrutiny of their vehicle operations. Much of what has been termed "media sensationalism" has come about due to a variety of factors including victim outrage and high dollar civil judgments. To understand the need for reform in emergency vehicle training and the concept of law enforcement risk management requires a new focus on the impact emergency vehicle operations may have on the public we have sworn to protect. Law enforcement risk management is about both the protection of the public and the reduction of agency and officer civil liability. Once the fundamentals of liability exposure are understood, we can begin to build a protective structure which is the risk management process.

Emergency vehicle operations should be viewed as a high profile aspect of every agency's daily operations, much as the use of a firearm. In a very real sense, both automobiles and firearms can be deadly weapons. There has arisen a national consensus, reflected in recent court decisions, that increased scrutiny must be paid to emergency vehicle operations. There has been an outcry from the law enforcement and public safety community for more definitive operational guidance, as a matter of "front end" risk management. The foundation for such guidance rests on an understanding of the legal principles of agency and officer liability for injuries or property damage resulting from an emergency vehicle response.

The purpose of this chapter is to provide insight into the various legal theories which may come into play in lawsuits which were brought about by an emergency vehicle response. Understanding the basis of lawsuits is immensely beneficial in designing a mechanism to reduce agency financial exposure.

Whether the injury came about from alleged officer negligence in a non-emergency response mode, from injuries sustained through an intentional act in pursuit mode, or an agency's failure to provide adequate policy or training, officers must be aware of the potential for liability based upon their acts. Likewise, from a public trust and risk management standpoint, public safety executives and risk managers must understand that victim outrage and high dollar civil judgments are not aspects of our society for which there is no controllable cause. The management of risk exposure, litigation, and its associated expense, and the maintenance of the public trust can only be based upon a comprehensive understanding of the law related to emergency vehicle operations.

The Bases of Liability for Emergency Vehicle Operations

Lawsuits involving emergency vehicle operations will be brought in either State court or Federal court. Actions brought in a State court, commonly called "tort"[a] actions, are usually brought in a court of general civil trial jurisdiction such as a District, Circuit or County Court. They are invariably courts which have the authority to hear and decide actions brought by private parties (as opposed to those actions brought by the State, such as criminal actions). Actions brought in the State courts under State tort law will not, of necessity, involve violations of Federal constitutional rights. Actions brought under Title 42, section 1983 of the U.S. Code (hereinafter § 1983), whether in State court or Federal court, will involve violation of a federally protected constitutional or statutory right. Whether a cause of action is based on State tort law or on § 1983, the plaintiff must establish responsibility on the part of the emergency vehicle operator or the employing agency. Responsibility of the operator is typically based on an allegation of negligence, or some greater degree of culpability such as a so-called "intentional tort." Responsibility of the employing agency may be based upon a failure to provide meaningful policy or adequate training. However, under State law in many States, merely employing an officer who commits an act of negligence can constitute a basis for agency liability under a theory called *Respondeat Superior*. This theory of recovery is not available under § 1983. As will be developed later, § 1983 is not an appropriate cause of action for an injured party where a Federal law enforcement officer caused the injury, because § 1983 is limited in application to persons acting under apparent "authority of State law."

State Tort Actions

Actions brought against an officer or the employing agency under State law is generally based on allegations of negligence. The legal formula for negligence can be summarized as follows:

1. A duty or obligation, recognized by the law, requiring the person to conform to a certain standard of conduct, for the protection of others against unreasonable risks.

2. A failure on the person's part to conform to the standard required; a breach of the duty.

3. A reasonably close causal connection between the conduct and the resulting injury. This is known as "legal cause," or "proximate cause," and includes the notion of cause in fact.

4. Actual loss or damage resulting to the interests of another.[b]

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[a] A tort is generically defined as an injury to the person or property of another for which the injured party may recover damages or other relief from a court of law.

[2] Prosser and Keeton on the Law of Torts, (5th Ed.; 1984)

Negligence in an emergency vehicle scenario generally results from one of the three following omissions:

- Violation of a State statutory provision which creates a duty to act or not act
- Violation of department policy which creates a duty to act or not act
- Violation of a general duty to use "due care."

The term "duty" means that there was some real obligation to behave in a particular fashion towards the person who was injured. The law recognizes generally that if there was no duty to the injured, then there can be no responsibility for payment of monetary compensation, known as "damages," or other relief to the injured party. Particularly egregious violations of an owed duty may result in liability under § 1983 for either the officer or agency concerned.

Whether a lawsuit is filed against an officer or agency may be determined by the presence of tort claims legislation in the State concerned. Similar limitations on suits are present under the Federal Tort Claims Act, where a Federal government agency or actor is alleged to have been negligent. The effect of tort claims legislation is generally to limit the amounts which may be recovered for injury, or to limit the available defendants in a lawsuit. The purpose of State tort claims acts is to limit litigation, by encouraging settlement of claims in advance of filing suit. Where the filing of a lawsuit occurs, nonetheless tort claims legislation may limit the number of available defendants and the amounts recoverable. A common attribute of many State Tort Claims Acts is that intentional or criminal action or inaction is frequently excluded as a basis for recovery. This is the case under the Federal Tort Claims Act as well. In situations involving such behavior, the injured party may only recover by filing suit. At the time the suit is filed, the injured party becomes known as the "Plaintiff" or "Complainant."

A Brief Overview of a Typical State Court Lawsuit

In the typical State tort action, the Plaintiff alleges some variety of negligence on the part of the officer, or officers, involved in the emergency vehicle operation which has "proximately" caused[c] the Plaintiff's injury. This allegation is set forth in a legal document known as a Complaint, a Petition, or some similar document. The party being sued, the "Defendant," is afforded the opportunity to answer the Complaint or Petition within a certain number of days or be declared "in default." Being in default means that the court, in many States, may award the Plaintiff the relief requested in the Complaint or Petition without further hearing on the matter.

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[c] The term "proximate cause" is an important concept in American tort law. It means that there is a close causal connection between the actions of the alleged "wrongdoer," legally known as the "tortfeasor," and the injury suffered by the Plaintiff.

The Defendant has the opportunity to provide a response to the Plaintiff. This is done in a document known as the Answer. In the Answer, the Defendant may also raise counterclaims against the Plaintiff, or crossclaims against other persons who are felt to be responsible for injuries which occurred. Where the Defendant files a counterclaim, the Plaintiff is allowed to file an additional document known generally as a Reply, to address the Defendant's assertion of fault on the Plaintiff's part. All the documents mentioned above are collectively known as "pleadings."

Once the pleadings have been filed and served on opposing parties, each side to the lawsuit will engage in a process known generally as "discovery," as permitted by the applicable State Rules of Civil Procedure. The Rules of Civil Procedure are contained in a volume of the State code of laws and govern what items of information are required to be disclosed to the opposing party, when they are to be disclosed, and the remedy for failing to disclose. Many States have fashioned their discovery rules and their Rules of Civil Procedure after their Federal counterpart. Discovery is a critical part of the lawsuit, and many cases are settled or dismissed based upon what has been discovered by the opposing party.

If the parties get beyond the Discovery process without settlement or dismissal, each party then typically files a variety of Motions. Motions are requests directed to the court asking it to order relief without submitting the matter to trial either before the court or by a jury. Motions may be addressed to some procedural aspect of the case, such as a Motion to Extend Discovery, or to some substantive aspect, such as a Motion to Dismiss or a Motion for Summary Judgment. In all events, the motion stage of the proceeding is critical for sorting "the wheat from the chaff" and allowing the court to deal only with the matters which should require its attention at trial.

After motions have been completed and ruled upon, the final stage of the proceeding is the trial. The burden is upon the Plaintiff to show by a "preponderance of the evidence"[d] that the Defendant has caused the injury for which the Plaintiff is seeking recovery. Typically the Plaintiff will choose between a trial by a jury or by the bench (i.e., by the judge without a jury). The process of deciding whether to choose trial by jury over trial by the bench is a complicated one, which is far too extensive for discussion in these materials. Where trial is by jury, the jury will decide the facts in the case and the judge will decide all legal issues. When the trial is by the bench, the judge decides all issues, both factual and legal.

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[d] This is the general civil standard of evidence which must be satisfied by the Plaintiff in order to be awarded relief by the court. Generally the term means that the Plaintiff must show that it is "more likely than not" that the Defendant is responsible for the injuries.

In the typical negligence action, the issue of "damages" becomes central. The term refers to the amount of money which the court will award to the Plaintiff, or to the Defendant as a matter of Counterclaim, to compensate for an injury. Monetary damages are generally said to be either "compensatory" or "punitive" in nature[e]. There are some limitations on when punitive damages are appropriate, and against whom. Punitive damages are not appropriate where the Plaintiff's injury was caused merely by the "simple" negligence of a law enforcement officer or a municipality[f]. Compensatory damages are awarded to "make the person whole"; in other words, to compensate the injured party for the injury suffered at the hands of the wrongdoer. Compensatory damages may cover such matters as medical costs, lost wages, prescription costs, pain and suffering and loss of the company and association of the injured party by a family member[g]. In the typical jury trial, the jury will determine the appropriate amount of compensatory damages, whereas the issue of punitive damages is sometimes, depending upon jurisdiction, decided by the judge.

42 USC § 1983 Actions

From the standpoint of a State or local law enforcement officer or municipalities[h], § 1983 actions can be especially devastating from both a financial and public confidence standpoint.

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[e] Some States use the terms "nominal" or "actual" to describe compensatory damages. In either event, the concepts are the same. Punitive damages, as the name implies, are assessed to punish a wrongdoer and typically have no logical relationship to compensatory damages. Thus, it is not unusual to have compensatory damages of, say, $10,000 and punitive damages of $100,000 or more!

[f] The rules concerning award of punitive damages very from State to State. Some States may allow award of such damages where the behavior of an officer can be shown to be "grossly negligent," whereas in others, punitive damages may not be appropriate unless "recklessness" can be shown. In suits brought under 42 USC § 1983, punitive damages cannot be awarded against a municipal defendant. This same applies in some State court proceedings as well.

[g] This latter type damage, loss of association, is commonly known as "loss of consortium."

[h] For purposes of § 1983 discussion, the term "municipality" includes all units of local government at lower than the State level. The most common of these are cities and counties.

There has been much written about § 1983 and yet, for the most part, law enforcement officers and administrators remain somewhat unclear regarding the application of the section and how it may come to impact them.[i]

The language of Title 42, United States Code, § 1983, frequently called the "Federal Civil Rights Act," is amazingly brief. The section States, in pertinent part:

> *Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress....*

Thus, § 1983 creates no rights in and of itself but merely provides a remedy for violations of rights secured by either the United States Constitution or the "laws" of the United States. It has only two operative requirements:

1. That a violation of a Federal constitutional or statutory protection occur; and

2. That the person committing the violation be a person acting "under color of" State law.

Where municipal law enforcement officers are involved, actions undertaken in the course and scope of duty will virtually always satisfy the second requirement, as the authority to arrest and exercise the myriad of other law enforcement functions derives from State constitutional or statutory empowerment. Interestingly, § 1983 does not apply to injuries inflicted by persons acting under the apparent authority of *Federal* law, absent some State law connection. The history of the statute will show that § 1983 was enacted by the U.S. Congress in 1871 as a means of ensuring that newly emancipated slaves were not deprived of their constitutional protection by the secessionist States themselves. In fact, the law was originally referred to as the "Ku Klux Klan Act," although it has seldom been used against their activities.

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[i] Typically, law enforcement officers and administrators think of § 1983 in terms of Federal court proceedings. The § 1983 action, however, can be brought as an action in State court as well. The substantive aspects of State and Federal court § 1983 actions are identical. Some procedural differences may exist in terms of motions, discovery and various other aspects of the lawsuit which are controlled by State rules of civil procedure. For our purposes, however, we will discuss § 1983 as a Federal court proceeding.

The Application of § 1983 to Law Enforcement Activities

From the time of § 1983's enactment it was relatively unused until the United States Supreme Court decided *Monroe v. Pape* (365 US 167) in 1961. *Monroe's* holding, that the term "persons acting under color of State law" was applicable to municipal police officers although not directly applicable to municipal corporations themselves, started a trickle of lawsuits against law enforcement officers which came to full stage in 1978 in *Monell v. Department of Social Services* (436 US 658). In *Monell,* the Supreme Court overruled *Monroe* to the extent that it had held municipalities not to be "persons" within the meaning of § 1983. After *Monell*, litigation floodgates opened for suits against municipalities whose "policies, customs or practices" could be said to be the "moving force" behind constitutional or Federal statutory violations against their citizens. The swelling stream of § 1983 litigation against municipalities finally reached torrent levels after the US Supreme Court's 1989 decision in *City of Canton v. Harris* (See Chapter 6). No single case has become so critical to the management of municipal law enforcement risks, particularly those associated with emergency vehicle operations, especially pursuit. The aftermath of *City of Canton* and its impact on § 1983 litigation against municipalities, in particular, is frightening history.

Types of Liability Under § 1983

As a broad proposition, liability under § 1983 falls into three categories:

- Individual, or personal, liability of the law enforcement officer
- Vicarious[j], or indirect, liability of a supervisor
- Municipal liability

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[j] The term "vicarious liability" has spawned disagreement among legal practitioners as to its specific meaning. Some practitioners use the term to refer to a common law theory of imputed negligence otherwise known as *respondeat superior*. This theory requires no showing of fault on the part of an employing agency, but rather assigns (i.e., "imputes") the negligence of the employee to the employing agency for liability purposes. This theory of recovery is not available under § 1983, but is available in many State court proceedings. We here adopt the meaning of "vicarious" shared by the other school of thought, which denotes vicarious liability as a type of indirect liability for the acts of a subordinate where a superior, usually a supervisor, has through some gross negligence of his or her own, or through participation in the subordinate's activities, allowed injury to occur. We specifically do not refer to *respondeat superior*.

Individual Liability

Individual officers frequently express concern over the exposure of their personal assets in a lawsuit where their personal activities are alleged to have caused a Plaintiff's injuries. For the most part, the Plaintiff alleges that some variety of negligence or intentional wrongdoing of the officer has caused compensable injuries.

In State court, a Torts Claims Act may provide some insulation to the officer where simple negligence is alleged. Even where there is a finding of gross negligence on the officer's part; if the actions complained of are within the course and scope of the officer's duty, the resulting judgment will virtually always be paid by the employer or its insurance carrier. The reasons for the decision of the employer or carrier to pay the judgment are too wide and varied for discussion here, but typically center around principles of public service and policy.

In § 1983 actions, however, the basis of individual officer liability is somewhat more complicated than in a State tort action, and requires a basic understanding of how the § 1983 cause of action relates to emergency vehicle operations[k]. After the discussion of § 1983 claims in emergency vehicle operations, we will discuss the bases for vicarious and municipal liability.

Section 1983 Constitutional Claims in Emergency Vehicle Operations

Although the expression “emergency vehicle operations” may encompass non-emergency or emergency response and pursuit activities, § 1983 lawsuits have generally focused on emergency response and pursuit activities. Traditionally, non-emergency vehicle operations have been the focus of State negligence claims. To understand how the § 1983 action is set out in an emergency vehicle operations case, one must recall the two operative requirements for § 1983 set out earlier in this section.

1. That a violation of a Federal constitutional or statutory protection occur;

2. That the person committing the violation be a person acting "under color of" State law.

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[11] Beyond the individual officer's concerns with State or Federal civil liability are issues which may arise with respect to allegations of criminal wrongdoing. The individual officer may face criminal liability under Federal criminal civil rights statutes such as 18 USC § 241 or § 242, criminal proceedings in State court under State criminal statute or, in some States, under State common law. The discussion in these materials relating to litigation file preparation has general application to an officer in such a situation. Agency assistance, however, may not be readily available to an officer pending criminal prosecution, and the services of competent private legal counsel should be enlisted.

For the moment, discussion of the first requirement is critical, with a concentration on violations of constitutional protection.

Constitutional Violations in Emergency Vehicle Operations

A Federal constitutional violation cannot occur unless the injured party has constitutional protection. While this statement may seem overly simple, it is a critical concept in understanding how liability attaches, or does not attach, to law enforcement emergency vehicle activities. Federal constitutional protections are laid out in the Bill of Rights, which consist of its first ten amendments to the Constitution, and the Fourteenth Amendment, which makes the first ten amendments applicable to the States. If a Plaintiff alleges that a violation of constitutional rights occurred, the protection must be found either in the Bill of Rights, the Fourteenth Amendment, or in the courts' interpretations of those rights. The mere fact that injury occurs to the Plaintiff and that there was law enforcement involvement in the set of circumstances out of which the injury arose is insufficient to attach liability to the law enforcement officer or agency. There must have been some duty on the part of law enforcement towards the Plaintiff, whether the duty was to act or to refrain from acting. If there was no duty (no "special relationship" to the Plaintiff), there can be no liability. At the present time, the vast majority of emergency vehicle constitutional claims under § 1983 are brought under either the Fourth or the Fourteenth Amendment. These claims differ significantly from each other and are based, in large part, on the identity of the Plaintiff as suspect or innocent third party. Unlike State tort actions, § 1983 claims generally require a degree of "fault" greater than simple negligence if the action is to go forward.[1]

Fourth Amendment Claims

The Fourth Amendment to the United States Constitution prohibits, among other things, "unreasonable" searches and seizures. From the standpoint of emergency vehicle claims, we need only concentrate on claims for unreasonable "seizures." This claim is typically brought by a suspect who has fled from law enforcement and suffered injury as a result. Because Fourth Amendment claims require that a "seizure" occur. Because of the definition of seizure given by the US Supreme Court, Fourth Amendment claims will typically arise only where a pursuit has occurred. For purposes of illustration, it may be helpful to take a look at how such a claim arises.

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[1] This is an oversimplification inasmuch as the United States Supreme Court has ruled only that substantive due process claims under § 1983 cannot be supported by an allegation of simple negligence (see *Davidson v. Cannon* and *Daniels v. Williams,* 1986); footnote 8 of *City of Canton v. Harris* clearly sets forth the court's reluctance to address the operative degree of fault required to establish an underlying violation, although general consensus is that mere negligence will likely be held insufficient.

Although there have been few cases decided on a pursuit factual basis by the US Supreme Court, there is a wealth of cases which have dealt with the issue of seizures, especially by deadly force. Perhaps the most important of these is the 1985 decision in *Garner v. Tennessee* (See Chapter 6) which essentially sounded the death knell for the so-called "fleeing felon" rule. That rule had allowed a law enforcement officer to use deadly force, typically a firearm, to stop the flight of a fleeing suspect where the suspect, having committed a serious crime (i.e., felony), refused to stop on police demand. The Court, noting the development of the concept of "felony" from the English common law to its present day iteration, ruled that in present day society, where the classification of "felony" is no longer reserved solely for capital crimes (as it had been at Common Law), use of deadly force is an inappropriate means of stopping a non-dangerous fleeing suspect. At the time of the *Garner* decision many jurisdictions classified various non-dangerous offenses as felonies. The ruling in Garner has been that law enforcement agencies are now required to operate under a "two pronged" analysis before using deadly force against fleeing suspects. Specifically, an officer electing to use deadly force must now answer both of the following questions affirmatively before deadly force usage is authorized under *Garner:*

1. Does the fleeing suspect against whom deadly force usage is considered pose a "significant threat" to members of the public if immediate apprehension is delayed?

2. Is there any reasonably available lesser means of stopping the flight of the suspect, besides deadly force?

In 1989, the US Supreme Court addressed the issue of the constitutional limitations of deadly force in a pursuit situation. The decision was called *Brower v. Inyo County* (See Chapter 6). *Brower* has become important for its recognition that certain pursuit tactics may result in a claim of constitutional violation through a seizure by deadly force. The facts of the case are that a suspect in a stolen car was being pursued at high speed by deputies of the Inyo County, California, Sheriff's Department. The chase terminated when the suspect collided with a roadblock, consisting of an 18-wheel tractor-trailer rig pulled across both lanes of a two-lane highway just beyond a blind curve. A police cruiser had been parked on the shoulder of the road-way near the tractor-trailer with its high-beam headlights aimed at the suspect's eye level in an effort to blind the suspect and conceal the fact of the roadblock. The court held that a "seizure" by deadly force, for purposes of the Fourth Amendment, had occurred, and sent the case back to the lower court to determine whether the seizure was unreasonable.

The *Brower* ruling relied heavily on the holding in *Garner* to point out that whether a suspect in a pursuit case could be seized by use of deadly force would depend upon the nature of the offense for which pursuit was initiated and the danger which the suspect posed to the public.

The net impact of *Brower* is that a seizure by deadly force, such as by ramming, discharge of a weapon or other contact method, will not likely be permitted for minor non-dangerous offenses such as traffic violations, where the suspect's driving does not pose a "significant threat" to the public (to include the officer). This point becomes critical in discussions of pursuit tactics, policy development and training, and their relationship to the policy.

Fourteenth Amendment Claims

Whereas Fourth Amendment claims are typically raised only by suspects in pursuit cases, Fourteenth Amendment claims are generally brought by innocent third parties who are injured in either pursuits or in emergency response situations. This cause of action under § 1983 alleges usually that the Plaintiff has been deprived of "due process" protection under the due process clause of the Fourteenth Amendment. The pertinent language of the Fourteenth Amendment states:

> *"No State shall ...deprive any person of life, liberty, or property without due process of law..."*

The term "due process" is a nebulous one in the law. It may be spoken of in terms of "substantive due process" or "procedural due process." For our discussion purposes we will focus on the so-called "substantive" aspects, meaning that we will look at those situations where a person has been deprived of "life, liberty or property" itself as opposed to the right to have a hearing prior to deprivation by the government.

Situations where an innocent motorist is struck by a fleeing suspect or law enforcement vehicle in pursuit or in emergency response mode are perhaps the most tragic situations imaginable for law enforcement professionals. The idea that an innocent person is made to suffer runs contrary to the law enforcement mission to protect and serve. Injury to third parties will be balanced by a court against the duty owed to those persons by law enforcement. It is this "duty" concept which underlies Fourteenth Amendment claims. If there is no duty on the part of law enforcement to act or refrain from acting with respect a particular individual, then any injury which may result to the individual from law enforcement activity or inactivity legally will not result in liability. This proposition frequently causes concern on the part of law enforcement officers who, for example, feel that they have a *duty* to pursue. To understand the duty concept, it may be helpful to use a practical illustration before undertaking further analysis.

Suppose that a law enforcement officer observes a man swimming toward shore in a rain-swollen river. In the course of swimming, the man becomes fatigued and begins to drown. The law enforcement officer has a coil of rope in the trunk of his cruiser, but elects not to retrieve it and instead gets into his car and drives away. Should liability be imposed upon the officer for failure to attempt a rescue? Morally, we would likely all agree that the officer owed a "duty" to the drowning man. Legally, however, the duty question must be framed quite differently. Absent a so-called "special relationship" between the officer and the drowning man, there is no legal duty, in the majority of jurisdictions, to render rescue.

This result comes about because of the widely-accepted rule that a law enforcement officer's duty of protection is to the public generally and not to a specific individual, absent a so-called "special relationship." This morality-legality dichotomy causes many officers a great problem when they feel the need to act from a moral or social responsibility basis, but subsequently find themselves sued for the decision to act. A classic example of this occurs when an officer is confronted with an apparently drunken driver weaving down the road at a low rate of speed. The initial inclination of some officers is that there is an immediate need and duty to pursue the driver, at all costs, even when the driver pulls away at an increased speed after being signaled to stop. But is there? It is critical to distinguish between the duty to pursue and a duty to take other possible steps to protect the public, just as it is important to distinguish moral from legal duty.

Analysis of liability under the Fourteenth Amendment due process clause focuses on this issue of duty. While the focus of the Fourteenth Amendment is on "constitutionally created duty," there are "nonconstitutional" duties which may also impact an officer's performance. Nonconstitutional duties are created generally in one of two ways: by State statute, or by agency policy. Neither State statute nor agency policy, however, can create a constitutional duty. The fashion in which a duty created by policy or statute is violated, however, may give rise to a constitutional claim if the behavior itself violated some constitutional protection envisioned by the Fourteenth Amendment.

Statutory Duties

Each State has a provision in its code of laws which specifies conditions under which a vehicle may be operated as an authorized emergency vehicle. Such statutory provisions lay out in general terms how an emergency vehicle may be exempt from State traffic laws when responding to an emergency or when in pursuit of an offender, and may create certain duties.

The most common duties created under State statute are the duty to utilize emergency warning devices, and the duty to exercise "due care." Most State statutes are based upon the language of the Uniform Vehicle Code, which allows the operator of an emergency vehicle to exceed the posted speed limit and generally disobey traffic directives if the operator exercises "due care" and utilizes lights and/or siren. Each law enforcement agency that wishes to exceed speed limits, or to otherwise disobey traffic directives, must comply with the statutory provisions. Beyond the bare guidance of the State statute, each agency must provide guidance to its officers in the form of policies and procedures. State statutes will not likely provide guidance on such critical matters as when a pursuit or emergency response can be initiated. These issues must be addressed in the agency's pursuit policy.

Policy-created Duties

An agency's pursuit policy is a directive for action to its officers. The joint purpose of the policy, and the procedure to implement it, is to identify for officers acceptable, as well as unacceptable, behavior in pursuit operations. The policies and procedures create certain duties for officers engaged in emergency vehicle operations to undertake, or not undertake, certain actions. The majority of jurisdictions do not tell their officers in their policies that they *must* pursue all violators, but rather leave the decision to continue or discontinue a pursuit to officer discretion, subject to agency policy guidance. Until 1989, many agencies across the United States took the approach that minimal written guidance to officers and the advisement to "exercise good judgment" were the preferable means for controlling the risks of pursuits. That year, however, the US Supreme Court delivered its opinion in *City of Canton v. Harris* (as discussed above) and effectively served notice that a philosophy of "no policy is the best policy" could pose extreme liability problems for municipalities and law enforcement agencies where the actions of officers violated citizen constitutional protection.

Constitutional Duties

Above and beyond the guidance provided by State statutes and agency policy and procedure are the limitations and duties imposed by the United States Constitution, as interpreted by the courts. In 1989, the US Supreme Court in *DeShaney v. Winnebago County Department of Social Services* effectively served notice that unless a special relationship exists between the government and an injured party - in other words that a governmental duty to the injured party exists - liability cannot attach, irrespective of the perceived moral obligation of the government or the outrageousness of its behavior.

Is there is a duty to pursue? An affirmative answer can only be forthcoming if there is either a State statutory mandate to pursue (there is none); or the agency pursuit policy mandates that officers pursue all violators (this is ill-advised and generally unlikely); or there is a constitutional duty to act to pursue all violators (*DeShaney* clearly indicates not). Is there, however, a duty to take some step to prevent the previously mentioned drunken driving suspect from injuring the public? Certainly! Should law enforcement officers turn in their cruisers and badges and allow all suspects to escape? Hardly!

Inherent in the law enforcement oath to uphold the laws and to protect and serve is a duty to take steps to protect the public. Balanced against this apparent open-ended obligation, however, is a balancing test which courts will undertake where injury occurs. The balancing is basically this: Was the need to immediately apprehend the suspect so great that the risk posed to the public and the resultant injury justified the law enforcement action? Inherent in this analysis is the question of the reasonableness of the law enforcement officer's actions. In § 1983 suits, the standard for judging the reasonableness of individual officer behavior in Fourteenth Amendment "due process" claims has varied from one Federal circuit to another. One Federal court might rule that an officer's "grossly negligent" behavior in a pursuit could result in "due process" liability; whereas the same behavior in another Federal court would be insufficient to trigger the threshold requirement of behavior which "shocks the judicial conscience." In summary, the balance of officer behavior against the need to immediately apprehend varies significantly from Federal circuit to Federal circuit.

Revisiting Individual Officer Liability

Individual officer liability typically comes about where the officer's behavior exceeds the course and scope of duty or constitutes intentional violation of agency policy. Law enforcement officers are generally protected under a concept known as "qualified immunity," sometimes erroneously called "good faith immunity," for their actions in the course and scope of their duty. This concept allows officers to avoid individual liability where their actions do not violate "clearly established law." What may be considered as "clearly established" is not clearly established under current US Supreme Court guidance, but it is generally safe to say that an officer whose actions in compliance with policy result in injury to a third party or suspect will not likely be held personally liable unless the policy was known by the officer to violate well-established law.

The officer's actions in the course of an emergency response or pursuit will be critical initial indications of the potential liability which may later come about. If the officer's conduct in the course of a pursuit is such that it violates agency policy, there remains the question of whether the violation is merely "negligent" (i.e., unintentional, but lacking in the exercise of "due care"); or "intentional" or "shocking to the conscience" (i.e., intending the resultant outcome of the behavior; or foreseeably certain to result in the injury). The answer to this question can shape the character of the suit which is filed. If the officer's conduct is violative of policy solely through the failure to exercise due care, the resultant Plaintiff's claim will likely be brought under the State's tort claims act or ultimately filed as a State court negligence action. If, however, the violation of the policy is intentional (i.e., the officer knew that ramming of a suspect vehicle for less than dangerous felony offenses was prohibited, but consciously made the decision to do so anyway), or the officer's behavior in violating the duty created by agency policy rose to the level of a constitutional due process violation, then the Plaintiff's claim will likely focus on § 1983 as a remedy. This result comes about based on our earlier discussion regarding the general non-availability of § 1983 for simple negligence claims.

Vicarious Liability

Once the basics of § 1983 liability are comprehended, vicarious or indirect liability can be understood by the simple concept that a supervisor or other officer cannot, with impunity, allow a subordinate, to whom a duty of supervision is owed, to commit constitutional violations or take part in the unconstitutional behavior either through direct participation or ratification. A classic example of this concept is the liability which attached to the inaction of the on-scene supervisor during the beating of Rodney King in Los Angeles in the early '90s. Vicarious liability under § 1983 will require, at a minimum, that gross negligence or greater culpability be attendant to the supervisory action or inaction. Where State law tort claims come about, the concept of *respondeat superior* may attach liability to the employer itself, where permitted under State law. Recall, however, that *respondeat superior* (which is liability based upon the mere employment of the officer) is not a permissible basis of recovery under § 1983.

Municipal Liability

From the standpoint of so-called "deep pockets" liability, municipalities and their insurers are greatly at risk. A municipal entity is not liable for the acts of its officers under § 1983 merely because it employs them. The officers' infliction of constitutional injury must have been in furtherance of the "policy," "custom" or "practice" of the municipality before the treasury of the municipality is exposed. "Policy" may be deemed to exist in a number of ways. Written policies and directives may be indicative of the municipality's "causation" of a Plaintiff's injury through its officers, but often the injury suffered cannot be directly attributed to anything in writing, although it is well-known that "It's always been done that way." In such situations, development of a history of constitutional violation by the offending agency's officers can suffice to establish the custom or practice by the Plaintiff. For purposes of municipal liability, however, mere establishment of a policy, custom or practice is not enough to impose liability. The policy, custom or practice must have been such as to have proximately caused a deprivation of the Plaintiff's constitutional rights (or Federal statutory protection). In our previous discussion of § 1983 liability for pursuit and emergency response activities, we identified the Fourth and Fourteenth Amendments as significant sources of constitutional protection for Plaintiffs, and as significant limitations on an agency's emergency vehicle operations. At this point, some discussion is necessary regarding how violations of constitutional protection can impose liability on a municipality. Specifically, we must discuss the impact which *City of Canton v. Harris* has had on law enforcement emergency vehicle policy, operation and training. At the conclusion of this chapter we will discuss *Canton* and its impact on risk management for law enforcement emergency vehicle operations.

City of Canton v. Harris

In 1989 the US Supreme Court effectively served notice that municipalities and their law enforcement agencies must be accountable for the critical law enforcement functions of their officers. The *Canton* case, on its facts, is not related to emergency vehicle operations, but the court's holding and the language of the now famous "footnote 10" are fundamentally important to protecting the public and officers alike. The *Canton* case was a § 1983 action commenced by a woman who suffered "severe emotional distress" after being arrested by officers of the Canton, Ohio, Police Department. The substance of her claim related to an alleged failure to provide her medical attention when she was booked into a detention cell at police headquarters. In essence, Ms. Harris's complaint was that she was deprived of her due process right to medical attention by the city because there was inadequate training of intake officers to recognize when an arrestee was in need of medical care. Ms. Harris was taken to the emergency room of the city hospital upon her bonding out and was admitted to the hospital for treatment and, after release, was treated on an outpatient basis for a significant time period. The court, in analyzing her claim, noted that certain law enforcement activities require meaningful officer training if members of the public are to be protected against constitutional injury. Of critical importance to our discussion of emergency vehicle operations is the court's language in footnote 10 of the opinion. In describing law enforcement activities which require significant training, the court stated:

> For example, city policy makers know to a moral certainty that their police officers will be required to arrest fleeing felons. The city has armed its officers with firearms, in part to allow them to accomplish this task. Thus, the need to train officers in the constitutional limitations on the use of deadly force, see *Tennessee v. Garner*, 471 US 1 (1985), can be said to be "so obvious," that failure to do so could properly be characterized as "deliberate indifference" to constitutional rights. It could also be that the police, in exercising their discretion, so often violate constitutional rights that the need for further training must have been plainly obvious to the city policy makers, who, nevertheless, are "deliberately indifferent" to the need.

The holding in *Canton* is that municipal policymakers must be cognizant that certain activities of their law enforcement officers run the great possibility of causing injury to citizens if officers are not trained in the performance of the activities. While footnote 10 discusses the use of deadly force under *Garner*, responsible inquiry by law enforcement administrators must be into all law enforcement activities which expose the public, and officers themselves, to extreme risk of injury if not properly carried out. From a statistical standpoint, we would all likely agree that a law enforcement officer is much more likely to engage a suspect in pursuit than to discharge a firearm (other than for training or animal humane purposes) during a career. Yet, the predominant focus of law enforcement policy and training has been on firearms usage. Likewise, law enforcement administrators have traditionally focused on firearms as the virtually exclusive means of inflicting deadly force. Recently, cases like *Brower* have caused us to reevaluate our pursuit operations as potential deadly force applications.

The bottom line for municipal law enforcement is that if a failure to provide policy and training to officers in "critical functions," such as emergency response and pursuit, can be classified as "deliberate indifference" to the constitutional rights of members of the public and constitutional injury occurs; then municipal liability will likely attach.

Liability for State Officers

A fundamental question unanswered in the foregoing discussion is the liability exposure faced by officers employed by State law enforcement agencies. This area is of critical importance because of the general proposition that neither a State nor its officers, who are acting in "official capacity," can be sued in Federal court, or for that matter in a State court upon a federally based cause of action such as 42 USC § 1983. This prohibition, however, is not an ironclad protection against any lawsuit for State officers, to include sheriffs and their deputies who may be classified as "State actors" under the laws of their respective States. A State claim based upon negligence, or some variation thereof, can have application against virtually any State or local officer.

From the standpoint of § 1983 exposure, however, liability can attach against a "State actor" only in that officer's personal capacity. Distinguishing what constitutes an official capacity act from that which constitutes a personal capacity act can prove tricky. It should also be noted that, as a practical matter, a Plaintiff will likely allege in the Complaint that the acts of the officer which resulted in injury occurred in the officer's personal capacity. Because of the extensive effort which must be expended in the course of pretrial discovery to identify whether the acts were actually personal or official capacity, an insurer will likely intervene to defend the officer. While such an approach by Plaintiff's counsel may appear to be unfair in some clear-cut instances, the reality is that it frequently is utilized to tap into the pocket of the employing governmental entity. Therefore, as a practical measure, State officers may take little solace in the protection purportedly afforded them and, as an operational concern, should tailor their conduct accordingly.

Part 2 - Risk Management and Liability Reduction

Risk Management: Definition and Benefit

The concept of protecting oneself by taking appropriate precautionary steps before embarking on a potentially hazardous undertaking is neither novel nor earthshaking. It is a commonsense proposition. Most of us would agree that the better we prepare ourselves for a likely adverse eventuality, the better we will be able to deal with it should it occur. In its most basic form, this is an operating definition of the concept known as risk management. The goal of effective risk management is to accurately and prospectively identify *potential* hazards, prior to their occurrence, and to put into place reasonable and cost-effective, protective measures which will prevent the hazards from becoming *actual*, or at least catastrophic, occurrences.

To understand the benefit of effective risk management requires that we understand that being unprepared for hazards has financial, operational and emotional impact both on law enforcement agencies and the governmental entities they serve. Financial and emotional hardship may also be caused to the members of the public officers have sworn to protect and serve. In some agencies there is a smug and erroneous perception that, once an incident has occurred, law enforcement operational exposures are an insurance company's problem. Such a shortsighted approach ignores the fact that insurance premiums are borne by the agency either directly or indirectly through its budget allocation. Perhaps the best justification for effective law enforcement risk management measures is the budget savings which can be reallocated, away from law enforcement liability or automobile insurance premiums, to critical law enforcement needs such as increased personnel, new equipment or funding for training.

"Front End" Risk Management

Risk management for law enforcement agencies should be what is called a "front end" proposition; that is, it should be put into place well in advance of the occurrence of the contingencies which invite hazards, so that adequate steps can be taken to provide protection. Unfortunately, we do not live in an ideal world. Risk management must sometimes take an "after the fact" approach; which many of us might colloquially refer to as "damage control". We will address here both "front end" and "after the fact" risk management. In order to understand the application of these concepts, a short look at the principle of risk management is necessary.

Basic Principles of Risk Management

Risk Management is an ongoing process which consists of four basic steps.

Step 1

Identifying the hazards or potential hazards which face an organization. These hazards and potential hazards are commonly referred to as "exposures." Exposures can vary widely from such concerns as an inadequate training budget to outdated equipment.

Step 2

Determining the means of reducing (i.e., eliminating or curtailing) the identified exposures. These means must be realistically within the capability of the organization. Examples of exposure reduction might include increasing the amount of training provided in certain "critical function" areas such as EVO, reviewing the organization's progressive discipline policy, or revising the organization's pursuit policy in light of recent court decisions.

Step 3

Implementing appropriate measures for reduction of exposure. This is the logical follow-through to step 2 and may include the use of such risk management processes as policy development, training, post-incident reporting requirements and enhanced public relations efforts.

Step 4

Monitoring the effectiveness of the selected exposure reduction measures and implementing changes as appropriate. This step requires recognition that the risk management process is not a onetime undertaking, but a constantly evolving program which should be continually updated.

Identifying Exposure

In many respects this part of the risk management process is the most difficult. Any number of considerations may explain an agency head's reluctance to address the possibility that the operations or policies of the agency may be deficient or otherwise open to attack. Even where the agency head is willing to entertain the possibility, the logistical or financial aspects of an identification process may appear overwhelming. A number of options present themselves as means of identifying agency exposures. In the ideal setting, each law enforcement agency would undertake an objective and intensive self-study of its organization, staffing, operations, policies and procedures, insurance (to include workers' compensation) losses and litigation profile in order to accurately depict its state of exposure. Unfortunately, few agencies have the resources, financial or human, to undertake such a gargantuan effort. Some agencies, in the course of seeking agency professional accreditation, may successfully accomplish many of these tasks and gain significant insight into actual and potential exposures. However, the cost of participation in a nationally recognized accreditation program may be more than a small agency, or its municipality, wishes to. Still other agencies discover some of their actual exposure in a most unfortunate fashion; they are sued.

Somewhere between being sued and undertaking the ultimate self-study, there is an approach to exposure identification which will serve the needs of the "average" law enforcement agency. We will refer to this approach as the "critical functions" assessment.

The Critical Functions Assessment

Most law enforcement agency heads have a fairly accurate concept of where their agencies are likely to come under legal attack. While risk management, in a pure sense, does not deal exclusively with legal exposure, the ever-present potential for police civil liability places it towards the top of most agencies' list of exposures. From a national perspective, a handful of functions appear to present the greatest operational exposure for law enforcement agencies. The purpose of the "critical functions assessment" is to identify those functions performed by the agency which, because of their great potential for serious injury if improperly performed by officers, warrant review. A "critical function" may be one which does not occur frequently, but has great potential for injury, such as an officer's use of deadly force in attempting to stop a dangerous fleeing suspect; or it may be one which does occur with relative frequency and which has high potential for serious injury, such as an officer's vehicular pursuit of a stolen vehicle.

Law enforcement use of force, use of deadly force, and emergency vehicle operations, are three of the most significant operational exposures faced by agencies, because of their potential for serious or fatal injury, potential financial impact based on settlement or judgment, and foreseeability of occurrence. In evaluating liability exposure, an agency should review with its Risk Manager, City or County Manager, or other person responsible for tracking claims and lawsuits, the current and historical litigation status of the agency, to include settlement decisions. Such a review should help focus on current and past problem areas which may warrant increased attention. It is important to remember that the fact of a lawsuit does not, in and of itself, represent that the agency is deficient with respect to its treatment of an operational area. It does, however, serve to send up a "red flag" for an area which should be carefully examined individually and in conjunction with similar cases, in an attempt to discern whether a trend is developing.

Determining the Means of Exposure Reduction

The means of reducing identified exposure for law enforcement activities are as wide and varied as the creative minds of law enforcement officers. Risk management is not solely a proposal for Risk Managers. To the extent that a law enforcement officer is concerned about the welfare of fellow officers and serving the public, risk management is a matter for every member of the agency.

Exposure reduction can run the gamut from enhanced training programs, to individual counseling of a subordinate, to implementation of a progressive discipline scheme for violations of policy. Exposure reduction measures should not be directed only to actual incidents which have already resulted in exposure. This approach would amount to nothing more than "damage control." Exposure identification must involve honest and intelligent projection of potentially problematic areas, based upon feedback from line officers and supervisors, and observed trends. Exposure identification will be driven somewhat by the idiosyncratic nature of the law enforcement function under review, and the legal and policy directives which address the area.

Implementing and Monitoring Exposure Reduction Mechanisms

Reduction of exposure cannot come about unless implementation and monitoring of exposure control occurs. This process of implementation is what is called risk control, or risk management. Technically, risk management refers to the entire process of identification of exposure through follow-up by monitoring. Regardless of the name we assign the process, unless there is follow-up to ensure that our selected mechanisms are working, the process of risk management will become nothing more than a senseless exercise. The monitoring process is a feedback mechanism and a system of verification. The same measure, taken in the initial step of the risk management process - identification of exposure - becomes once again critical for the monitoring phase of the process. The risk management process is an ongoing and continuous, if not circular, process which warrants constant updating.

Application of the Risk Management Process to Emergency Vehicle Operations

Identifying Emergency Vehicle Operational Exposures

Determining exposure for an agency's emergency vehicle operations (EVO) involves agency review of historical loss data (both from a liability and workers' compensation standpoint), review of litigation (both pending and completed), and polling of line officers regarding issues arising in the course of vehicular law enforcement. Agencies should not rely solely upon examination of those EVO occurrences which result in property damage or personal injury. Exposure for EVO can come about through a "policy, custom or practice" of unconstitutional behaviors. Thus, although only a portion of EVO incidents may have actually resulted in personal injury, it is possible that a pattern of unconstitutional, or merely negligent, behaviors could be in place. While severe injury might arise from only one incident in the ongoing pattern of behavior, the exposure of a municipality could very well be based upon the pattern; whereas an isolated incident would not likely have implicated the municipality.

Perhaps one of the best mechanisms available for identifying EVO exposure, and identifying means of reduction, is the "pursuit after-action report," (See Chapter 6 Module 4). While many agencies require such reports when personal injury has occurred, or where there is the perceived likelihood of a lawsuit, the better practice is to require them after each and every pursuit. In this fashion, an agency will be able to freshly document the specifics of each pursuit, thereby building a file to assist in litigation defense, and be able to counter allegations of a pattern, custom or practice which seeks to attach liability to the municipality. Another benefit is that this approach enables officers to learn from the specifics of their behavior, and to revise training as necessary to remedy problem areas which surface when the reports are reviewed.

Identifying Means of Exposure Reduction for Emergency Vehicle Operations

Identifying a means of reducing EVO exposure requires that we inquire into the variables which may have significant effect on the exposure. Where EVO is concerned, there are three major variables: environment, vehicle and driver. Collectively, these three could be called an "interactive triangle." Changes in one will likely affect the other two. Experienced EVO trainers recognize that control may be exercised over the behavior of only one corner of the triangle in the course of a pursuit - the driver. While law enforcement officers "control" their vehicles in the course of a pursuit, the reality is that the vehicle operates under strict principles of physical dynamics which the officer cannot alter. Wishing that a police cruiser would stop in a hundred less feet in order to avoid a collision does not change the physical behavior of the cruiser. Likewise, wishing that a sudden rainstorm would stop, or that a stretch or road had not buckled has little effect on meteorological or physical reality. Only the behavior of the driver can be controlled or altered in the course of the pursuit. Therefore, our focus must be on the driver if we wish to effectively reduce exposure.

The available means of reducing EVO exposure are many. Most of us will readily cite training and policy as two principal means of addressing exposure. These measures are the most critical and effective means available to a law enforcement agency to "get hold of" its exposure. In a specific sense, however, training and policy must be agency- and officer-appropriate before they can have any utility for the risk management process. As an example, the term "police driver training" connotes to many officers time spent on the track at high speed, or otherwise getting a "feel for" a police vehicle. However, if an evaluation of pursuit after-action reports shows a trend in which the majority of occurrences relate to controlled intersection collisions, the more appropriate training might be related to officer decision-making as opposed to technical skill development. It is fair to say that the majority of law enforcement officers are relatively proficient technical drivers but could probably benefit from training related to pursuit decision-making. Unfortunately, from a policy standpoint, many agencies are of the opinion that advice to their officers to "use good judgment" and to "comply with State law" in the course of a pursuit is sufficient to control exposure.

As means of exposure reduction, training and policy are the most critical measures available to an agency. Every agency must tailor both policy and training to reflect its actual operational profile and to meet the demonstrated needs of its officers. From a risk management perspective there are no "shortcuts" to effective policy and training. From a pursuit policy development standpoint, there is a dire need to "cover all bases" to insure that agency guidance to officers addresses each critical component of pursuit operations. Checklists (See Chapter 3), can serve as helpful tools in the drafting of pursuit policy. Failure to accurately identify exposure problems, utilization of untested or unread, "off the shelf" policies, and unquestioned implementation of generic training materials are ingredients for financial disaster. Additionally, there is a critical need to obtain officer input and "buy in" to the agency's pursuit policy, lest it be disregarded as "unrealistic."

Revisiting City of Canton v. Harris

After *City of Canton v. Harris*, municipal law enforcement agency heads and risk managers were effectively put on notice of the grave potential for § 1983 liability for uncontrolled police activities. The "deliberate indifference" standard approved by the US Supreme Court extended an invitation to revisit the inventory of "critical" functions performed by the municipal police agency, and to identify standards for their performance and make provisions for training before the advent of a lawsuit. The message of *Canton* was that management of the risks associated with such critical functions as pursuit is the principal key to achieving the critical balance between enforcement objectives and protection of the community.

Conclusion

Effective front-end risk management, and thus liability reduction, can only come about where there is open and honest communication between those sharing in the risk. Two principal partners in the risk are the governmental entity's risk manager, if in fact there is such a person, and the head of the law enforcement agency involved. Ongoing dialogue between these two key actors should not contain phrases such as "this is strictly a law enforcement matter" from the law enforcement side, or "this is a matter of administrative concern only" from the risk manager or the administration side; or any variation on these themes. The outcome of such dialogue will certainly be an aftermath of finger-pointing and ill-will when pursuit or emergency response claims inevitably come about. The proportional percentage of law enforcement claims to a municipality's overall loss history is generally high. Common sense dictates that identification of the areas where claims are likely to occur will assist in managing them. Support may be required from the administration in funding additional equipment or training needs. Courage will also be required to "fix" observed deficiencies rather than hope that a suit will not come about. The management of EVO risks, whether under § 1983 or conventional State tort action, must be an open dialogue complemented by free exchange of information. The bottom line is that risk management must be a proactive process by which law enforcement identifies the risks of its operations, and then acts upon the identified risks to reduce liability exposure and increase public safety. Ignoring the red flags which signal deliberate indifference is a sure invitation to financial disaster.

CHAPTER 3

EMERGENCY VEHICLE DRIVING AND POLICY

When developing an emergency vehicle driver training program, consideration must be given to three important factors – developing and implementing policies that describe and regulate the training process, the emergency vehicle operation policies of the agency that provides the training, and the needs of the agencies that will be the clients of the training, if the same training program serves multiple agencies.

Because of the need to have policies that regulate the training itself, there is a need to familiarize the students with these policies at the beginning of the program. In some cases the students will also need to be trained or refreshed on the policies of the agencies that they represent or will work for, or at the very least, the techniques and methods taught must not violate the policy of one or more of the agencies served by the training program. Those who conduct the training should also be consulted whenever practicable, in the process of drafting the agency's emergency vehicle operations policies. These trainers may be in the best position to evaluate the capabilities of the officers and the equipment that will be used to implement whatever policies are developed. In addition, on-going feedback from officers and supervisors from the street perspective will assist in keeping training practices and policies current and practical.

Regulation Of Training Programs

Policies that regulate the training should cover, at a minimum, the following topical areas:

- Criteria for development and approval of the training program, including but not limited to job task analyses, learning goals and performance objectives, and written and performance-based testing procedures.

- Procedures for periodic review and updating of the curriculum.

- Procedures for the training and approval of instructors in the program.

- Procedures to follow when a student fails the program, including any procedures for review and retesting and any restrictions on the student's activities pending retesting.

- Procedures for purchasing and equipping of law enforcement emergency training vehicles and the purchase of other relevant equipment. Whenever possible, training vehicles should be equipped as similarly as possible to the actual fleet vehicles that the students will be driving on the job.

- Procedures regarding the use of simulation technology where available to supplement, but not replace, hands-on skills training with actual law enforcement vehicles.

- Safety procedures and precautions to be observed including vehicle inspections.

- Student and instructor safety equipment, approval of course modifications, and student and instructor behavior.

- Requirements for basic and periodic ongoing law enforcement emergency vehicle operations (in-service) training.

Agency Vehicle Operation Policies

Each law enforcement agency should develop and adopt policies and procedures to be followed by its members regarding routine driving of agency vehicles, and the operation of emergency vehicles both in response to urgent radio dispatches and in vehicular pursuit and roadblock situations. In the development of new policies, standards of the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) should always be consulted so that accredited agencies remain in compliance and non-accredited agencies will find it easier to achieve compliance should they seek accreditation in the future. Administrators, supervisors, department legal counsel, insurance risk managers, line officers and trainers should all be invited to give input whenever these high-liability policies are developed or revised.

It is insufficient to simply develop and pass a policy - the policy is of no value unless the agency's employees are familiar with it and understand it, and the administration enforces it. Each agency should have a methodology for periodic review of the policies that are in effect, and for dissemination of the policies and revisions to all affected employees, as well as training and periodic refresher training in these policies. Systems should also be in place to ensure compliance through appropriate supervisory oversight. Should discipline be necessary in policy compliance issues, it must be carried out quickly or run the risk of custom and practice becoming the prevailing behavior of line officers.

Policies should also provide for review of each collision of a law enforcement vehicle by a review board or other means, to determine if the collision was preventable or non-preventable. This process will also show whether the operator of the emergency vehicle was following agency policy. The reviewing body or party should make recommendations to management as to the need for remedial training or discipline, and advise management as to any deficiencies that become apparent in policy and procedures, training programs or vehicle equipment as a result of this review process.

Policies Regulating Routine Driving

Policies that regulate routine driving should include at a minimum the following topical areas:

- Pre-shift vehicle inspection, reporting and repair of vehicle damage and defects.

- Requiring all employees to drive with courtesy and obey all traffic laws, setting an example for the public.

- Restricting the use of departmental vehicles to official purposes or, in the alternative, regulating the use of any "take-home vehicle" programs.

  " Mandating the use of seat belts.

  " Transportation of prisoners in agency vehicles.

  " Mandating initial and periodic refresher courses in defensive driving.

  " Establishing a process for the investigation and after-action critique of all collisions involving agency vehicles to determine that agency policies were not violated, and to detect and provide remedial training and, where necessary, disciplinary correction for officers who have preventable collisions with agency vehicles.

Policies Regarding Emergency Runs

Emergency runs are equally as dangerous as pursuits, although they have historically not received as much adverse publicity. Personnel who drive emergency response vehicles must be trained to continually evaluate the situation when on an emergency run. They should consider if the totality of the circumstances warrants initiating or continuing an emergency run or if a response at reduced speeds would be a better choice. Supervisors and dispatchers must receive training in the appropriate assignment of coded responses for these runs. The responding officer is of no value at the scene if he or she is delayed by a collision while en route.

Escorts of other emergency and civilian vehicles in emergency situations are also fraught with danger. Frequently when one emergency vehicle escorts another through an intersection, other motorists will assume that the way is clear when the first emergency vehicle has passed, and pull out in front of the unanticipated second vehicle. Unless the primary emergency response vehicle does not know the way to the scene, there is no need for a law enforcement escort if it is equipped with proper emergency warning devices. Unless absolute life and death situations dictate otherwise, private vehicles should not receive emergency escorts to medical facilities. The sick or injured persons should be transferred to an ambulance, or as a last resort, transported in a law enforcement vehicle.

Training of drivers of emergency vehicles who respond to emergency 911 calls should also include the proper use of emergency warning devices, safety precautions to follow when multiple emergency vehicles are responding to the same event, and any exceptions to the rules of the road granted to emergency vehicles under the traffic codes of the particular jurisdiction. Close examination and a clear understanding of the applicable state and local laws covering emergency vehicle operations is a critical component to training and policy initiatives.

Through training, policy and supervisory oversight, agency managers and supervisors must ensure that law enforcement emergency vehicles are driven within the parameters of policy and applicable emergency exceptions to the vehicle code, and with due regard for the safety of all.

Each law enforcement agency should develop and implement protocols to ensure that its vehicles are well-maintained through regular preventive maintenance programs, prompt reporting and repair of defects, and set replacement schedules that minimize the use of patrol vehicles with excessive mileage. Inspection procedures should also be initiated immediately following involvement in any pursuit or in those circumstances involving curb strikes or obvious mechanical failure.

Policies Regulating Vehicular Pursuits

Vehicular pursuits present dangers to the lives of the public as well as the officers and suspects who are involved.

The National Commission on Law Enforcement Emergency Vehicle Operations, convened by the International Association of Chiefs of Police (IACP), in 1995, pointed out that there is no reliable nationwide database that tells us how many pursuits occur each year, where they are initiated, or the end result. Studies in some jurisdictions, including Florida, Michigan and California, indicate that the majority of pursuits are initiated for routine motor vehicle code violations, and that in some jurisdictions as many as 25% of pursuits end in crashes.

However this data expresses only half of the equation. The other half is what might happen if the pursuit had never been initiated. Many times, what the officer believed was a minor motor vehicle violation led to the discovery of a serious crime and a felony arrest. In California, where all pursuits by state, local and county agencies must be reported to the California Highway Patrol, data that they have gathered indicates that it is infrequent that the drivers of pursued vehicles are charged only with a traffic infraction and that when felony charges are made, they most often involve something other than eluding pursuit. Anecdotal evidence from law enforcement agencies nationwide also indicates that many persons who have committed serious crimes, from serial killers such as the late Ted Bundy to the Oklahoma City bomber, Timothy McVeigh, have been stopped as the result of a traffic offense.

Therefore, while it might be practical for a few agencies to ban vehicular pursuits or to restrict them to known felony offenses only, such a policy would be impractical in many other jurisdictions. It is more feasible in most agencies to adopt policies that require a balancing of the risks involved on a fluid, case-by-case basis, of initiating or continuing a pursuit versus the probable results if the suspect in not apprehended. The results of a strict "no-chase" policy might send a clear signal to lawbreakers that they could both violate the traffic codes and commit crimes with little fear of being caught, by simply refusing to stop for an officer.

Types of Vehicular Pursuits

Vehicular pursuits range from those involving suspects driving slowly and cautiously but refusing to stop, to individuals driving at high speeds with total disregard for lives and property. In some pursuits, an officer may be able to identify the driver, terminate the chase and apprehend the driver later on a warrant. Other pursuits may involve an unknown person driving a stolen vehicle. Laws and ordinances that hold the registered owner responsible are of no value if the vehicle is stolen or operated by a wanted fugitive.

Sometimes, the pursuing officer can increase following distance and reduce their speed, hoping the suspect will reduce their speed as well. Often, however, the suspect will continue to drive dangerously unless apprehended. Much depends on the good judgment and common sense of the pursuing officer, the supervisor, and the radio dispatcher, as well as the totality of the circumstances. For this reason, it is difficult to anticipate and codify in a policy all the possible situations an officer will encounter.

Supervisory control of a pursuit enables a third party who is not emotionally involved to guard against the "pursuit fixation" that may cause pursuing officers to throw caution to the winds in the excitement of the moment. However, some rural agencies, state police and highway patrol officers may not have a readily available supervisor to consult, and will be required to oversee their own pursuits.

If the suspect attempts to escape from a violent felony or is likely to cause death or serious injury unless immediately apprehended, forcible stopping techniques such as a roadblock or deliberate physical contact between the law enforcement vehicle and the suspect vehicle may be legally justified. Nevertheless, many of these tactics require in-depth training to perform properly and the risk of injury to an officer, a suspect or an innocent third party is such that they are best employed only under the most exigent of circumstances. The cross-reference to a law enforcement agency's use of deadly force/deadly force policy is advisable as officers justify a life-threatening situation that warrants immediate intervention.

In light of these factors, law enforcement agencies have taken a variety of approaches to vehicular pursuits, ranging from an absolute ban to allowing wide officer discretion, depending on local laws, geographic and traffic conditions, availability of backup, field supervision, pursuit termination devices, and departmental philosophies. Once the policy is formulated, it becomes the trainer's obligation to explain it to the affected personnel.

The IACP Sample Pursuit Policy

In October 1996, the International Association of Chiefs of Police passed a resolution regarding vehicular pursuit and enacted a sample policy that appears at the end of this chapter. Drafted by the Association's Highway Safety Advisory Committee, the new policy replaced two separate IACP policies, one that had appeared in the Manual of Police Traffic Service Policies and Procedures published by IACP in 1968, and one circulated by the IACP Policy Center, along with a concepts and issues paper on pursuit, that did not constitute official IACP policy.

After being tasked by the IACP Board of Officers with developing a new policy, the Highway Safety Advisory Committee concluded that it was impractical to ask law enforcement agencies worldwide, or even in the United States, to adopt a single, standardized policy on law enforcement pursuits. The Committee felt there were a number of issues that should be addressed by any pursuit policy, and sought to isolate and define those issues. It was therefore recommended that law enforcement agencies develop, adopt and enforce formal written directives tailored to the needs of each individual jurisdiction, with particular emphasis on public safety concerns. These directives should be used by officers for initiating, continuing and terminating vehicular pursuits. IACP recommends that these directives also address the training of the agency's officers, supervisors and communications personnel on pursuit-related issues.

The IACP sample policy was based on the aforementioned recommendations of the National Commission on Law Enforcement Emergency Vehicle Operations, and was necessarily generic in nature, with individual agencies encouraged to consider more appropriate policies based on individual conditions and needs.

Pursuit Justification

There are times when the apprehension of a fleeing suspect may be necessary to avert further criminal offenses. For example, interstate highways have become major "pipelines" for the distribution of illicit drugs and drug couriers are frequently apprehended in traffic stops. The IACP avoided advocating either a flat prohibition on pursuits, or a "felony only" policy, however, they also recognized that local conditions in some jurisdictions might make such a policy feasible or necessary.

Pursuit Training Requirements

Before operating a law enforcement emergency vehicle in pursuit situations, law enforcement officers should be trained to balance the need for immediate apprehension of a violator against the potential risks and hazards of a chase. Before using forcible tactics such as stationary or rolling roadblocks, ramming, and other collision techniques, or the use of spike strips, officers should be thoroughly familiar with the agency's use-of-force policy and trained in any tactic that will be attempted.

Appropriate training should be provided at the law enforcement academy or law enforcement agency in pursuit policies as well as tactics before emergency vehicle operators are assigned to any position within the agency that might necessitate pursuit or tactical driving. Periodic re-training (in-service) should be provided on the department's use-of-force policy and its relationship to pursuit operations, procedural changes and legal updates.

Pursuit Policy Contents

The IACP has recommended that each law enforcement agency that operates emergency vehicles adopt formal, written directives tailored to their unique needs and circumstances, and emphasizing public safety concerns. It is recommended that these directives set forth the procedures for initiating, continuing, ending, reporting and reviewing vehicular pursuits and the training of its officers, supervisors and communications personnel in pursuit-related issues. Responsibilities for participating, reporting and evaluating pursuits should be clearly defined for each person involved.

The IACP has also recommended that each law enforcement agency establish a method for critiquing officer, supervisor, communications and equipment involvement in a pursuit to identify areas of policy, training and equipment deficiencies, and/or policy violations.

Developing Defensible Pursuit Policies

What follows are 13 Components of a Defensible Pursuit Policy, that could be used as guidelines for developing a defensible pursuit policy. Each has an explanation of what should be covered in that particular section. The components need not necessarily appear under these headings, but the concepts should be included.

1. **Mission Statement**. The mission of law enforcement is to protect lives. This section serves not only to remind officers of their ultimate responsibility, but sets the tone from a liability standpoint.

2. **Rationale**. What is the purpose of pursuing? Generally this section will recognize that the purpose is to apprehend suspects who will be brought to trial. The purpose is not to engage in a contest with the suspect. The section should focus on the need to immediately apprehend, balanced against the danger to the public and availability of alternatives to pursuit.

3. **Definitions**. Officers must communicate with a common vocabulary. Perhaps most critical is the definition of a pursuit. All critical terms must be defined clearly.

4. **Initiation and Termination Factors**. The purpose of policy is to define and circumscribe officer discretion. The most important aspects of discretion concern when to allow or prohibit vehicle pursuit, and when to require termination. This section should reinforce the fact that termination of the vehicle pursuit may be the most appropriate decision under certain existing circumstances. This section should also address the agency's policy regarding such potentially high-risk tactics as operating the wrong way on one-way streets or highway entrance ramps, paralleling a pursuit on another street, and of course, the emergency vehicle exemptions allowed and obligations imposed by the vehicle code of the particular jurisdiction.

5. **Pursuit Tactics**. The important factor in this section is to clearly explain the parameters for employing any tactic designed to stop the movement of the suspect vehicle. Permissible tactics should be defined up front. Like-wise, impermissible tactics should be identified and specifically prohibited. This section is crucial because of the need to coordinate certain tactics (such as roadblocks, tire deflating spikes and ramming) with department policy on use of force. Identification of permissible tactics is also important from the standpoint of identifying necessary training for officers who will engage in pursuits.

6. **Supervisory Responsibilities**. Whenever possible, a supervisor should have responsibility for the vehicle pursuit. Supervisors should be involved to the degree that they can control the pursuit or terminate it, if necessary. Likewise, the supervisor must bear ultimate field responsibility for decisions to use extraordinary measures such as roadblocks. In the event that no supervisor is available, the ultimate responsibility of the vehicle pursuit rests with the officer.

7. **Communication Responsibilities.** Communication between pursuing units, dispatch and supervisor should be pre-established. This section ideally would define initial and secondary pursuing unit's responsibility for communication and the roles to be played by central or regional dispatch and air support units where available. The section should correspond with the agency's policy on radio communications.

8. **Inter-Jurisdictional Pursuits**. Foremost must be the admonition that the agency's officers are required at all times to comply with their own policy regarding pursuit operations, even when going into the territorial jurisdiction of another department or when dispatch changes hands. Likewise, when providing assistance to another agency entering their jurisdiction, officers should only use tactics that are permitted by their own agency, irrespective of what is requested by the other agency. This section should indicate that officers should never engage in a pursuit unless specifically requested to do so. It is recommended that the number of vehicles involved should not exceed two, except in extraordinary circumstances.

9. **Apprehension/Post-Pursuit Responsibility**. Although sometimes covered in a separate agency policy on arrest or apprehension, it is recommended that a pursuit policy have its own section to address this topic. The section should address who is to affect the arrest of the suspect. The end of a pursuit should not resemble a convention of law enforcement vehicles. Likewise, it should not result in the use of excessive force by officers who may be affected by the adrenaline rush that may accompany a lengthy pursuit. Affirmation of this section should be part of the controlling supervisor's responsibility. In the event that no supervisor is available, a senior officer may be designated to control the scene and maintain professionalism. This section is especially important where crimes have occurred in multiple jurisdictions in the course of the pursuit.

10. **Pursuit After-Action Report.** This section is mandatory from a liability and risk management standpoint. Proactive supervisors and managers must know where deficiencies occur, in order to better protect the public and their officers. After-action reports should be completed within a short period of time after the pursuit is terminated. The reports should be reviewed by a Pursuit Review Board composed of officers not involved in the pursuit and even, arguably in some jurisdictions, citizens. Recommendations of the Pursuit Review Board should be used to refine and improve policy and be used as the basis for administrative discipline where necessary. This section also provides for the gathering of valuable information that can be used to enhance policy and training programs.

11. **Discipline**. This section should put officers on notice that violation of agency policy on pursuit activities will result in administrative discipline irrespective of whether property damage or personal injury has resulted. Adherence to this provision is mandatory if the agency wishes to protect itself against liability lawsuits premised upon allegations of custom or practice of unconstitutional acts under City of Canton v. Harris (See Chapter 6).

12. **Training**. This section must require that officers successfully complete an agency sponsored vehicle pursuit training session that specifically covers the department's pursuit policy. It should also require at least annual updates on both the state statutes and case law affecting policy pursuit operations. Officers who have not attended a course that explains the department's vehicle pursuit policy should not be allowed to engage in a pursuit.

13. **Statutory Reference**. Either by reference within the language of the policy, or by direct reproduction of the statute itself, every policy must acquaint the agency officers with the controlling state emergency vehicle law. Where the statute is inserted in the policy should remain the prerogative of the agency.

General Considerations for Pursuit Operations

Law enforcement agencies need to make themselves aware of, evaluate and to the extent practicable use emerging technology to provide for the safe termination of vehicular pursuits.

Agencies should promote the development of common radio frequencies to facilitate the real-time transfer and control of information between agencies as pursuits pass through local jurisdictions. They should agree ahead of time on the responsibility of each agency as a pursuit passes from one jurisdiction into another.

Where aircraft support is available, it should be used immediately to minimize the risks inherent with close pursuit.

Each law enforcement agency should provide for the collection and periodic analysis of risk data on pursuits and causal factors for any law enforcement vehicle crash. This analysis need not be complicated, but should be designed to assist in identifying training, procedural or disciplinary needs, and should be communicated to appropriate agency personnel.

Each law enforcement agency, either in its use-of-force policy or in its pursuit policy, should stress the importance of proper officer conduct and compliance with its use-of-force policy and constitutional requirements once a pursued vehicle has been stopped. When practical, primary-pursuing officers should take a secondary role in the arrest of the violator.

Conclusion

This Guide proposes that training and policy should be both flexible and adaptive to the unique characteristics, needs, and requirements of each jurisdiction. Clearly, policy comes first. Law enforcement executives are advised to refer to all relevant federal, state and municipal statutes, ordinances and regulations, judicial and administrative decisions to ensure that any policy they draft meets the unique needs of their agency and jurisdiction. It is often helpful to survey other agencies, including national accrediting agencies such as CALEA, and obtain copies of their policies for further guidance during the drafting process.

Training must be supported by policy on a broad range of subjects to include the thirteen components of policy suggested above and agency policy on the use of force as it relates to emergency vehicle operation. The process does not end at training, however. A post incident review process should regularly evaluate the effectiveness of both training and policy. Periodic review should be conducted on all types of vehicle operation issues including all crashes, emergency responses, and especially pursuits.

The review should support policy and training. Based upon periodic review it may become necessary to amend policy or to reinforce existing policy. As these decisions then become the determinants of further changes in training, the cycle begins anew.

This Guide recommends a process, not a specific program. Agencies are encouraged to adapt the process, as well as the IACP Sample Policy that follows, to their own environment.

IACP PURSUIT RESOLUTION

(approved at the 103rd. Annual IACP Conference in Phoenix, Arizona, 10/30/96)

WHEREAS, police pursuits have become an increased focus of attention for public safety officials, the news media and the public at large, and

WHEREAS, an acceptable balance must be obtained between the capture of fleeing suspects and the responsibility of law enforcement to protect the general public from unnecessary risks; and

WHEREAS, there are no uniform reporting criteria or systems in place to accurately account for all pursuits; and

WHEREAS, many agencies have excellent, comprehensive policies in place while others have minimal or no policies at all dealing with pursuits, and

WHEREAS, some states have enacted serious penalties for consciously attempting to elude the police while others have not; and

WHEREAS, there is a need to develop a generic sample policy that can serve as a guide minimum guideline for all agencies involved with pursuits; now therefore, be it

RESOLVED, that the International Association of Chiefs of Police (IACP), duly assembled at its 103rd. annual conference in Phoenix, Arizona, encourages all agencies to adopt written policies governing pursuits, and that these policies contain at a minimum all the elements put forth in the IACP sample policy and that all members of the agency receive familiarization training in the policy; and be it

FURTHER RESOLVED, that the IACP and the National Highway Traffic Safety Administration (NHTSA) develop a uniform pursuit reporting criteria and form to accurately document pursuit involvements and results nationwide; and be it

FURTHER RESOLVED, that the IACP and NHTSA encourage the state legislatures to make it a criminal offense with severe punishments to evade arrest by intentionally failing to comply with the lawful order of a police officer to stop a motor vehicle; and be it

FURTHER RESOLVED, that the IACP, NHTSA and the American Association of Motor Vehicle Manufacturers work together to apply technology that will disable fleeing vehicles and minimize the need for pursuits, and be it

FURTHER RESOLVED, that the IACP adopt the sample policy developed by its Highway Safety Committee and make it a part of the Manual of Model Police Traffic Services and Procedures maintained by the Highway Safety Committee, and that this policy replace and rescind all prior IACP policies on this subject.

Title: Vehicular Pursuit
Policy Number: 1.1
Accreditation Standard(s): 41.2.2, 61.3.4
Effective Date: July 1, 2004
Reevaluation Date: July 1, 2006
No. of Pages: 4
Special Instructions:

I. PURPOSE

The purpose of this policy is to establish guidelines for making decisions with regard to vehicular pursuit.

II. POLICY

Vehicular pursuit of fleeing suspects can present a danger to the lives of the public, officers, and suspects involved in the pursuit. It is the responsibility of the agency to assist officers in the safe performance of their duties. To fulfill these obligations, it will be the policy of this department to regulate the manner in which vehicular pursuits are undertaken and performed.

III. DEFINITIONS

A. *Vehicular Pursuit*: an active attempt by an officer in an authorized emergency vehicle to apprehend a fleeing suspect who actively is attempting to elude the police.

B. *Authorized Emergency Vehicle:* a department vehicle equipped with operable emergency equipment as designated by state law.

C. *Primary Unit*: the police unit which initiates a pursuit or any unit which assumes control of the pursuit.

D. *Secondary Unit*: any police vehicle which becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.

IV. PROCEDURES

A. Initiation of Pursuit

1. The decision to initiate pursuit will be based on the pursuing officer's conclusion that the immediate danger to the officer and the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.

2. Any law enforcement officer in an authorized emergency vehicle may initiate a vehicular pursuit when the suspect exhibits the intention to avoid apprehension by refusing to stop when properly directed to do so. Pursuit also may be justified if the officer reasonably believes that the suspect, if allowed to flee, would present a danger to human life or cause serious injury.

3. In deciding whether or not to initiate pursuit, the officer will take into consideration:

   a. road, weather, and environmental conditions;

   b. population density and vehicular and pedestrian traffic;

   c. the relative performance capabilities of the pursuit vehicle and the vehicle being pursued;

   d. the seriousness of the offense; and,

   e. the presence of other persons in the police vehicle.

B. Pursuit Operations

1. All emergency vehicle operations will be conducted in strict conformity with applicable traffic laws and regulations.

2. Upon engaging in a pursuit, the pursuing police vehicle will activate appropriate warning equipment.

3. Upon engaging in pursuit, the officer will notify communications of the location, direction, and speed of the pursuit; the description of the pursued vehicle; and the initial purpose of the stop. The officer will keep communications updated on the pursuit. Communications personnel will notify any available supervisor of the pursuit, clear the radio channel of non-emergency traffic, and relay necessary information to other officers and jurisdictions.

4. When engaged in pursuit, officers will not drive with reckless disregard for the safety of themselves or of other road users.

5. Unless circumstances dictate otherwise, a pursuit will consist of no more than two police vehicles: a primary and a secondary unit. All other personnel will stay clear of the pursuit, unless instructed to participate by a supervisor.

6. The primary pursuit unit will become secondary when the fleeing vehicle comes under air surveillance or when another unit has been assigned primary responsibility.

C. Supervisory Responsibilities

1. When made aware of a vehicular pursuit, the appropriate supervisor will monitor incoming information, will coordinate and direct activities as needed to ensure that proper procedures are followed, and will have the discretion to terminate the pursuit.

2. Where possible, a supervisory officer will respond to the location where a vehicle has been stopped following a pursuit.

D. Pursuit Tactics

1. Officers will not normally follow the pursuit on parallel streets unless authorized by a supervisor or when it is possible to conduct such an operation without unreasonable hazard to other vehicular or pedestrian traffic.

2. When feasible, available patrol units having the most prominent markings and emergency lights will be used to pursue, particularly as the primary unit. When a pursuit is initiated by other than a marked patrol unit, such unit will disengage when a marked unit becomes available.

3. Motorcycles may be used for pursuit in exigent circumstances and when weather and related conditions allow. They will disengage when support from marked patrol units becomes available.

4. All intervention tactics short of deadly force, such as tire deflation devices, low speed tactical vehicle intervention techniques, and low speed channeling (with appropriate advance warning), will be used when it is possible to do so in safety and when the officers utilizing them have received appropriate training in their use.

5. Decisions to discharge firearms at or from a moving vehicle or to use roadblocks will be governed by the department's use of force policy, and are prohibited, if they present an unreasonable risk to others. They will, whenever possible, be authorized by a supervisor.

6. Once the pursued vehicle is stopped, officers will utilize appropriate officer safety tactics and will be aware of the necessity to utilize only reasonable and necessary force to take suspects into custody.

E. Termination of the Pursuit

1. The primary pursuit unit will continually re-evaluate and assess the pursuit situation, including all of the initiating factors, and will terminate the pursuit whenever s/he reasonably believes the risks associated with continued pursuit are greater than the public safety benefit of making an immediate apprehension.

2. The pursuit may be terminated by the primary pursuit unit at any time.

3. A supervisor may order the termination of a pursuit at any time.

4. A pursuit will be terminated if the suspect's identity has been determined, immediate apprehension is not necessary to protect the public or officers, and apprehension at a later date is feasible.

F. Inter-Jurisdictional Pursuits

1. The pursuing officer will notify communications when it is likely that a pursuit will continue into a neighboring jurisdiction or across the county or state line.

2. Pursuit into a bordering state will conform to the law of both states and any applicable inter-jurisdictional agreements.

3. When a pursuit enters this jurisdiction, the action of officers will be governed by the policy of the officers' own agency, specific inter-jurisdictional agreements, and state law as applicable.

G. After-Action Reporting

1. Whenever an officer engages in a pursuit, the officer will file a written report on the appropriate form detailing the circumstances. This report will be critiqued by the appropriate supervisor(s) to determine if policy has been complied with and to detect and correct any training deficiency(ies).

2. The department will periodically analyze police pursuit activity and identify any additions, deletions, or modifications warranted in departmental pursuit procedures.

H. Training

1. Officers who drive police vehicles will be given initial and periodic update training in the agency's pursuit policy and in safe driving tactics.

This sample policy is intended to serve as a guide for the police executive who is interested in formulating a written procedure to govern vehicular pursuit. The IACP recognizes that staffing, equipment, legal, and geographical considerations, as well as contemporary community standards, vary greatly among jurisdictions; and that no single policy will be appropriate for every jurisdiction. We have attempted, however, to outline the most critical factors that should be present in every vehicular pursuit policy, including the need for training, guidelines for initiating and terminating pursuits, the regulation of pursuit tactics, supervisory review or intervention, and reporting and critiquing all pursuits.

CHAPTER 4

INSTRUCTOR QUALIFICATIONS

Training is a means for developing new knowledge and skills or upgrading a level of performance. It is also used to change behavior and attitudes. Because the ability to drive is a prerequisite for being a law enforcement officer in most, if not all States, law enforcement driver training is aimed at upgrading the level of proficiency in collision avoidance. It can also be used to develop new skills such as emergency response and pursuit driving.

Course content alone cannot accomplish. The professional presentation of the material is as crucial as the curriculum. The manner in which material is presented plays a role in how the information is accepted and whether or not it will make a lasting impression. Consequently, the qualifications and quality of the instructor are a key factor in determining the outcome of the training.

The goal in setting instructor qualifications is to identify the minimum level of knowledge, skills, and abilities necessary to achieve the stated. Sometimes arbitrary standards are set to exclude people rather than to identify competent people. At other times standards are set without a rational basis.

Setting standards too high for arbitrary reasons is detrimental to training programs and agency management. For example, setting a minimum requirement of 10 years driving experience or 5 years of law enforcement driving experience cannot be justified unless there is proof that it takes that many years to acquire the necessary amount of driving skill and judgment. Why should management be deprived of the option of selecting an extremely well qualified person who does not meet an unsubstantiated requirement?

The instructor qualification process is a means of ensuring that the selection and training of instructors is cost-effective. The right person will thus be selected and trained with a minimum expenditure of resources, staff time, cost and intensity of training. The adequacy of a driving instructor training course will be enhanced by an effective qualification process. It will also ensure that only instructors who remain qualified will continue to be recognized.

Selection

Before beginning the selection process, it is necessary to identify the duties and responsibilities of the instructor(s). This will help determine what the selection and training requirements should be. Depending on a number of factors such as the number of students to be trained annually, there may be justification for establishing two levels of driver training instructors, which could be identified as primary and assistant.

In a driving course, an assistant instructor is usually limited to demonstrating a driving exercise, coaching students, and evaluating their performance on the driving exercises. The assistant instructor may also be referred to as a "range technician."

Agencies often assign responsibilities to a primary or lead instructor that go beyond that of the assistant instructor. The primary instructor should possess subject matter knowledge far in excess of that required to actually teach the course.

In many instances an instructor, who lacks the necessary training, is expected to perform the functions of the instructional designer and developer, a supervisor of other staff members, or even a manager of a course or training program. An "instructional designer and developer" analyzes performance discrepancies and determines if training is a cost-effective solution. The designer determines instructional goals, writes performance objectives, constructs written and performance tests, develops instructional strategies, and develops instructor guidelines and instructional materials.

The following list identifies the duties, knowledge, and skills for jobs that are classified as instructor, designer and developer of instruction, supervisor of instructors and/or support staff, and the manager of a training unit. If instructional staff is limited, the agency may require instructors to take on some of the duties and responsibilities of an instructional designer and/or developer.

Review these duties, knowledge levels and skills to determine which apply to your personnel. Do their current job descriptions match the duties and responsibilities they actually have? If not, a change in the job description should be made. The selection criteria and training requirements should match the job description.

Instructor

Duties and associated knowledge and skills

- Lecture and range instruction
- Recognize role and responsibilities as an instructor
- Understand the communication process
- Apply the principles of learning
- Determine types of adult learning
- Incorporate adult learning theories

- Understand the use of instructional guidelines
  - Course syllabus
  - Course outline
  - Instructional goals
  - Performance objectives
- Devise instructional strategies
- Determine methods of instruction
  - Lecture
  - Demonstration
  - Illustration
  - Discussion
  - Group discussion
  - Conference
  - Computer-aided
  - Programmed materials
  - Individualized materials
- Use training aids
  - Chalkboard
  - Flip chart
  - Printed materials
  - Overhead projector

- " Films/slides/video/presentation software
  - # Previewing
  - # Introduction
  - # Presenting, in whole or in part
  - # Discussing the content
  - # Summarizing teaching points
- Use audiovisual equipment
  - " Set up
  - " Diagnose minor equipment problems
  - " Make minor repairs and adjustments
  - " Operate equipment
- Design and develop instructional materials
  - " Rules of content
  - " Legibility standards
  - " Standardized formats
- Identify sources of information and materials
- Recognize rights and limitations on the use of copyrighted materials
- Organize the instructional or learning setting
- Interpret performance objectives
- Modify performance objectives to meet goals of the course
- Develop a lesson plan
- Demonstrate platform skills

- Demonstrate expertise in the subject area to be taught

Testing

Performance Evaluation

- Construction of test items for each performance objective
- Evaluation of test results
- Interpretation of results
- Revision of curriculum or test based on test results

Administration

- Arrange for the use of facilities and equipment
- Supervise assistant instructors and range technicians
- Keep accurate course records

Instructional Designer and Developer

An instructional designer or developer has some of the same duties as an instructor. However, a greater level of expertise is required.

Duties and associated knowledge and skills

- Conduct a job and task analysis
  - " Review existing task analysis for applicability
  - " Write task descriptions
  - " Develop rating scales
  - " Conduct survey
  - " Analyze responses using a computer
- Analyze performance discrepancy
- Conduct an audience analysis
- Write performance objectives

- Develop test instruments
- Select instructional materials
- Develop instructional materials
  - Overhead transparencies
  - Slides
  - Audio/slide presentation
  - Charts
  - Diagrams
  - Exercises with directions
  - Printed student materials, information sheets, manuals
  - Instructor guides
- Identify cost effective teaching strategies and methods
  - Lecture/Discussion
  - Practice and application
  - Seminar
  - Demonstration
  - Coaching
  - Self-paced interactive
  - Self-paced non-interactive (video)
- Develop instructor guidelines
- Develop evaluation instruments to measure
  - Student satisfaction

" Absorption of information and development of skills

" Transfer of training to the job

" Impact of improved performance on the agency goals

Supervisor of Instructional Staff

Even if a supervisor does not do any teaching, there is still a need to have an awareness of the technical knowledge and skills required of those being supervised.

Duties and associated knowledge and skills – Supervision

- Basic supervision knowledge and skills
- Clear understanding of organizational goals
- Recognition of the role and responsibilities as a supervisor
- Knowledge of the instructional process

Manager of Training Course or Program

Even if a manager does not do any teaching there is still a need to have an awareness of the technical knowledge and skills required of those being supervised.

Duties and associated knowledge and skills – Management

- Basic management knowledge and skills
- Comprehension of computer technology as it relates to the training function
- Personnel selection
- Personnel development
- Knowledge of affirmative action and equal employment laws
- Goal setting
- Budgeting

Selection Criteria

Based on your determination of the job requirements expected of a driving instructor, construct a list of selection criteria. The following should be considered for inclusion.

- Completes satisfactorily an approved operator course, preferably the same operator course that will be taught, because it will require less time to teach the management of the course.

- Passes a pretest on safe driving and the general content of the operator course. This verifies that the person has the basic technical knowledge and skills to be taught and ranks the order of the applicants according to knowledge and skills.

- Has the general intelligence and aptitude to complete the required instructor training course. This helps reduce the number of failures and avoids the unnecessary expenditure of resources.

- Meets your model of a successful instructor. The candidate presents an image that is a favorable reflection of the agency and the objectives of the course. Acceptance of instruction depends in part on the image, enthusiasm, and professional demeanor of the instructor.

  " A neat appearance

  " Good grammar and diction

  " Clear tone and pitch of voice

  " Firm bearing

  " Above average job performance

  " Above average knowledge of the subject to be taught

  " Wide acceptance by supervisors and peers

  " No major bad habits or mannerisms

  " Interacts well with students

  " Clear communication

  " Non-dictatorial manner

" Patience with people who fail

- Is aware of the duties and responsibilities of a driving instructor, to minimize turnover of instructors due to disillusionment caused in part by not being aware of all requirements.

  " Preparation time prior to presentation

  " Monotonous repetition of exercises

  " Riding with unskilled drivers

  " Potential motion sickness

  " Alert to everyday happenings associated with driving and able to incorporate them in the training course

  " Need to evaluate performance and revise materials and presentation

- Accepts the assignment voluntarily and freely to eliminate those candidates who do not want to be trainers but who are coerced into the assignment.

- Successfully completes an instructor development program. This reduces the necessity to condense the instructor training program allowing more time on the specific requirements associated with driver training. This additional time may allow training the instructor to a higher level of knowledge. For example, vehicle dynamics and skills such as alternative driving methods to compensate for different physical limitations.

- Receives a favorable evaluation as a current instructor or some assurance from an immediate supervisor that the person has the disposition to be an instructor such as patience with a new worker, or the ability to speak in public.

- Holds a valid driver's license, which complies with applicable laws. Has had no suspension or revocation of a driver's license within the past 5 years and has had no preventable vehicle collision within the last 3 years. Among these requirements, the applicant also holds a positive driving reputation among peers and supervisors, which establishes credibility as an above-average driver.

- Has good night vision and quick recovery from glaring lights, to be able to drive and accurately evaluate night driving.

List your selection criteria and identify the purpose for each, noting its priority levels in order to make your selection process objective rather than subjective. If this fails to identify unacceptable candidates or eliminates acceptable candidates, the weight assigned to each criterion may be incorrect, or criteria may need to be adjusted. Continue to make revisions until you have valid and defensible selection criteria. With experience, you should be able to

develop profiles of instructor candidates who will prove to be excellent performers.

Training

Instructor of Instructors

One key to producing quality instructors is the selection of the "instructor of instructors", or master instructor. The qualifications and supervision of this position is critical. Unsatisfactory performance at this level can produce problems of great proportion at the operator course level. The person or persons selected as an instructor of instructors must have exceptional qualifications, abilities, and experience.

The master instructor must be familiar with the psychological, medical, and physical processes of driving. It is important to be up-to-date on traffic safety studies that pertain to driving and collision causation. This person must be able to determine whether a statement expressed by instructor trainees is valid, invalid, factual, or a matter of personal opinion that is presented as fact. If several persons are acting as a team, each must be exceptionally well qualified in their subject area.

The authority to train other instructors should be restricted to a single person, or to a select group of highly qualified people to ensure the integrity of the program at both the instructor and operator level.

The instructor of instructors should also have the responsibility of monitoring the performance of instructors. Periodic inspections and evaluations should be conducted to ensure continued compliance with established standards and content.

The person should have experience as a driving instructor and should have a solid background in instructional theory. Attendance at nationally recognized driving schools and seminars is recommended.

Requirements for New and Previously Qualified Instructors

Instructors who have already been certified or approved to teach the driving course should be required to take written and performance tests to verify that they are able to meet these higher standards. If they fail, they should be required to attend all or part of the course. At a minimum, the course content for new instructors should consist of the following.

- Instructional knowledge and skills
    - " Skills required for instructors but not covered in a previous basic instructor training course
    - " Skills covered in a previous basic instructor training course but not to the level required for teaching a driver training course

- Driving course content
  - " Knowledge taught in the operator's course to a higher level of technical understanding
  - " Skills taught in the operator's course
  - " Higher level of performance
  - " Tests - use of performance rating forms
  - " Duties and responsibilities
    - # Classroom presentation
    - # Field exercises
      - Q Assignments
      - Q Setting up exercises
      - Q Supervising practice
    - # Demonstrate teaching each exercise to student
    - # Observe student performance
    - # Critique student
    - # Coach student
    - # Evaluate student using the performance rating form

Standards for Completion of the Course

Standards for completion of the course are expressed in terms of instructional goals and measurable performance objectives.

Instructional Goals

The student instructor must be able to relate to all aspects of driving at a level higher than that expected of the best students in an operator course. A student instructor presented with a driving course curriculum with learning objectives must develop the most effective learning process for the students, convert the learning objectives into measurable performance objectives, modify the curriculum to meet local needs, and present the material without any unjustified reduction of content.

Measurable Performance Objectives

A prerequisite for enrolling in the driving instructor training course is the completion of a techniques and methods of instruction course; or the demonstration of competency through written and performance testing. Therefore, the performance objectives can be restricted to the instructional requirements unique to a driving course.

- *Performance Objective - Given a law enforcement vehicle and the tools listed in the course hand-out, the student will conduct a vehicle inspection before taking the vehicle on the range. Verbalize what is being done, why, what is being looked for, and what common mistakes a student may make.*

  Purpose - To verify the student's ability to perform the task at an acceptable level.

  Criteria - All points of the inspection must be completed in the proper sequence without hesitation. The explanation must be complete, accurate, and understandable to a student. All of the most common errors made by a student must be mentioned.

- *Performance Objective* - Given a student, a law enforcement vehicle, and a vehicle inspection sheet, the instructor will direct the student to perform a vehicle inspection and rate the student's inspection of the vehicle.

  Purpose - To verify the ability to perform the task as an instructor.

  Criteria - The students are directed to verbalize what they are doing, what they are looking for, and why. Any errors are noted. Students are advised of the deficiencies in a constructive manner.

- *Performance Objective* - Using an accurate layout of your agency's driving facilities, the instructor will diagram on the layout where each of the exercises would take place, and indicate what logistical problems you would expect and how they would be solved. List what safety rules would be enforced.

  Purpose - To verify the ability to design a safe course.

Criteria - The layout must not have a potential for any safety hazard. It must result in an efficient and effective use of space, the safety rules should be clearly stated, and it should not include more regulations than necessary.

- *Performance Objective* - Given a 100-foot measuring tape, a can of spray paint or chalk, the specification for each of the driving exercises, and a number of traffic cones, the instructor will lay out each of the exercises.

  Purpose - To verify the ability to physically lay out a course according to a diagram.

  Criteria - Each layout is to be completed within a set time and according to specifications.

- *Performance Objective* - Given a law enforcement vehicle, a suitable driving range and a student, the instructor will complete each of the six required driving exercises in an appropriate matter.

  Purpose - To verify the accuracy, completeness, and clarity of the instruction as well as the ability to satisfactorily complete the exercises.

  Criteria - Each exercise must be explained prior to demonstration, then demonstrated while slowly performing it, and then performed at the required speed. Each exercise must be performed without error. The information must be complete, accurate, and understandable. Any question raised by the student must be answered satisfactorily.

- *Performance Objective* - Given a law enforcement vehicle, a student and a rating form, the instructor will direct the student to perform each of the exercises. The instructor will evaluate the student's performance.

  Purpose - To verify that the task can be performed at an acceptable level.

  Criteria - Instructions must be complete, clear, and accurate. All errors committed by the student must be noted, any criticism given in a constructive manner, and the rating form properly completed. At no time is the instructor to lose composure.

- *Performance Objective* - Given the instructional materials for the operator's course, the instructor will identify the part(s) of the course would need modification to meet his/her agency's driving policy and goals, and state why and how they would be modified.

  Purpose - To verify the recognition of what parts of the course cannot be changed and that any changes contemplated are valid and represent the best alterative.

  Criteria - All changes and rationale must meet the instructor's approval.

- *Performance Objective* - Given a group of students and an assignment of the instructor's choice, he/she will develop a lesson plan for a one hour presentation and make the presentation.

  Purpose - To verify that the task can be performed at a satisfactory level.

  Criteria - Display all instructional skills at a level expected of a trained platform instructor. The information presented must be accurate and all questions asked must be satisfactorily answered.

- *Performance Objective* - Given a simulated operator course and student, the instructor will respond to any question pertaining to the operator course content or a reasonably related inquiry.

  Purpose - To verify that the student instructor can clearly and accurately respond to inquiries.

  Criteria - The student instructor must be able to recognize which questions he/she can answer accurately. The student instructor must be able to answer 90% of the questions asked, acknowledge when he/she does not have the correct answer, and be able to locate the correct answer.

Number of Instructors

The manager of a training unit must determine the proper number of instructors needed to facilitate the training needs of the agency. Consideration must be given to ensure adequate numbers are achieved without training more instructors than can be utilized.

A new instructor is not going to have a perfectly developed presentation the first time. Improvement takes place with repetition, and with continued evaluation and refinement of content and instructional strategies. An instructor who is not sure when he/she will teach a course again, or who is not scheduled to teach it within the next six to nine months may have difficulty with presentation quality and improvement. This is especially true if instructing is not his/her primary assignment. Agencies that provide training to a limited number of personnel over an extended period of time may not be able to justify investing in a course or course revisions that have limited use.

A determination must be made as to a cost effective number of instructors who should be trained, and whether it would be more beneficial to develop in-house instructors or contract with another agency to provide the training.

Certification or Approval

In order to be certified or approved, a person should meet each of the following additional requirements.

- Under the supervision of an experienced instructor, conduct all phases of the approved driver course at least once within 1 year of completing the driving instructor course. The supervisor or evaluator must establish performance standards. There are many subtle things to look for, such as body language, stance, attitude toward students and consistency in the terminology used, to avoid confusing the student.

  Purpose - A person must not only have the knowledge, skills, and abilities required to teach, but must also be able to apply them in an actual working environment. This also serves as a check to determine if the instructor training course is consistent and properly training the new members of a team, and not new individual instructors.

- A letter from a previously certified or approved instructor to the certifying or approving agency, stating that the candidate has been observed and supervised while giving instruction and demonstrating exercises, and has shown the knowledge, skills, and ability required to teach, demonstrate, coach, evaluate, and interact with students.

  Purpose - A person who passes a course, even if performance-based, is not always capable of performing to the level expected on the job.

- Completion of all the selection and training requirements. Upon meeting all the requirements, the certifying or approving agency should issue a letter or certificate indicating certification or approval as an instructor. In addition, the names of certified instructors should be on file at a central location.

  Purpose - To ensure the certification or recognition of only persons who meet all requirements.

Maintenance and Revocation of Certification or Approval

A person may be certified or approved as an instructor when proof has been offered to show that the person meets the requirements. Meeting the requirements once does not necessarily mean that the person will remain qualified. The person's knowledge and skills may diminish through inactivity, or by not remaining current with legal and technological changes; or the certifying or approving agency may change the course content, requirements, or instructor standards.

A certifying or approving agency should periodically verify that instructors who carry their recognition continue to merit that recognition. Verification also provides a current list of active instructors.

The maintenance of the qualification process should include the following provisions.

- The person re-registers as a driving instructor once every three years. This is an administrative procedure to ensure an up-to-date list.

- To remain qualified, the person must instruct in at least one driving course each year after certification or approval. This should prevent the cadre of instructors from growing so large that participation as an instructor is sporadic and infrequent, thus reducing proficiency levels.

- The person fulfills the requirements for continued certification or approval as a course instructor, including elements introduced since his/her previous certification.

- The person is evaluated to determine if he/she is teaching the same thing as other instructors, or if something has been added or deleted. Minor discrepancies noted in the ongoing evaluations could thus be corrected with minor adjustments rather than full-scale correction.

Conclusion

The concept of an instructor qualification process is applicable to all agencies, even those that do not have a formal qualification process. The purpose of such a process is to be able to identify a qualified candidate and establish valid instructor training requirements. It also enables you to conduct an on-the-job evaluation of an instructor's performance, establish a mechanism for ensuring that his or her knowledge and skills remain up-to-date, and remove those who no longer meet the standards of the agency.

The specific requirements that are adopted or modified and the manner in which they are implemented are the prerogative of the agency. The purpose for each requirement is given, so that any agency may determine if its particular set of circumstances warrant its adoption or the setting of a higher or lower requirement.

The instructor qualification process begins with the selection of a candidate. Proper selection will bring about many benefits. It will result in the selection of the best candidates available. The selection of candidates who are nearly equal in qualifications will allow for a shorter and more appropriate training course. It will also eliminate those who are not suited for the job assignment and those likely to resign after a short time. The selection criterion is the same, regardless of whether a central training agency selects its instructors from numerous local agencies, or a local law enforcement agency has its own training unit.

CHAPTER 5

FACILITIES AND STAFFING

Staffing

- A critical component of the driver training process is the qualification of those responsible for ensuring the quality of training. The qualifications of those responsible for the design and development of the course, presentation of training and the evaluation of the students should meet a recognized standard.

- There should be an evaluation of an instructor as a beginner and as a part of a periodic review. It must be carried out with objectivity and not as a mechanical or clerical administrative process. For example, determine if all the key parts are being covered. Do all the instructors use the same terminology? Is the language accurately conveying the information? That is, if an instructor should say "steer and brake" does it come out as "brake and steer?" In this instance the instructor could be programming the student for failure.

- Many agencies cannot afford to hire full time instructors to assist with law enforcement driver training. Other alternatives may include:

  " Use master instructor supported by assistant instructors, who can be either full-time or part-time staff

  " Assistance from State training organization

  " Utilize qualified local community or technical college personnel

  " Contract with a private contractor (usually prohibitive due to cost)

- Instructor-to-student ratios should maintain firm control over the actions of students and vehicles. An ideal student/instructor ratio of 3:1 is recommended for most law enforcement driver training. This means that the agency should seek to develop a cadre of assistant instructors upon which they may call on a regular basis.

- One of the best ways to address instructor availability is to pool instructional and equipment resources with several agencies in the region. Many agencies have found this to be an effective way to provide cost-effective and available law enforcement driver training.

- Designated facilities manager in charge of overall range operations.

Driving Range

A number of general concepts and considerations must be taken into account when developing a driver training facility. There are two types of facilities; temporary and dedicated. A permanent dedicated site requires a considerable capital outlay for construction, and continuous allocations for maintenance and staffing. A temporary site could be located in a parking lot, school lot, or any other suitable site with suitable safety buffers. Caution must be exercised in both types of facilities for the safety of the public. There is no one ideal size or design. Each state, agency, or group of agencies must determine its needs and available resources, before proceeding.

Several State training and standard setting organizations have established fairly clear rules for the accreditation or approval of driver training facilities. These rules must be followed at a minimum and usually agencies are allowed to exceed State standards.

Many of the exercises found in Appendix E of this Guide can be scaled to "fit" the variety of training facilities used for law enforcement emergency vehicle operation. In fact, agencies are limited only by the imaginations and creativity of their driving instructional staff in finding facilities suitable for effective training for local conditions. Certainly, any facilities used must comply with accreditation requirements that apply and should provide for the safety of instructors and trainees alike.

The facilities for hands-on training must be adequate for the objectives, such as judgment and decision-making skills, stated in the lesson plan. It must also be large enough to train the anticipated number of students while handling the volume and types of anticipated exercises. Ideally, it should be large enough to develop skills and then demonstrate those skills in a working environment. Laying out exercises with cones in a parking lot is acceptable for teaching and developing a skill. To determine if the student can apply these skills in the job environment, a public roadway that has been closed to public traffic may be an alternative. If possible, the speeds for the exercises should be the same as the speeds required on the job. If this is not possible, then at least the same decision-making problems should be presented in the smaller facility. Psychomotor skills can be developed at lower speeds by shortening distances. However, the level of perceptual skills and the psychological conditions will change. If the facilities are not adequate, the deficiencies should be identified and addressed.

There is a need to differentiate between a fun or interesting layout and a good teaching environment. A road rally course with lots of sharp turns and banks is challenging; however, a training environment for a municipal officer should include the simulation of an urban area, while the training site for a highway patrol officer should include simulated 2-lane and interstate roadways.

If pursuit skills are to be taught, the facility must be able to handle the teaching and demonstration of pursuit skills, tactics, judgments, and decisions - not just high speed driving. If driving skills are to be demonstrated in conjunction with other skills such as responding to a burglary or a holdup in progress, the facility will be different from that of purely a driving course. The realism of the training should be increased as much as possible. Having a dispatch center, an emergency operations center, mock gas station, residence(s), a bar, and other common scenes can create a situational city grid.

Both dedicated and temporary facilities must consider the following regarding location:

- Adequate space for the safe performance of the driving exercises is essential. The size of the space will be dependent upon:
  - " Type(s) of exercises to be performed
  - " Number of exercises performed simultaneously
  - " Number of personnel to be trained
  - " Speeds to be achieved during training
- A location should be selected where there will be minimal impact on the immediate residents due to noise generated by acceleration, braking, squealing of tires, and sirens, as well as the traffic flow into and out of the facility.
- There must be a sufficient grade to allow water to run off the surface. A grade of one percent is ideal.
- The area surrounding the site must be free of curbing and obstacles.
- The minimum area should be 300 x 600 feet.
- Speeds and other exercise specifications can be adjusted to fit the constraints of the facility without reducing the dynamic forces required for skill development, by narrowing the lanes, shortening the queue, and reducing the speed.
- A minimum of a 50-foot buffer zone should separate each exercise area if more than one vehicle is operating on the site.
- Skid control exercises may require an area of 24 x 200 feet or greater.
- Pursuit exercises may require a separate area.
- The overall design should minimize the risk of liability. Even so, there should be sufficient insurance protection for anticipated claims.

- OSHA and State requirements must be met.

- Signs, barricades, or fences should be used to close the area off from unauthorized personnel.

- Drinking water, toilets, facilities for washing up and eating, shelter from the weather, and a classroom should be at or in close proximity to the facility.

- Outside communications for emergency situations are essential.

- The agency may choose to have emergency medical and/or firefighting staff on site during training.

Dedicated Facility Planning

If there is intent to develop a dedicated facility, it is best to learn from those who have already developed one. Do not limit your inquires to just those organizations that have a facility similar to what is needed in your State. While they can give specific technical advice, others may be able to give advice on how to organize support.

To assist in assessing the adequacy of a current dedicated facility or in planning the development of a new facility, agencies should contact several dedicated driving facility managers for specific diagram outlines and schematics. You should consider these primary areas:

- Justification: Agencies must determine the number of personnel to be trained, the type of training to be offered, and the frequency of the training. This should be an initial consideration prior to any facility planning.

- Budget: Agencies must determine their available funding and resources. Agencies may consider sharing the facility with other departments, such as fire and EMS. This will broaden the sources for funding. Funding should ensure that all applicable OSHA and State regulations are met.

- Location: The availability of land, environmental impact, and real estate costs will govern the facility location.

Temporary Facility Planning

While a dedicated training facility is clearly ideal, its absence should not discourage an agency from conducting effective law enforcement emergency vehicle training. For example, the exercises found in Appendix E may all be "scaled" or tailored to fit the kinds of facilities typically used in lieu of dedicated facilities.

If an agency has little or no access to a dedicated facility, there are many alternatives available by using the imagination of the agency's leadership and trainers. This Guide has suggested a number of exercises in Appendix E that can be scaled to areas of varying dimensions. The smallest of these can be implemented in a space of no more than 110 by 300 feet. With some creativity, the driver trainer could design good driving exercises in areas even narrower than this.

Possible driver training sites include race tracks, drag strips, parking lots, airports, and closed roadways.

- Race Tracks. Larger race tracks, with time available in their schedules, are becoming increasing difficult to find. However, owners are usually very receptive to use of a portion of their track or access-road system for training when approached by emergency service agencies.

- Drag Strips. Drag strips are available most weekdays and some weekends. They are adequate for low-speed courses with built-in safety, such as run-off areas on the side and at the end of the track. This helps from the standpoint of safety. Many have large parking areas and access roadways that can be used to set up exercises as well.

- Large Parking Lots. Parking lots are suitable for low-speed driving courses with space as small as 110 x 300 feet. Shopping malls and large businesses with adequate size may not be available during daytime hours but may be used during nights and weekends. For example, the New Hampshire Police Standards & Training Council has combined a paved skid pad, portions of a parking lot, and two skid simulators to provide a program in an area where space is limited.

- Airports. Airports often have runways that can be closed down and made available for driver training. All FAA regulations regarding not crossing active runways must be complied with.

- Closed Roadways. When all else fails, the driver training staff could consider blocking off sections of existing right-of-way roadways for training purposes. This will involve close coordination with State and local agencies. For safety purposes, an officer should be posted at the perimeter of the area because people will drive around barricades and pylons. You should attempt to choose an area without curbs, ditches, bridges, obstacles (like trees and walls), and that provides suitable runoff areas. A number of creative alternatives may be available on a one-time basis, such as a road closed for repairs or under construction as a site for low-speed skill exercises like backing, parking, braking, etc.

Analysis - Facilities

As a result of your analysis, you should have the following documentation:

- What exercises need to be practiced and tested; the number of students to be trained, and other factors such as: are the facilities adequate in terms of size, location, configuration, and safety?

- What needs to be done for a temporary solution?

- Are the facilities adequate for future needs? If not, when will the improvements be needed?

- Who will develop a plan to generate local and state support for an adequate facility?

- Who should be contacted for guidance in developing a plan?

- Who is responsible for coordinating inputs and making final decisions for each of the previous areas?

- What are the due dates for finalizing information in each of the previous areas?

Vehicles

New vehicles equipped and designed for driver training use are not always available on a limited budget or to small agencies. The most suitable vehicle to use for training is the officer's patrol vehicle. An alternative is the use of surplus vehicles that can be obtained at the time of turnover.

When using a surplus or used vehicle, ensure that the vehicle is adequate for use as a driver-training vehicle. A thorough inspection will be necessary. Primary concerns will be the suspension, braking system, steering mechanism, door locks, and restraint devices.

A source for vehicles include: large car dealerships that may be willing to allow the use of vehicles in exchange for local press coverage or public relations. Other sources for vehicles include: military surplus, vehicle manufacturers, drug seizures, large law enforcement agency surplus vehicles, and donations made by local businesses or corporations.

- Vehicles used for driver training must be in good mechanical condition and it is best if they are similar to those used on the street, (i.e., if a student is going to use a police package vehicle with a stiffer suspension system, it is best to train with that type of equipment. If one manufacturer's model handles significantly different from the make and model used on the job, it should not be used for dynamic exercises).

- Each vehicle should be inspected daily before it goes on the range. Use a checklist to ensure that all parts are checked. The checklist will also serve as a record should anything happen. (See Illustration 2.1).

- A vehicle with slick tires is needed for use on the skid pad. You may wish to equip the skid pad vehicle with a separate brake pedal on the instructor's side of the vehicle or use a skid simulator.

Equipment and Supplies

Road cones (pylons) can be obtained through local vendors, borrowed from highway departments, or road construction companies.

Road chalk is best used in non-permanent driving range areas because it eventually wears off. Paint is more permanent and businesses are reluctant to allow its use.

A trailer could be useful to an agency that tends to use multiple locations like parking lots, race tracks and airports. Such a trailer should be equipped with a tire rack, compressor, storage compartments for replacement parts and supplies, tools, etc. A van or box truck can be equipped in the same manner and may be available through government or military surplus as well as drug forfeiture.

Equipment and Supplies Considerations

- Diagrams and specifications of the exercises

- Variety of spray paint colors or yellow lumber marking crayons to allow quick and accurate resetting of cones

- Minimum 100-foot measuring tape for measuring and laying out exercises

- As many traffic cones as needed, preferably in differing sizes, to define exercise boundaries and close off areas

- 12-volt or 115-volt portable traffic light with a hand control

- Vehicle inspection forms for inspecting vehicles prior to use on the range

- Ingredients for making a skid pad: water, water and detergent mix, sand

- Radar instrument and/or a stopwatch to verify vehicle speeds

- Portable tape recorders or a tape of siren pitches

- Pocket calculators

- Bullhorn or a vehicle equipped with a public address system
- First-aid supplies, fire extinguisher, and any other necessary equipment
- List of range rules posted in a conspicuous spot
- Some form of radio communication that links the range or exercise controller and the driver
- An assortment of medium duty hand tools as well as a floor jack, an air compressor, lug or air impact wrench, jack stands and tire pressure gauges are needed for vehicle inspection and minor adjustments.
- A supply of extra gasoline, coolant, motor oil, and transmission and power steering fluids should be readily available
- Jumper cables should also be available

Agencies with a limited budget might wish to consider the following ideas for providing training with very little expense:

- Use old milk jugs, painted orange, in lieu of cones. They should be filled with about 2" of water to weight them down. If full, they tend to explode.
- Road chalk can be used to mark lanes, pylon positions, etc. However, rain can damage such markings.
- Skid areas can be augmented by water sprayed by fire equipment commonly used by volunteer fire departments. Often these agencies are willing to do this for the experience in operating equipment.
- Other safe means of inducing skids include sand, environmentally safe dish detergent, specially treated water, etc. Private vendors may have equipment that simulates conditions with poor adhesion. While these are good training aids, they tend to be expensive. A computer-assisted driving simulator or dedicated mechanical vehicle simulator may also be used to simulate poor adhesion conditions.
- Used tires can be used for driver training provided they have not worn beyond the tread wear bar. Using used tires does not disadvantage low-speed driving. This is a tremendous cost savings for the agency.
- Vehicle repair and maintenance alternatives could include a high school or technical college vehicle shop program. A State or county correctional facility with a job-training program might also be a low-cost source for maintenance and repair.

Range Safety

Range safety must be a priority in law enforcement emergency vehicle driver training. Safety must be a value promoted by all levels of management, trainers and trainees. The value of safety must be on a par with other effective, job-related training for officers.

Every range should have a formally adopted set of range safety rules. It is preferable that these rules be adopted and approved by the agency's chief administrative officer and placed in the agency policy and procedure manual. Furthermore, the instructional staff should provide an orientation on the range safety rules before ever allowing student-drivers on the track. Finally, instructors must "walk the walk," and "talk the talk" with respect to safety. Students have a tendency to copy the instructor's behavior. The instructor should be a model of how the range safety rules are implemented.

The following is a sample list of range safety rules:

Sample Range Safety Rules

- All vehicle operations, practical exercises, and training activities on the driving range will be under the direct supervision of an instructor.

- Upon the command to **STOP**, all operators will immediately bring their vehicles to a complete stop and remain stopped until instructed otherwise by an instructor. Any student, instructor, or staff person may issue the command to **STOP** at any time an unsafe situation is occurring.

- During any vehicle operation, all occupants of the vehicle will use all available occupant protection devices.

- The maximum driving range speed limit for all vehicles is directed by an instructor.

- All vehicles and pedestrians will yield the right-of-way to any vehicle actively engaged in a practical exercise.

- The vehicle's emergency equipment will be operated only under the direction and supervision of an instructor.

- Students will not talk to, distract, or interfere with any vehicle operator and/or instructor actively engaged in any practical exercise.

- Students will remain a safe distance from the practical exercise area when not operating vehicles. Instructors will inform students where to stand and when to replace any displaced cone(s).

- Beverages, food, and tobacco products will be consumed in designated break areas only.
- Operators will shut off engine, set parking brake, and remove ignition key prior to exiting vehicles.
- Each student will perform a pre-operational inspection of his/her assigned vehicle daily.
- Vehicle windows will be either all the way up or all the way down.
- Wheel covers will be removed from each vehicle used on the driving range.
- Students under the influence of any medication or drug that will directly affect the safe operation of a vehicle, are required to report that information immediately to the primary instructor.
- Absolutely NO consumption of an alcoholic beverage or the registering degree of alcoholic beverage consumption will be tolerated.
- All students and instructors will hold a valid motor vehicle operator's license.

CHAPTER 6

EMERGENCY VEHICLE DRIVING CURRICULUM GUIDELINES

The purpose of this chapter is to provide law enforcement agencies and standards-setting organizations with suggestions for designing a law enforcement driver training curriculum that meets their respective state or local needs.

The chapter is divided into four modules. Each module focuses on specific knowledge and skills which are important to the development of sound driving habits. Each module contains:

1. a series of objectives and accompanying content

2. suggested instructional methodology and learning objectives

3. suggested resources that supplement or support the content

4. suggested evaluation methodology

Module 1 "Legal Aspects of Law Enforcement Driving" presents general legal principles common to the three types of law enforcement driver training covered: non-emergency, emergency response, and pursuit. The student must be made aware that violation of statutory and case law as well as agency policy governing the various types of driving can result in personal, criminal, and civil liability.

Module 2 "Non-emergency Driving" introduces students to driving skills, methods, and vehicle information which allows them to develop safe driving behaviors and safe driving habits.

Module 3 "Emergency Driving" introduces the students to the unique aspects of emergency vehicle operation. This section is an extension of the non-emergency driving module; however, the students will become aware of how much more demanding driving is for an officer in an emergency situation. The critical behaviors and safe driving habits needed by officers in emergency situations are presented.

Module 4 "Pursuit Driving" covers the operation of a law enforcement vehicle in a pursuit situation. The students will become aware of the high stress and risks encountered by an officer during a pursuit.

The objectives stated in this chapter reflect the knowledge, skills, and attitudes critical to safe and effective law enforcement vehicle operation. The suggested instructional methodology section focuses on lecture with learning activities involving practical experience in simulated and demonstration modes with numerous opportunities for class discussion. Resources and aids provide the appropriate curriculum supplements. The suggested evaluation methodology is included to encourage the measurement of student progress and achievement.

To provide further assistance, appendices are found at the back of this Guide:

- Appendix A – Emergency Vehicle Glossary
- Appendix B – Emergency Exemption Provisions
- Appendix C – Police Liability for Fleeing Suspect's Collision with Innocent Bystanders
- Appendix D – Instructional Methodologies and Learning Activities
- Appendix E – Practical Exercise Examples and Evaluation Criteria
- Appendix F – Resource Materials
- Appendix G – Instructional Aids

The instructional methodologies suggested in this chapter and covered in greater detail in Appendix D advocate the use of teaching methods that encourage experiential learning. There is a focus on skill learning, in the context of conceptual learning and understanding through experience. This reflects the need for teaching and learning to have greater relevance to the real world. The suggested methodologies and learning activities present an opportunity to achieve relevance without losing sight of conceptual understanding.

Use of These Materials

A law enforcement agency or standards-setting organization using this chapter should have little difficulty in selecting the portions which best meet its individual state and local needs. It is believed that the knowledge, attitude, and skill topics covered through the objectives are comprehensive and can meet the training needs of any state or agency. Of course, the topics covered in this chapter are not exhaustive, nor is the treatment given those topics always as in-depth as might be desirable. There are certainly other important and useful areas of knowledge, attitude and skill to be considered. The objectives presented reflect the areas that should minimally be covered in law enforcement emergency vehicle operation.

Therefore, users with some background and sophistication in student instruction will likely want to supplement the content and instructional methodology. In fact, measurable performance objectives must be developed which detail specifically the level of learning and proficiency to be achieved by the students. Also, there is a need to provide additional content reflective of state statutes and local or organizational policy.

Conclusion

This chapter is a resource designed to assist law enforcement trainers and standard setters to develop or refine driver training standards and programs. The chapter's development was based on the premise that there is generic curriculum content that applies to the four subject areas addressed. It is further assumed that a set of general processes for instructional methodology and evaluation can be elaborated upon for use by qualified instructional developers. State standards and local policy will surely modify the content and processes detailed here. Nonetheless, use of the general principles outlined in this chapter will help individual states ensure a quality system for curriculum development, implementation, and evaluation of law enforcement driver training.

Finally, every effort has been made to give full credit to all ideas and materials in the chapter. If we have failed in places, it is most likely due to the fact that the original source for many of the useful concepts and materials has been lost in the shuffle of widespread application by practitioners. However, we remain indebted to so many who have provided information and effort in preparing information included within the four Modules contained in this Guide.

Law Enforcement Driver Training Curriculum Guidelines

This curriculum document includes components which address <u>minimum</u> training guidelines for:

- Legal aspects of law enforcement driving,
- Non-emergency driving,
- Emergency response driving, and
- Pursuit driving.

<u>Module 1: Legal Aspects of Law Enforcement Driving</u>

Goal: Make law enforcement officers aware of the legal limitations involved in law enforcement driving, with special attention to tort liability for improper actions.

Curriculum Objectives:

1.1 Identify statutory law, case law, agency policy, and principles of liability governing non-emergency driving.

1.2 Identify statutory law, case law, agency policy, and principles of liability governing emergency driving.

1.3 Identify constitutional law, statutory law, and case law governing the use of a vehicle as deadly force in terminating pursuits.

1.4 Identify constitutional law and federal case law governing civil liability for deprivations of constitutional rights other than through the use of force.

Module 2: Non-Emergency Response Driving

Goal: Develop accepted attitudes for safe driving methods and decision-making for collision avoidance while learning to simultaneously integrate the tasks of driving and law enforcement.

Curriculum Objectives:

2.1 Identify the reasons for law enforcement driver training.

2.2 Identify unique characteristics of law enforcement driving.

2.3 Identify the effects that attitudes and emotions have upon law enforcement driving.

2.4 Identify common psychological factors that contribute to law enforcement collisions.

2.5 Identify common physiological factors that contribute to law enforcement collisions.

2.6 Identify the components of driving that lay the foundation for the development of good driving habits.

2.7 Identify vehicle defects that contribute to law enforcement collisions.

2.8 Identify elements of an acceptable law enforcement vehicle inspection.

2.9 Identify the importance of safety belts and other occupant protection devices.

2.10 Demonstrate acceptable use of safety belts and other occupant protection devices.

2.11 Identify common environmental factors that contribute to law enforcement collisions.

2.12 Identify factors that affect handling, steering, and braking to include ABS systems.

2.13 Identify factors that influence the stopping distance of a vehicle.

2.14 Identify driving movements that frequently contribute to law enforcement collisions.

2.15 Identify acceptable vehicle control methods.

2.16 Identify methods for skid avoidance.

2.17 Identify acceptable methods for the use of the communications radio.

2.18 Identify factors involved in skid control.

Module 3: Emergency Response Driving

Goal: Develop the ability to accomplish the emergency driving task by understanding the risk of the driving activity and by being able to physically negotiate driving situations.

Curriculum Objectives:

3.1 Identify the types and limitations of emergency warning devices on law enforcement vehicles.

3.2 Identify factors that contribute to the effective use of a police radio during an emergency response.

3.3 Identify factors in route selection for an emergency response.

3.4 Identify the changes in vehicle dynamics that occur during an emergency response.

3.5 Identify acceptable steering methods for use during an emergency response.

3.6 Identify acceptable methods of cornering during an emergency response.

3.7 Identify acceptable backing methods during an emergency response.

3.8 Identify acceptable collision avoidance methods during an emergency response.

Module 4: Pursuit Driving

Goal: Develop the ability to apply the decision-making process required to bring a pursuit to a successful conclusion.

Curriculum Objectives:

4.1 Identify factors that impact on initiating a vehicle pursuit.

4.2 Identify factors involved when conducting a vehicle pursuit.

4.3 Identify factors that would warrant the pursuing officer, or a supervisor, making the decision to terminate a vehicular pursuit.

4.4 Identify factors that impact on the termination of a pursuit: suspect voluntary or involuntary stopping.

4.5 Identify factors to be considered when a law enforcement vehicle is involved in the termination of a vehicular pursuit using various physical intervention techniques (roadblocks).

4.6 Identify considerations involved in post-pursuit reporting.

4.7 Demonstrate the ability to conduct a pursuit.

4.8 Identify post-litigation preparation considerations.

CHAPTER SIX

MODULE 1

LEGAL ASPECTS OF LAW ENFORCEMENT DRIVING

Goal

Make law enforcement officers aware of the legal ramifications of law enforcement driving, with special attention to tort and constitutional liability for improper actions.

Curriculum Objectives

1.1 Identify statutory law, case law, agency policy, and principles of liability governing non-emergency driving.

1.2 Identify statutory law, case law, agency policy, and principles of liability governing emergency driving.

1.3 Identify constitutional law, statutory law, and case law governing civil liability for emergency driving that "shocks the conscience" in its deprivations of constitutional rights.

1.4 Identify constitutional law, statutory law, and case law governing emergency driving as use of deadly force in terminating pursuits.

An Overview of General Rules

Unless a statutory exemption applies, an officer driving an authorized emergency vehicle is subject to the same traffic laws that govern a private citizen driving a personal vehicle.

- Law enforcement officers are never exempt from all civil and criminal law governing vehicle operation.

- Even the most serious emergency does not legally excuse a reckless disregard of the safety of others.

- Emergency exemption statutes allow officers to disregard some traffic laws under limited circumstances. Failure to meet the requirements of an exemption statute means the officer may be subject to civil and criminal penalties.

- Emergency exemption statutes typically apply only while the officer is responding to an emergency or enforcing the law.

- Emergency exemption statutes typically require operation of warning lights and a siren at all times while the exemption is claimed.

- Emergency exemption statutes typically require due regard for the safety of others and do not excuse reckless disregard of the safety of others.

Negligence in law enforcement driving is the failure to use the care a reasonable officer would use under like circumstances. Willful recklessness is a disregard of a clear risk of serious harm.

- Negligent driving may result in civil liability against the officer, the officer's supervisor, and the officer's employing agency, although many states grant immunity from civil liability based on ordinary negligence.

- Willful, reckless driving causing a fatality may result in an officer's conviction for felonious involuntary manslaughter, and may disqualify the officer from employment in law enforcement.

In many states, negligence or recklessness in failing to terminate a dangerous pursuit may result in civil liability if the fleeing suspect's car hits an innocent bystander.

Officers who conduct pursuits that “shock the conscience” in the potential harm to the public, risk liability under federal law.

Use of a law enforcement vehicle as an instrumentality of force to affect an arrest of a fleeing suspect may be deadly force. Roadblocks and ramming may be violations of constitutional rights if the use of force is unreasonable under the circumstances.

OBJECTIVE 1.1 Identify statutory law, case law, agency policy, and principles of liability governing non-emergency driving.

Non-Emergency Driving Under State Law

Introduction

All traffic laws that govern the general public apply with equal force to on-duty law enforcement officers in non-emergency driving. Non-emergency driving is all law enforcement driving that does not meet the requirements of state emergency exemption statutes. Officers involved in collisions during non-emergency driving may be liable for damages under negligence tort law. Officers involved in collisions during non-emergency driving may claim immunity from liability under state governmental immunity statutes but this governmental immunity has been restricted or even abolished in many states. Violation of agency policy regarding non-emergency and emergency driving may provide evidence of negligence.

Non-Emergency Driving

Non-emergency driving is all law enforcement driving that does not comply with the provisions of state emergency exemption statutes. Typical state emergency exemption statutes have two primary requirements: (1) warning lights and/or a siren must be activated; and (2) the officer must be engaged in enforcing the law. If warning devices are not activated, or if the officer is not enforcing the law, the emergency exemption statute does not protect the officer. Cases addressing whether a particular state emergency exemption statute applies are discussed in Objective 1.2.

Negligence is the failure to use reasonable care. Drivers who are negligent and cause an injury to another may be required to pay damages to the injured person which is commonly referred to as civil liability. The branch of law that deals with civil liability is called tort law. Officers involved in collisions during non-emergency driving may be responsible for damages under negligence tort law.

Governmental Immunity

Many states give limited immunity to governmental units and governmental employees against negligence lawsuits arising out of governmental activities. Governmental immunity means a lawsuit for money damages will not be allowed even though the governmental employee is admittedly negligent. Governmental immunity, however, has been severely restricted in many states and substantially abolished in others. Some states, such as Illinois, grant immunity for negligence, but not for "willful and wanton" or "outrageous" misconduct. Other states, such as Colorado and Ohio, specifically allow negligence claims against a city or county if the negligence involved operation of a motor vehicle under non-emergency conditions. This type of exception to governmental immunity is often called the "motor vehicle exception."

The specific language of the state governmental immunity statute is critical to the determination of whether an officer is entitled to immunity from negligent driving claims. For some states such as Indiana and Illinois, the issue of whether an officer is entitled to governmental immunity against negligent driving claims turns on whether the officer was engaged in "executing and enforcing the law" at the time of the collision. In other states such as Texas and Virginia, the issue of whether an officer is entitled to governmental immunity against negligent driving claims turns on whether the activity engaged in at the time of the collision is "ministerial" or "discretionary" in nature. In general, officers engaged in routine elements of their official duties will not be immunized from negligent driving claims. The following five cases illustrate this point.

Routine Patrol

Case One: Inattentive Officer On Traffic Patrol

CITY OF WAKARUSA v. HOLDEMAN, 582 N.E.2d 802 (Ind. 1991).

A police officer was checking for invalid registration tags in an area where he recently cited a number of motorists for invalid registration. As he drove along a city street at 35 mph, the officer looked in his outside driver's side mirror to check on cars as they passed in the opposite direction. The officer did not notice that traffic in his travel lane had stopped until it was too late. He hit the rear of the car ahead of him.

The driver of the damaged car brought a civil lawsuit against the officer and the city that employed him. The lawsuit alleged negligence - failure to use reasonable care under the circumstances. Under a rule of tort law called vicarious liability, employers are liable for the actions of their employees if their employees were negligent and caused the injury while working within the course and scope of employment. Accordingly, both the city and the officer could be found liable if it was determined that the officer failed to use reasonable care while on patrol.

The Supreme Court of Indiana said:

> *"It is undisputed that a person operating a motor vehicle on a public roadway has a duty to operate such vehicle with reasonable care. A question of fact exists as to whether or not [the officer] exercised such care under the circumstances."*

The Supreme Court of Indiana rejected the officer's argument that he was immune from a negligence lawsuit because he was on-duty and engaged in the enforcement of the criminal law at the time of the collision. The court held that the Indiana immunity statute is restricted to arrest activities and does not provide protection for general law enforcement activities like traffic patrol. The immunity statute does not eliminate liability for "willful and wanton" negligence.

See also *Leaks v. City of Chicago*, 238 Ill. App. 3d 12, 606 N.E.2d 156 (Ill. App. Ct. 1992) (holding that immunity does not attach where officer is engaged in routine patrol duty); *Stuart v. Brookline*, 412 Mass. 251, 587 N.E.2d 1384 (Mass. 1992) (holding that an officer must exercise reasonable care in operating vehicle in course of traffic enforcement duties).

Case Two: Officer Negligent In Transporting Prisoner

AIKENS v. MORRIS, 145 Ill.2d 273, 583 N.E.2d 487 (Ill. 1991).

A city officer in Illinois was transporting a prisoner from a neighboring town to a detention facility in his city. The officer was not in a hurry and was not using warning lights or sirens. The officer's car collided at an intersection with another vehicle. The driver of that vehicle later filed a negligence lawsuit against the officer and the city.

The officer claimed he was protected from civil liability under the terms of the Illinois immunity statute for governmental activity. The officer argued that transporting a prisoner was an essential part of law enforcement activity and should be covered by governmental immunity.

The Illinois Supreme Court rejected the officer's claim of immunity. The court noted that the officer was not in an emergency since he had not activated his warning lights or siren. The officer testified that he was in "no hurry."

The court ruled that the Illinois immunity statute does not protect officers from negligent driving while transporting a prisoner. The statute prevents negligence liability only for conduct in the execution or enforcement of the law, which does not include transporting prisoners.

Case Three: Officer Negligent In Leading Funeral Procession

VALPRAISO v. EDGECOMB, 587 N.E.2d 96 (Ind. 1992).

At the instruction of his lieutenant, a city officer in Indiana was proceeding to the front of a funeral procession when he collided with a car that was turning right onto the road. The driver of that car filed a complaint seeking recovery for injuries and damages. The officer claimed he was protected from liability under Section 3(7) of the Indiana Tort Claim Act which immunizes governmental entities and employees against losses resulting from enforcement of a law.

The Supreme Court of Indiana held that there is no immunity under Section 3(7) unless the plaintiff seeks recovery for injuries arising out of police activities attendant to effecting an arrest. Since the parties did not dispute that the officer was not involved in effecting an arrest, immunity did not protect the city and the officer, and there remained a question of fact as to whether the officer exercised due care under the circumstances.

See also *Bell v. Boklund*, 712 P.2d 1126 (Colo. Ct. App. 1985) (holding that officer leading funeral procession is not exempted from obeying municipal traffic regulations). In contrast, the Nevada emergency exemption statute specifically grants vehicles escorting funerals the same privileges afforded authorized emergency vehicles. See also Fla. Stat. ch. 316.072(5)(a)(3) (allows "driver of an authorized law enforcement vehicle, when conducting a non-emergency escort, to warn the public of an approaching motorcade" to exercise privileges of emergency vehicles). Therefore, it is important that those involved in law enforcement driving consult their particular state emergency exemption statute as well as the relevant state governmental immunity provisions. See Objective 1-2 for a detailed discussion of state emergency exemption statutes.

Case Four: Negligent Officer On County Business

WOODS v. MOODY, 933 S.W.2d 306 (Tex. Ct. App. 1996).

While driving on-duty, a county officer worried that a clipboard on the car's floorboard would become dangerously lodged under the brake. When the officer reached to pick up the clipboard, his foot slipped off the brake and he struck the car ahead of him.

The driver of that car sued for negligence, and the county, the sheriff's department, and the officer all claimed governmental immunity.

Under Texas law, government employees are entitled to official immunity from suit arising from the good faith performance of discretionary duties when they act within the scope of their authority. An action is discretionary if it involves personal deliberation, decision and judgment. The driver argued that the officer's actions were ministerial rather than discretionary.
The Texas Court of Appeals said:

> *"Unlike high speed chases or traffic stops, operating a car in a non-emergency situation does not involve personal deliberation or the exercise of professional expertise, decision, or judgment…Thus, absent special circumstances that suggest the officer was performing a discretionary function, such as engaging in a high speed chase, we hold that an officer driving a motor vehicle while on official, non-emergency business is performing a ministerial act."*

Case Five: Officer Negligent While Serving Judicial Process

HEIDER v. CLEMONS, 241 Va. 143, 400 S.E.2d 190 (Va. 1991).

A deputy sheriff served process at a residence and returned to his car which was parked on the shoulder of the road. As he pulled out, his car collided with a motorcycle traveling in the same direction. The driver of the motorcycle filed a negligence suit against the deputy sheriff; the deputy sheriff asserted the defense of sovereign immunity.

The Supreme Court of Virginia held that the deputy sheriff was not entitled to immunity:

> *"While every person driving a car must make myriad decisions, in ordinary driving situations the duty of care is a ministerial obligation. The defense of sovereign immunity applies only to acts of judgment and discretion which are necessary to the performance of the governmental function itself. In some instances, the operation of an automobile may fall into this category, such as the discretionary judgment involved in vehicular pursuit by a law enforcement officer…However, under the circumstances of this case, the simple operation of an automobile did not involve special risks arising from the governmental activity, or the exercise of judgment or discretion about the proper means of effectuating the governmental purpose of the driver's employer."*

Calls to Investigate or Assist

When an officer is responding to a call to investigate or assist, however, it is less predictable whether an officer will be entitled to governmental immunity or not. A Kentucky court of appeals held that immunity does not attach to an officer negligent in responding to a burglary.

Similarly, a Connecticut court held that an officer on his way to investigate a discharge of fireworks was not entitled to immunity, and a Missouri court of appeals held that immunity does not attach to an officer responding to a call to assist another officer. In contrast, an Illinois court of appeals granted immunity to an officer responding to a call of shots fired, and a Virginia circuit court held that an officer going to assist another officer in a vehicular stop was entitled to immunity. Case summaries of these five decisions appear below.

Case Six: Officer Negligent In Responding To Burglary

SPECK v. BOWLING, 892 S.W.2d 309 (Ky. Ct. App. 1995).

While driving to the scene of a burglary, a state trooper crossed the center line of the highway and collided with an oncoming vehicle. The state trooper had his blue lights on but not the siren. The driver of the vehicle and his granddaughter were injured as a result of the collision and sued for negligence. In an appeal from a judgment for the driver, the state trooper argued that his actions in responding to a burglary were discretionary in nature.

The Kentucky Court of Appeals, however, disagreed and stated:

"[W]e disagree that an officer is free to operate his vehicle negligently or to put others on the roadways in danger in carrying out those duties…we hold Speck's actions were ministerial and that, as he was not engaged in a discretionary governmental function at the time he collided with the appellee, he is not entitled to assert a qualified immunity."

Case Seven: Officer Negligent In Investigating Discharge of Fireworks

MACMILLEN v. TOWN OF BRANFORD, 1998 Conn. Super. LEXIS 889 (Conn. Super. Ct. 1998).

On his way to investigating a discharge of fireworks, an officer took his eyes off the road when he heard another explosion of fireworks. The officer then struck plaintiff's car in the rear. Plaintiff sued the town and the officer for negligence. The officer conceded negligence but asserted the defense of governmental immunity. The officer argued that his "operation of his cruiser was a discretionary act because he was investigating a crime…at the time and because his attention was diverted by yet another crime…when the accident happened."

The Connecticut Superior Court disagreed. The court deemed the officer's operation of the cruiser to be ministerial and not subject to immunity. The court stated: "Of course the decision as to which crime scene to investigate is a discretionary act. If the claim against [the officer] was that he had negligently selected the crime scene that he was investigating the defendants would have a compelling defense of governmental immunity. But the act of driving to a crime scene is different."

Case Eight: No Immunity For Officer Responding to Call to Assist

BROWN v. TATE, 888 S.W.2d 413 (Mo. Ct. App. 1994).

While responding to a call to assist, an officer entered an intersection with a flashing yellow light. The officer's paddy wagon collided with a truck that entered the intersection against a red flashing light. The driver of the truck died in the collision. The driver's parents and child brought suit against the officer and the police department.

The officer admitted that she was not on an emergency run, but she argued that she was nonetheless entitled to governmental immunity. The Missouri Court of Appeals disagreed and stated:

"The doctrine of official immunity shields a police officer from liability for negligence in the performance of his discretionary, as opposed to ministerial, duties…We hold that a police officer, driving on the public streets and highways, in a non-emergency situation, has no blanket immunity from liability for negligence in the operation of his car. His driving does not 'involve policymaking or the exercise of professional expertise and judgment.'"

Case Nine: Officer Responding To Call Of Shots Fired Entitled To Immunity

BRUECKS v. COUNTY OF LAKE, 276 Ill. App. 3d 567, 658 N.E.2d 538 (Ill. App. Ct. 1995), *appeal denied*, 166 Ill.2d 536, 664 N.E.2d 639 (Ill. 1996).

Near the end of his shift, an officer heard over the radio a report of shots fired in the Diamond Lake area. Although three other deputies were dispatched to the area, the officer stated that he would respond. The officer was on his way to the scene when his police car hit a pedestrian crossing the road. The officer was not using his siren or flashing lights, and he did not consider the situation an "emergency."

The pedestrian sued the county and the officer for negligence. The county and the officer argued that they were immune from liability because the officer was executing or enforcing a law at the time of the collision.

The Illinois Court of Appeals agreed and stated:

> *"In the present case, [the officer] was responding to a call of shots fired. He clearly was being called upon to execute or enforce a law. The facts that he was not specifically dispatched to the scene, did not have his emergency lights and siren activated, and did not subjectively consider the situation to be an emergency do not alter this conclusion. The cases in which immunity has been found applicable do not require that the officer be engaged in an emergency response."*

But see *Sanders v. City of Chicago*, 306 Ill. App. 3d 356, 714 N.E.2d 547 (Ill. App. Ct. 1999) (holding that immunity does not attach where officer was responding to emergency that had already passed).

Case Ten: Officer Called To Assist Entitled To Immunity

SMITH v. DANIEL, 47 Va. Cir. 541 (Va. Cir. Ct. 1999).

While a deputy sheriff was on duty, a call came over his patrol car radio that another deputy had stopped a vehicle and "believed that a weapon was involved and had several suspects and needed some assistance." After receiving the call, the deputy sheriff got in his car and proceeded to drive to the other deputy's location. On the way, he collided with another car. The driver of that car sued for negligence, and the deputy sheriff asserted the defense of sovereign immunity.

The Virginia Circuit Court granted immunity and stated:

> *"In the case at bar, defendant was unquestionably performing a governmental function at the time of the collision: going to assist another sheriff's deputy in a vehicular stop. He had even been told that a gun might be involved…At the least, the present defendant had to decide how quickly he had to get to the other deputy's location, what route to take, what action was needed to protect the public, whether to alert the occupants of the stopped vehicle of his approach by employing his flashing lights and siren, whether to call for additional backup, whether to have his weapon in hand, and so on."*

See also *Gilbert v. Richardson*, 264 Ga. 744, 452 S.E.2d 476 (Ga. 1994) (holding that police officer rushing to back-up another officer in response to emergency call was performing discretionary function and entitled to immunity).

Exceptions to Exceptions to Immunity

Several states that provide motor vehicle exceptions to governmental immunity also provide specific exceptions to these exceptions. Pennsylvania, for example, provides a "flight" exception to the motor vehicle exception that immunizes a local agency from liability to a plaintiff who was injured while in flight or fleeing apprehension or resisting arrest by a police officer. See 42 Pa. C.S. §8542(b)(1). See *Forgione v. Heck*, 736 A.2d 759 (Pa. Commw. Ct. 1999), *appeal denied*, 1999 Pa. LEXIS 3705 (Pa. 1999) (holding that officer whose car struck fleeing offender was entitled to immunity).

Ohio provides an "emergency call" exception to the motor vehicle exception to governmental immunity. This exception somewhat resembles the emergency exemption statutes discussed in the next section, Objective 1.2. However, as the following case demonstrates, Ohio courts have typically interpreted this exception as not requiring the use of lights and sirens.

Case Eleven: Officer Called To Scene of Burglary Entitled To Immunity

MOORE v. CITY OF COLUMBUS, 98 Ohio App. 3d 701, 649 N.E.2d 850 (Ohio Ct. App. 1994), *discretionary appeal not allowed,* 72 Ohio St. 3d 1422, 648 N.E.2d 514 (Ohio 1995).

An officer on routine patrol received a dispatch to report to the scene of a burglary at a local high school. On the way, the officer collided with another vehicle at an intersection. The officer was traveling approximately 40 mph, fives miles over the posted speed limit. The officer was not operating the cruiser's emergency flashers or siren but he considered himself to be on an emergency call.

The occupants of the other vehicle sued the officer and the city. The officer and the city claimed immunity under the "emergency call" exception to the "motor vehicle" exception to the Ohio governmental immunity statute. The plaintiffs argued that the "emergency call" exception applies only to "inherently dangerous situations."

The Ohio Court of Appeals granted immunity and stated that there "is no requirement in the statute which would limit the 'emergency call' exception only to those occasions where there is an inherently dangerous situation or when human life is at danger." Regarding the plaintiff's argument that the officer's failure to use lights and sirens rendered the call a non-emergency, the court stated:

> *"R.C. 2744.02 simply does not require that the police officers operate their sirens or overhead lights in order to be deemed to be responding to an 'emergency call,' for purposes of invoking immunity from liability."*

Summary

Law enforcement officers engaged in non-emergency driving must comply with the traffic laws that govern the general public. Non-emergency driving includes all law enforcement driving that does not meet the requirements of state emergency exemption statutes. Officers involved in collisions during non-emergency driving may be liable for damages under negligence tort law. Governmental immunity rarely shields officers from such liability.

Suggested Instructional Methodology

Lecture with Slides

With slides of various environmental factors, have students identify how the factors create a situation which is more demanding of the driver's skills and attention.

Lecture and Class Discussion

Utilize case summaries to present legal principles and involve students in discussion of relevant issues.

Small Groups with Case Studies

In groups of 3-6, present each group with the cases provided above and additional fact situations. Involve small groups in discussion of cases and develop group questions for the instructor to address in subsequent lectures.

Resources and Aids

- Relevant state statutes.
- Agency policies.

Suggested Evaluation Methodology

Students

- Written or verbal response to questions regarding legal principles.
- Observation of strategies, decisions, or methods used by a driver when exposed to various driving scenarios.

Course

- Observe the driving of officers during the simulations of non-emergency and emergency vehicle operations.
- Review agency collision reports for failure to heed legal considerations.

OBJECTIVE 1.2 Identify statutory law, case law, agency policy, and principles of liability governing emergency driving.

Emergency Driving Under State Law

Introduction

All states give officers a limited exemption from certain traffic laws for emergency driving. This exemption recognizes the social importance of rapid response and apprehension of fleeing criminals. Any driving at high-speeds and contrary to normal rules of the road carries a risk of injury to others. That risk of injury is weighed against the need for quick response and arrest of violators. Emergency exemption statutes reflect this balancing of competing social needs: safety on public roadways balanced against protecting against criminals.

Emergency Exemption Statutes

Pursuit of a violator and going to the scene of an emergency are the two categories of emergency driving most common to law enforcement. Important differences exist for each category, but state statutory law usually covers both categories in a single emergency exemption statute. A typical emergency exemption statute is patterned after §11-106 of the Uniform Vehicle Code and has these features:

- The vehicle must be an authorized emergency vehicle equipped with specified warning lights and siren. Law enforcement vehicles often are given the exclusive right to display colored lights, but many states specify red lights for fire, rescue, ambulance, and law enforcement vehicles.

- To claim the exemption, the authorized emergency vehicle must be responding to an emergency call or in pursuit of an actual or suspected violator of the law.

- The exemption may allow the authorized emergency vehicle to park or stand, exceed speed limits, proceed past red traffic signals and stop signs, and disregard rules governing direction of travel or turning.

- The exemption applies only if required warning devices are being operated. Depending on the state, the required warning devices may be BOTH warning lights and a siren, or warning lights but not a siren, or a siren but not warning lights. In a few states, the speed exemption does not require either warning lights or a siren, but the right-of-way exemption requires activation of both warning lights and a siren.

- Nearly all emergency exemption statutes provide for a "*duty to drive with due regard for the safety of others*," and many of the statutes go on to deny protection from the consequences of a reckless disregard for the safety of others. In many states, the statute grants the privilege to disregard speed limits but only "*so long as the driver does not endanger life or property*," and grants the privilege to proceed past red traffic lights and stop signals, "*but only after slowing down as necessary for safe operation*."

Two conditions found in a typical state emergency exemption statute are critically important for law enforcement drivers:

- Failure to activate required warning devices - warning lights and/or a siren – often disqualifies an officer from the exemption.

- Even if required warning devices are activated, driving that disregards a clear danger to the safety of others may subject the officer to liability.

Warning Devices

State emergency exemption statutes differ on the warning devices required during law enforcement emergency driving. Some states, like Alabama and New York, require both warning lights and a siren. Other states, such as Arizona and Connecticut, require activation of a siren but not warning lights. And still other states, such as Illinois and Indiana, require activation of either warning lights or a siren. Finally, a few states, such as North Carolina, require one or both for claiming the right-of-way at intersections but do not require either lights or a siren for the speed limit exemption. A listing of emergency exemption provisions for the 50 states and the District of Columbia appears in **Appendix B**.

For those states requiring some form of warning devices, failure to activate the requisite warning devices may cause the officer to lose the protection of the emergency exemption statute.

Case Twelve: Responding To Call Without Lights Or Siren

MATTERA v. AVIS RENT A CAR SYSTEM, INC., 245 A.D.2d 274, 665 N.Y.S.2d 94 (N.Y. App. Div. 1997).

Two New York detectives were responding to the scene of a buy-and-bust operation where a suspect was being held. The detective who was driving made a left turn and collided with an oncoming car. The driver of that car sustained personal injuries.

Observing that the record showed the detective was not operating lights or a siren at the time of the collision and that his car was unmarked, the New York appellate court stated:

> *"On these facts, the privilege afforded to operators of authorized emergency vehicles engaged in an emergency operation pursuant to Vehicle and Traffic Law §1104 is inapplicable…this was not such an emergency operation."*

The court found the detective negligent as a matter of law.

See also *Williams v. Crook*, 741 So.2d 1074 (Ala. 1999) (holding that officer responding to domestic disturbance report loses immunity since he exceeded speed limit without complying with audible and visual signal requirements of state emergency exemption statute).

Case Thirteen: Passing Motorist Without Lights Or Siren

JOHNSON V. GONZALEZ, 223 Ga. App. 646, 478 S.E.2d 410 (Ga. Ct. App. 1996), *cert. denied*, 1997 Ga. LEXIS 322 (Ga. 1997).

While on routine patrol, a county police officer received an urgent "Code 2" call to respond to a scene of domestic disturbance. The officer attempted to pass a motorist on the left as the motorist began making a left turn. The officer struck and injured the motorist. The motorist sued the county and the police officer, alleging that the officer was operating his vehicle with reckless disregard for the safety of others at the time of the collision.

The Court of Appeals of Georgia departed from earlier appellate decisions which held that an officer's failure to use both lights and sirens when responding to calls did not amount to an act of reckless disregard. The court held:

> *"A jury must decide whether [the officer's] decision to overtake [the motorist's] vehicle, without activating his emergency lights or siren, was merely negligent or whether it constituted a reckless disregard for the safety of others."*

See also *Beatty v. Charles*, 936 S.W.2d 28 (Tex. Ct. App. 1996) (holding that jury must resolve factual dispute over whether officer ran red light without lights and siren while responding to request to assist shot officer). But see *Young v. Woodall*, 343 N.C. 459, 471 S.E.2d 357 (N.C. 1996) (holding evidence that officer exceeded speed limit and failed to activate lights and siren while in pursuit of vehicle with only one working headlight did not amount to gross negligence).

In those states requiring that emergency vehicles use *both* lights and sirens, courts typically find the use of one without the other does not meet the requirements of the state emergency exemption statute. In the next case, a St. Louis police officer loses the protection of the Missouri emergency vehicle statute, which requires both lights and a siren, when he activates his lights but fails to use his siren during an emergency run.

Case Fourteen: Running Red Light With Lights But No Siren

MCGUCKIN v. CITY OF ST. LOUIS, 910 S.W.2d 842 (Mo. Ct. App. 1995).

Responding to an emergency call, a St. Louis police officer proceeded through an intersection with the intention of making a left turn when he struck a motorist driving through the intersection. The motorist sustained multiple injuries and sued.

At trial, the motorist's evidence showed that the officer proceeded through the intersection against a red light with his emergency lights flashing but without any siren sounding. The officer, on the other hand, claimed that he had both lights and sirens activated and that he proceeded through the intersection with a green light. The jury returned a verdict for the motorist, and the St. Louis board of police commissioners appealed.

The Missouri Court of Appeals examined the Missouri emergency vehicle statute and found that "an emergency vehicle can proceed past a red stop signal, after slowing as may be necessary to ensure safety, while operating both its flashing lights and its audible signal." The court further stated:

> *"The statute thus places limitations on an officer's ability to operate his vehicle in whatever manner he deems necessary, as it requires he use both light and siren before he can disregard traffic rules that bind all drivers…Once an officer complies with those two mandates, he brings himself under the protective umbrella of the statute and can then exercise his judgment in responding to the situation as the circumstances may warrant. However, until an officer is in compliance with the statute, he is bound by the same rules of the road as other drivers, and is afforded no special immunity for negligent acts or omissions committed by him."*

The court held that, in finding for the motorist, the jury believed the evidence showing the officer proceeded through a red traffic signal without the use of his audible signal. Therefore, the officer was not protected by the exemptions of the emergency vehicle statute, and the motorist properly recovered against the board of police commissioners.

See also *Bradshaw v. City of Metropolis*, 293 Ill. App. 3d 389, 688 N.E.2d 332 (Ill. App. Ct. 1997) (holding that officer responding to 9-1-1 call with lights but no siren may be liable for negligence); *Taylor v. City of Oklahoma City*, 914 P.2d 1073 (Okla. Ct. App. 1995) (holding that officer responding to emergency call with lights but possibly without a siren may be liable for negligence); *Berz v. Ohio Department of Highway Safety*, 66 Ohio Misc.2d 66, 643 N.E.2d 181 (Ohio Ct. Cl. 1992) (holding officer partially at fault for injuries to motorist struck by patrol car where officer turned on lights but not siren in high-speed response to collision).

States differ in how soon an officer engaged in an emergency run or pursuit needs to begin activating warning devices to be protected by the state emergency exemption statute. In the next case, the Alabama Supreme Court ruled that the exemption statute requiring operation of warning lights and siren also applies during the initial "catch-up" phase of a pursuit.

Case Fifteen: Fatality During Catch-Up

SMITH v. BRADFORD, 512 So.2d 50 (Ala. 1987).

An Alabama officer struck and killed a 13-year-old child on a bicycle after the officer turned around and sped up to catch a violator in the opposite travel lane. The officer was not operating warning lights or a siren at the time of the collision.

The estate of the deceased child brought a lawsuit against the officer on two counts: negligence and wantonness.

At trial, the officer was allowed to prove that he was trained by his agency to delay activating warning lights and a siren until the officer could read the violator's license plate. This "catch-up" policy was intended to reduce the likelihood a violator would try to flee upon seeing distant warning lights. The jury returned a verdict for the officer on both counts.

The child's estate appealed to the Alabama Supreme Court, claiming that the delay in activating the warning devices could not be justified by training or policy of the law enforcement agency.

The court agreed that Alabama statutory law on emergency driving was violated by not activating required audible and visual signals. The exemption from normal speed limits applies

only if both warning lights and an audible signal are being used. Not activating this equipment could constitute wantonness. The child's estate argued that evidence of the catch-up policy was irrelevant to wantonness. The court agreed and ruled that the admission of the evidence was prejudicial:

> *"We fail to see how the evidence of 'catch-up' training or instruction could be at all relevant to this count of wantonness…The prejudice which can result from the admission of such evidence is obvious."*

The court reversed the judgment of the trial court and remanded.

Similarly, an Ohio court held that an officer's "eleventh hour" activation of his cruiser's lights and siren was too late to be of any use in warning other motorists.

Case Sixteen: Eleventh Hour Activation of Lights And Siren

MCGUIRE v. LOVELL, 128 Ohio App. 3d 473, 715 N.E.2d 587 (Ohio Ct. App. 1998), *discretionary appeal allowed,* 82 Ohio St. 3d 1482, 696 N.E.2d 1088 (Ohio 1998), *appeal dismissed,* 85 Ohio St. 3d 1216, 709 N.E.2d 841 (Ohio 1999).

While off-duty and on the way to work, an Ohio officer overheard a dispatch on his police radio concerning a burglary in progress. The officer called dispatch and offered assistance. Even though dispatch did not answer, the officer considered himself on duty and responding to an emergency call.

The officer proceeded to the scene of the burglary in progress. A few blocks before an intersection, the officer accelerated in speed and turned on his flashing lights and siren. Upon entering the intersection against a red light, the officer collided with a pickup truck. A passenger in the pickup truck brought a suit in negligence.

The Ohio Court of Appeals held that a jury must decide whether the officer was on an emergency call or not since there is a question as to whether the officer was actually called to duty. However, even if it is determined that the officer was engaged in an emergency call, there is a question of fact as to whether the officer's conduct in response to the emergency call was wanton or willful conduct. The court stated:

> *"Here, when viewing the evidence most strongly in favor of [the plaintiff], a trier of fact could conclude that [the officer's] eleventh hour activation of his emergency*

> *lights and siren, just prior to entering the intersection, was too late to be of any use to [the plaintiff] or the other truck occupants. Though it appears undisputed that [the officer] did activate his warning devices, the circumstances under which they were employed could lead to different conclusions."*

However, some states such as Ohio do not always require activation of warning devices for the run or pursuit to be deemed an emergency. See *Moore v. City of Columbus,* 98 Ohio App. 3d 701, 649 N.E.2d 850 (Ohio Ct. App. 1994), *discretionary appeal not allowed,* 72 Ohio St. 3d 1422, 648 N.E.2d 514 (Ohio 1995) and *Hall-Pearson v. City of South Euclid*, 1998 Ohio App. LEXIS 4796 (Ohio Ct. App. 1998). *Moore* is discussed in Objective 1.1. Moreover, several states including Michigan and Texas have formally recognized the necessity for a silent run in certain emergency situations. For example, the Michigan emergency exemption statute specifically allows an officer to retain the emergency exemptions without sounding an audible signal "if the police vehicle is engaged in an emergency run in which silence is required." Mich. Comp. Laws §257.603(5).

Due Regard/Reckless Disregard Standard

The state emergency exemption statutes impose a duty to drive with due regard for the safety of others and typically do not protect emergency drivers from the consequences of a reckless disregard of the safety of others. Even if warning lights and siren are operating, an officer cannot drive in a manner that unduly risks death or serious injury for others. Many factors directly influence the risk created by emergency driving, and these factors include:

- Speed of vehicles
- Traffic density
- Weather conditions
- Obstructions to vision
- Road surface and design
- Frequency of signaled street and highway intersections
- Condition of emergency vehicle's brakes, steering, and suspension
- Training and experience of the emergency driver

A pursuit that starts under reasonably safe conditions can become willfully reckless if speeds are too high, traffic density increases, major intersections are approached, and rain or snow begins to fall. A change in any one or more of these variables may change the reasonableness of the pursuit.

Even if lights and sirens are activated, excessive speed may create an undue risk of injury to the public, as the following two cases demonstrate.

Case Seventeen: Excessive Speed in Swerving to Exit Ramp

TUCKER v. TOWN OF BRANFORD, 1998 Conn. Super. LEXIS 1139 (Conn. Super. Ct. 1998).

An officer joined the pursuit of a fleeing stolen car and soon became the primary chase vehicle. The dispatcher informed the chase vehicles that a weapon was involved and that the car was wanted for a shooting. Going eastbound on an interstate, the pursuit reached speeds of approximately 80 mph in the vicinity of Exit 58.

A motorist traveling eastbound in the right lane of the interstate saw the flashing lights of the police cars in her rearview mirror. Aware of her obligation to move as close to possible to the right-hand edge of the roadway, the motorist decided to enter Exit 58.

At this moment, the fleeing car was traveling in the left lane of the interstate in front of the officer. The fleeing car suddenly turned right in front of a tractor trailer to attempt to exit at Exit 58. The fleeing car struck the motorist in the gore area of Exit 58 before she could stop or exit. The motorist's vehicle spun out of control down the exit ramp and struck the metal guard of the breakdown lane.

Seconds later, the officer attempted to turn across the right lane of the interstate to pursue the fleeing car into Exit 58. Confronted with the dust and debris from the collision, the officer lost control of his vehicle and skidded into the breakdown lane, striking the motorist's vehicle. The impact of this collision caused the motorist's car to roll over an embankment, coming to rest upside down on its roof in a body of water. The motorist was rescued and subsequently brought suit against the officer and his employing town.

In his defense, the officer claimed that he was exempted from the motor vehicle statutes and regulations cited by the motorist because at the time of the collision he was operating an emergency vehicle with its lights and siren activated in compliance with the state emergency vehicle statute. In ruling for the motorist, the Superior Court of Connecticut stated:

"…[the officer] was traveling at approximately 80 miles per hour, entering a ramp, which was limited to a 25 mile per hour entry speed…[The officer] was authorized to

> *exceed the speed limit imposed by law only so long as he did not endanger life or property before so doing…Due regard for the safety of all persons was required of him by [the state emergency exemption statute]. The officer was negligent in that he failed to keep and maintain a proper lookout with regard to his speed and with regard to the weather, traffic and road conditions there obtaining. The officer was also negligent in that his speed exceeded the speed which a reasonably prudent police officer engaged in a high speed chase would have maintained in making such a sudden turn across traffic."*

See also *City of Worthington v. O'Dea*, 115 Ohio App. 375, 185 N.E.2d 323 (Ohio Ct. App. 1962) (holding officer's speed of 65 mph in approaching flashing yellow light to be excessive and beyond reasonable control).

Case Eighteen: Excessive Speed In Responding To Alarm

KAPLAN v. LLOYDS INS. CO., 479 So.2d 961 (La. Ct. App. 1985).

A deputy received a radio call informing him that a silent alarm had gone off at a local nightclub. Another sheriff's department unit had already been dispatched as the primary unit, and the deputy was to be the backup. The dispatcher ordered him to proceed to the nightclub under "Code 2" which required the use of flashing lights with only intermittent use of the siren.

Traveling at a high rate of speed, the deputy spotted plaintiff's car stopped in the turn lane across an approaching intersection. When plaintiff began to turn out of the center lane, the deputy applied his brakes but the speed of his patrol car prevented him from braking in time. The plaintiff sued the deputy, the sheriff's department, and the department's insurer.

At trial, the deputy testified that he was traveling between 50 and 60 mph. However, a credible eyewitness testified that the deputy was traveling in excess of 75 mph right before the collision. The posted speed limit on that street where the collision occurred is 40 mph, and the sheriff's department's own policy does not allow the operation of a patrol car at more than 20 mph above the posted speed limit.

The Louisiana Court of Appeals held that the deputy breached his duty to drive his patrol car with due regard for the safety of others by "driving at an excessive rate of speed even for an emergency vehicle responding to an emergency call."

Even in criminal cases where the state emergency exemption statute is not specifically at issue, excessive speed during a fatal pursuit may be a factor in a jury's decision to convict a pursuing officer of reckless homicide.

Case Nineteen: Reckless Homicide Conviction for Excessive Speed

COMMONWEALTH OF KENTUCKY v. ALEXANDER, 5 S.W.3d 104 (Ky. 1999).

While responding to an emergency call, a county deputy activated his cruiser's lights and siren and traveled at a high rate of speed. A motorist failed to yield the right-of-way to the deputy by not stopping at a stop sign before turning left onto the road on which the deputy was traveling. The cruiser and the motorist's vehicle collided, and the motorist was killed.

At the time of the collision, the dispatcher and the county police department had canceled the emergency call, but it was disputed whether the deputy heard the radio transmissions of the cancellation.

At trial, a jury convicted the deputy of reckless homicide. An appellate court reversed, but the Supreme Court of Kentucky reinstated the judgment of the trial court.

The court reviewed the evidence, in particular, reports and testimony from members of the county accident reconstruction unit (ARU) who investigated the collision:

> *"After reviewing the videotape from [the deputy's] cruiser, which had recorded the events leading up to the accident, the ARU concluded that [the deputy] had been traveling between 95 and 100 miles per hour at the time he approached the intersection…Therefore, [the deputy] caused the collision due to his excessive speed."*

The court also recounted the testimony of several ARU members who stated their belief that the deputy "was at fault due to his excessive speed in an urban area." The court disagreed with the appellate court and held that this opinion did not go to the ultimate issue of whether the deputy was guilty of reckless homicide and therefore the opinion did not invade the province of the jury.

Failure to slow down, particularly before proceeding against a red light or stop sign as cautioned by many state emergency exemption statutes, may also create undue risk of injury to others.

Case Twenty: Failure To Slow In Approaching Red Light

GORDON v. COUNTY OF NASSAU, 689 N.Y.S.2d 192 (N.Y. App. Div. 1999).

A New York officer heard a broadcast over the police radio that a fellow officer and an ambulance had been dispatched to a medical emergency at a nearby church. Since he was in the vicinity, the officer proceeded toward the scene at a high rate of speed and collided with plaintiff's car. Plaintiff suffered personal injuries and sued.

The New York appellate court held that, in light of the facts that the officer "did not engage his emergency siren before colliding with plaintiff's car, and although he was approaching a red light he did not attempt to decelerate…a rational juror could conclude that the officer acted with reckless disregard for the safety of others."

See also *Andrews v. Jitney Jungle Stores of America, Inc.*, 537 So.2d 447 (Miss. 1989) (holding that officer had duty to slow down as necessary for safety upon approaching a red light at intersection).

Buildings, trees, signs, or hills may prevent motorists from seeing an approaching emergency vehicle. No matter how many flashing lights are activated, a blind intersection is dangerous. Large buildings or other obstructions can also make a siren difficult to hear. Emergency lights and sirens are much less effective as a warning to others when used in an urban setting or on roadways with hills and curves that could block views and muffle sounds.

Case Twenty-One: Obstructed Vision At An Intersection

HORN v. CITY OF LAFAYETTE, 578 So.2d 232 (La. Ct. App. 3d Cir. 1991), *writ of error denied*, 584 So.2d 1165, 1167 (La. 1991).

A Louisiana officer on an emergency call was operating warning lights and a siren as he approached an intersection controlled by a traffic light. The traffic light was yellow as the officer approached but turned to red before the officer entered the intersection.

A motorist on the intersecting street with the green light proceeded into the intersection and collided with the officer.

A tall building on a corner of the intersection obstructed the vision of both the officer and the motorist. The motorist with the green light could not see or hear the approaching police car with its flashing lights and siren. The officer did not see the motorist until just before impact.

The Louisiana Court of Appeals ruled the officer was negligent in proceeding through the intersection without being able to see whether or not cars were approaching. The officer's failure to see the motorist before entering against a red light was the cause of the collision.

The court observed:

> *"[The officer] approached a blind corner on a red light and failed to drive with due regard for the safety of others.... [The officer] should have proceeded with extreme caution due to the high degree of risk created by entering an intersection against a red light."*

Case Twenty-Two: Obstructed Vision Around A Curve

BUTCHER v. CITY OF MONROE, 737 So.2d 189 (La. Ct. App. 2d Cir. 1999), *writ of error denied*, 1999 La. LEXIS 2714 (La. 1999).

While responding to an emergency dispatch call for all units for a burglary in progress, an officer was rounding a curve at over 60 miles per hour curve when he struck a cyclist crossing the street.

At the time of the collision, the officer had activated the blue strobe light on his dashboard and was manually blinking his headlights. The cyclist suffered extensive injuries and sued the city and the officer.

The Louisiana Court of Appeals was less concerned with the fact that the patrol car was not equipped with overhead lights and did not have the siren activated than with the officer's failure to reduce his rate of speed until he could see that his path was clear:

> *"When responding to a burglary in progress, both speed and silence are important as a police officer approaches the scene. Therefore, a police officer should be ever alert and observant to insure that his way is clear. Responding to an emergency call does not relieve a police officer of his duty to drive with due regard for the safety of others."*

The court ruled that the officer "breached the duty to [the cyclist] to drive with due regard for the safety of others by driving at an excessive speed around a curve without determining that his path was clear."

See also *Wright v. City of Knoxville*, 898 S.W.2d 177 (Tenn. 1995) (holding that officer's diagonal turn at red light at congested intersection made it difficult for other motorists to see her approaching police car despite her use of lights and sirens and her moderate rate of speed).

Most emergency exemption statutes allow officers a limited right to disregard certain traffic laws bearing on speed limits, parking, and direction of travel and turn lanes. But does the typical state emergency exemption also allow an officer to pass where passing is otherwise prohibited? The next case answers that question.

Case Twenty-Three: Passing In A No-Passing Zone

PHILLIPS v. COMMONWEALTH OF VIRGINIA, 25 Va. App. 144, 487 S.E.2d 235 (Va. Ct. App. 1997).

While on duty, an officer observed a vehicle whose driver he suspected was driving with a suspended license. The officer confirmed his suspicion with the dispatcher and, after following the vehicle for some distance, the officer activated his emergency equipment.

As the officer passed a tractor-trailer that was between him and the suspect vehicle, he noticed an car approaching in the oncoming lane. The driver of that oncoming car testified that the police car missed hitting him by a foot or two.

The trial court convicted the officer of reckless driving. The officer appealed, claiming that the trial court erred in not applying the higher standard of gross negligence applicable to drivers of authorized emergency vehicles under the state emergency exemption statute.

The Virginia Court of Appeals disagreed with the officer and stated:

> *"The conduct at issue, passing on a double yellow line, is not exempted behavior. Thus, the officer is subject to criminal prosecution as would be any other citizen…Further, no heightened standard of care is merited in a situation where no exemption applies."*

See also *State v. Simpson*, 11 Kan. App. 2d 666, 732 P.2d 788 (Kan. Ct. App. 1987) (holding officer not entitled to exemptions and upholding conviction for reckless driving and passing in no-passing zone during pursuit of speeder).

Agency Policies Regarding Emergency Driving

Many law enforcement agencies have standard policy manuals covering emergency and non-emergency driving. The written policy of an agency is a statement of rules set by the employer to guide officers in the performance of duty. Sometimes a rule in agency policy incorporates a rule of law. Some policy rules have nothing to do with rules of law. Many agencies have a policy rule prohibiting speeds over 15 mph above the posted speed limit while driving to the scene of a call. Speed exemption statutes prohibit unsafe speeds, but do not always specify a maximum speed limit for emergency driving. Therefore, driving 16 mph in excess of the speed limit may violate agency policy but may not violate state law.

Violation of agency policy can lead to disciplinary action, including job loss. Even if state law is not violated, a violation of agency policy in many agencies is insubordination - failure to obey orders. Officers have been fired for violating policy related to emergency and non-emergency driving. Disciplinary action may be taken for violating agency policy even though the officer was not charged or convicted of violating state or local traffic law.

Even though agency policy is not law, a violation of agency policy may be evidence of negligence in a civil or criminal trial. Agency policy sets a standard of due care which a jury is entitled to consider. An injured party bringing a lawsuit will argue the officer's violation of agency policy shows a disregard for the safety of the public. See *City of Pharr v. Ruiz*, 944 S.W.2d 709 (Tex. Ct. App. 1997) (evidence that police officers failed to adhere to department pursuit policy countered officers' evidence of good faith).

On the other side, the officer may try to minimize a violation of policy by offering evidence that many other officers violated the same policy on a regular basis without suffering any disciplinary action. Essentially, the officer claims the written policy is not followed in the field. That effort is not always successful. As the following case demonstrates, agency written policy is powerful evidence in court if it appears an officer ignored it with disastrous consequences.

Case Twenty-Four: Agency Speed Cap Policy Violated In Fatal Collision

STATE v. FLAHERTY, 55 N.C. App. 14, 284 S.E.2d 565 (N.C. Ct. App. 1981).

A Charlotte, N.C., officer responding to an "assist officer" call collided with a car at an intersection, killing three of the four occupants. The officer testified he was going 45 to 50 mph and had a green light as he approached an intersection. Other witnesses estimated his speed at 60 to 70 mph and said the officer had a red light on his travel lane.

The posted speed limit at the intersection was 35 mph. The Charlotte Police Department had a General Order prohibiting speeds more than 10 mph over the limit. The officer testified that officers routinely ignored this 10 mph speed cap when going to assist another officer. North Carolina's emergency exemption statute for speed did not have a maximum speed limit but did require officers to drive with due regard for the safety of others.

The officer was convicted of involuntary manslaughter and sentenced to three years in prison. The North Carolina Court of Appeals reversed the conviction and ordered a new trial because of an error in jury instructions. To be guilty, the officer's driving must be in reckless disregard of the consequences, a higher standard than simple negligence. At trial after remand, the jury may conclude the officer was guilty of involuntary manslaughter even with a correct instruction on the law.

(After remand for a new trial, the officer pled guilty in exchange for a probated sentence instead of imprisonment.)

Usually agency policy restricts officers in the exercise of authority given by state law. But occasionally agency policy fails to consider the requirements of state law. In many states, emergency warning equipment must be activated to claim the emergency exemption from speed or right-of-way laws. Agency policy that authorizes speeding over the limit without activating required emergency equipment cannot justify a violation of the statute. See *Smith v. Bradford*, 512 Sp.2d 50 (Ala. 1987) discussed earlier and *Brown v. Kreuser*, 38 Colo. App. 554, 560 P.2d 105 (Colo. Ct. App. 1977) (holding that trial court did not err in excluding evidence of departmental silent run policy that required officers to respond to crimes in progress without activating warning lights or siren).

Collisions Between Fleeing Suspects and Innocent Bystanders

Courts increasingly are finding pursuing officers civilly liable for injuries suffered by a member of the public who is struck by the fleeing suspect. In these cases, courts hold that the officer's decision to continue a pursuit under dangerous conditions is negligence. A negligent failure to terminate a pursuit has been deemed by the court to be a joint cause of the collision between the fleeing suspect and the innocent bystander.

Case Twenty-Five: Liability For Suspect's Collision With Innocent Bystanders

DAY v. STATE OF UTAH BY AND THROUGH UTAH DEP'T OF PUBLIC SAFETY, 1999 Utah 46, 980 P.2d 1171 (Utah 1999).

While monitoring traffic on an interstate, a Utah Highway Patrol (UHP) officer clocked a passing motorist at 10 mph over the speed limit. Intending to stop the motorist, the UHP drove up behind the vehicle. The motorist increased his speed and exited the interstate, ignored a stop sign and turned onto a heavily traveled two-lane road, and proceeded through several towns at speeds up to 120 mph. The UHP officer and other officers followed in close pursuit.

At one point, the fleeing motorist drove onto a freeway exit ramp and collided with a semi-trailer truck. The fleeing motorist's vehicle spun 240 degrees and temporarily came to a stop. Close behind, the UHP officer also stopped but did not draw his gun or otherwise disable the fleeing motorist's vehicle. The UHP officer did get close enough to read the vehicle's license plate number.

The fleeing motorist eluded the UHP officer and again entered the freeway traveling at speeds in excess of 100 mph. After entering an off-ramp at high speed, the fleeing motorist ran a red light and struck another vehicle. The driver of that vehicle died and his wife sustained severe injuries. The wife sued the Utah Department of Public Safety, the UHP, the UHP officer, several other law enforcement officers, and several cities for wrongful death.

The trial court granted summary judgment against the wife on the ground that her claims for severe personal injuries and the death of her husband were barred by a now repealed provision of the Utah Governmental Immunity Act. The Utah Court of Appeals affirmed but the Utah Supreme Court reversed and remanded. For the first time, the Utah Supreme Court recognized a cause of action for negligent pursuit where the pursued vehicle strikes and injures an innocent third party. The court first stated:

> *"Although law enforcement officers have a general duty to apprehend those who break the law, that duty is not absolute, especially where the violation is only a misdemeanor or an infraction—such as driving ten miles per hour over the speed limit—and the attempt to apprehend the person creates a serious risk of death or injury to third persons or the fugitive."*
>
> *The court went on to state:*
>
> *"After initially clocking [the fleeing motorist] at ten miles per hour above the speed limit, [the UHP officer] commenced pursuit and also inquired over the radio whether [the] vehicle was stolen. The dispatcher reported that there was no indication it was stolen, yet [the UHP officer] continued the pursuit at speeds on and off the freeway in urban areas up to 120 miles per hour. The fact finder on remand will have to determine whether it was or should have been reasonably foreseeable to [the UHP officer] that the high-speed pursuit through highly populated areas would endanger the lives of others on the road and whether, if he had terminated the pursuit, [the fleeing motorist] would likely have substantially reduced his speed and terminated his otherwise reckless driving. [The UHP officer] had a statutory duty to use care for the safety of other persons on the road…Whether he failed to comply with the statute and breached his duty is a question for the jury…"*

In *Day*, the Utah Supreme Court emphasized that its decision should *not* be read to suggest that police officers are never justified in engaging in high-speed pursuits. Rather, the court cautioned that pursuing officers must always weigh the need to apprehend a suspect against the risks that a high-speed pursuit poses to innocent third parties.

Case Twenty-Six: Liability For Suspect's Collision With Innocent Bystanders

HAYNES v. HAMILTON COUNTY, 883 S.W.2d 606 (Tenn. 1994).

At 7 p.m. on a highway fronting a commercial strip, a Tennessee officer pulled in behind a Corvette with no taillights. The officer watched the Corvette accelerate to 55 mph in a 45 mph zone as it passed a car. When the officer activated his blue lights and siren, the Corvette increased its speed, reaching 100 mph or more. The pursuing officer and the fleeing suspect passed a number of cars, oncoming and in the same travel lane.

The officer slowed when they encountered heavy traffic about three miles into the pursuit. At that point, the officer saw a burst of flames ahead of him. The Corvette had crossed the center line and struck a car head-on. Three teenagers in an oncoming car were killed. The trial court dismissed a lawsuit filed by the estates of the victims against the Tennessee officer on a claim the officer was negligent in continuing a pursuit that a reasonably careful officer would have terminated.

On appeal, the Supreme Court of Tennessee reversed the trial court and remanded the case for retrial. For the first time, Tennessee recognized the possibility that a Tennessee officer might be liable, along with the fleeing suspect, for negligence that causes injury to a third person who collides with a fleeing suspect. The court stated:

> *"Accordingly, we conclude that an officer's decision to commence or continue a high-speed chase is encompassed within the statutory term "conduct" and may form the basis of liability in an action brought by a third party who is injured by the fleeing suspect, if the officer's decision was unreasonable."*

In *Haynes*, the Supreme Court of Tennessee discussed the factors an officer should consider in deciding to start and stop a pursuit. These factors include:

- Speed
- Area of the pursuit
- Weather and road conditions
- Vehicular and pedestrian traffic
- Alternative methods of apprehension
- Danger posed to the public by the suspect being pursued
- Applicable police regulations

A decision to continue a high-speed pursuit can be negligence like a failure to brake or careless steering. A decision to continue a pursuit is negligent if a reasonably careful officer would not do so under like circumstances. Unusual circumstances may justify a high-speed pursuit at great risk to the public but, as the courts in *Day* and *Haynes* and other similar cases recognize, the need to arrest that violator must be sufficient to justify the danger to the public.

With *Day* and *Haynes*, Utah and Tennessee join the growing ranks of states that recognize a claim against a police officer for the injuries sustained by innocent bystanders in collisions with pursued vehicles. Courts in the following jurisdictions have recognized a cause of action for negligent conduct of a high-speed chase where the pursued vehicle strikes and injures an innocent third party: Alabama, Arizona, Arkansas, Connecticut, District of Columbia, Florida, Michigan, Mississippi, Nebraska, Oregon, Pennsylvania, Tennessee, Texas, Utah, and Washington. A number of other jurisdictions also recognize such a claim but allow recovery only if the officer is grossly negligent or reckless: Colorado, Georgia (by statute), Illinois, Iowa, Maryland, New York, North Carolina, and West Virginia. Several states that have addressed the issue but have yet to recognize liability for such a claim include: Kansas, Kentucky, Minnesota, Missouri, New Jersey, Ohio, Oklahoma, Wisconsin, and Wyoming. For a listing of jurisdictions along with citations to cases or statutes, see **Appendix C.**

In those states which require a showing of gross negligence, a high-speed pursuit ending in a fatal crash may not create liability.

Case Twenty-Seven: No Reckless Disregard In Pursuit Fatal To Bystanders

BULLINS v. SCHMIDT, 322 N.C. 580, 369 S.E.2d 601 (1988).

A pursuit started in Greensboro, NC, early in the morning when a car weaving in the travel lane refused to stop for blue lights and siren. The fleeing suspect continued on for eighteen miles at speeds up to 100 mph, forcing several cars off the two lane rural road north of the city. Traffic was light and the road surface dry.

Two officers continued the pursuit at a distance of about 100 yards behind the suspect's car. By radio, a supervisor authorized continuing the chase.

The suspect pulled into the opposing travel lane to pass a car and collided with an oncoming vehicle, killing its driver. At the time, the suspect was driving with headlights off.

The Supreme Court of North Carolina reversed a jury verdict for the driver of the oncoming car and ruled that the pursuing officers were not negligent.

First, the court concluded the appropriate standard for liability if a suspect collides with an innocent bystander is gross negligence or reckless disregard of the safety of others, not simply negligence, the failure to use due care. The emergency exemption statute expresses a policy of permitting pursuits except those that show a reckless disregard of the safety of others. A collision between a suspect and an innocent bystander is not a failure by the officer to control the officer's vehicle.

Second, the officers did not violate any of the rules of the road in this pursuit. The suspect was unknown to the officers and acting in a manner consistent with drunk driving, a serious threat to public safety requiring an immediate arrest. Although the pursuit was conducted at high speeds over a long distance, traffic was light over the rural road early in the morning. The officers continually operated their emergency equipment and kept their vehicles under control at all times. The court held that there was no evidence of negligence, let alone gross negligence.

Central to the decision to terminate a pursuit is a balancing process: *Given all the prevailing conditions - speed, traffic density, weather, intersections, etc. - how likely is it that an innocent third person will be injured*? That likelihood must be weighed against the need to protect the public by making an immediate arrest of the violator. As speed, traffic density, and intersections increase, the danger to innocent bystanders increases. As the seriousness of the crimes committed by the violator increases, the need to protect the public by making an immediate arrest also increases. That decision may be difficult for any officer.

Significantly, even where an officer terminates a pursuit, the officer may still be liable for injuries to third parties in collisions with the fleeing suspect that occur shortly after termination of the pursuit. See *Creamer v. Sampson*, 700 So.2d 711 (Fla. Ct. App. 1997) (holding that fatal collision between fleeing suspect and innocent motorist that occurred 45 seconds after pursuing officer terminated pursuit of car displaying improper tag have been proximately caused by officer's negligence conducting pursuit for minor infraction at high speed over crowded city streets).

In addition to filing claims under state law, third parties injured in collisions with fleeing vehicles sometimes bring suit against the pursuing officers and their agencies under federal law as well. A very different and much higher standard applies in these federal cases. For discussion of negligent pursuit cases under federal law, see Objective 1.3.

Duty to Occupants of Fleeing Car

Although courts increasingly are finding pursuing officers civilly liable for injuries suffered by an innocent third party who is struck by the fleeing suspect, courts remain less willing to find pursuing officers liable for injuries sustained by the *fleeing suspect* where there is no contact between the police car and the fleeing vehicle. See *Tyree v. City of Pittsburgh*, 669 A.2d 487 (Pa. Commw. Ct. 1995) (holding that pursuing officer owed no duty to fleeing suspect who ran red light and drove at excessive speed before fatally crashing into utility pole); *Estate of Day by Strosin v. Willis*, 897 P.2d 78 (Ala. 1995) (holding that pursuing officer owed no duty to fleeing suspect wanted for assault and battery and stop sign violation where suspect ran off road and fatally crashed after officer terminated pursuit). See also *Vince v. City of Canton*, 1998 Ohio App. LEXIS 1989 (Ohio Ct. App. 1998) (holding that, while duty to refrain from operating police car in willful and wanton manner extends to persons being pursued, pursuit of motorcycle which ended with motorcyclist fatally crashing was not willful or wanton). For discussion of cases involving collisions between police cars and fleeing vehicles, see Objective 1.4 which addresses roadblocks and ramming.

However, courts are less united on the issue of whether officers owe a duty to *passengers* in fleeing vehicles injured in collisions with structures or other vehicles during high-speed pursuits and, if so, what standard applies. Some courts hold a pursuing officer liable for death or injury to passengers of fleeing cars only where gross negligence or wanton and willful misconduct is shown. See *Parish v. Hill*, 350 N.C. 231, 513 S.E.2d 547 (N.C. 1999); *Jackson v. Poland Township*, 1999 Ohio App. LEXIS 4703 (Ohio Ct. App. 1999); *Urban v. Village of Lincolnshire*, 272 Ill.App.3d 1087, 651 N.E.2d 683 (Ill. App. Ct 1995), *appeal denied*, 163 Ill.2d 591, 657 N.E.2d 641 (Ill. 1995); *Jones v. Ahlberg*, 489 N.W.2d 576 (N.D. 1992).

Other courts hold that the duty of pursuing officers to drive with due regard to "all persons" is owed to passengers of fleeing vehicles as well. See *City of Lancaster v. Chambers*, 883 S.W.2d 650 (Tex. 1994). And other courts hold that police owe no duty to a voluntary passenger in a fleeing car. See *In Re Estate of Henderson v. City of Detroit*, 225 Mich. App. 14, 571 N.W.2d 34 (Mich. Ct. App. 1997), *application granted,* 458 Mich. 861, 587 N.W.2d 637 (Mich. 1998).

Agency Pursuit Policies

Many police agencies have recognized the high risk of harm to the public posed by high-speed chases and consequently have adopted specific policies regarding police pursuits. As the next case demonstrates, violation of an agency pursuit policy may provide evidence of a negligent pursuit.

Case Twenty-Eight: Violation of Hot Pursuit Policy Evidence Of Negligence

ESTATE OF ATEN v. CITY OF TUCSON, 169 Ariz. 147, 817 P.2d 951 (Ariz. Ct. App. 1991).

For several miles and on several streets, two police cars engaged in a high-speed chase of a reckless driver suspected in a hit-and-run collision earlier. At some point during the chase, a police helicopter arrived at the scene. After running a red light, the pursued vehicle collided with another vehicle and killed the driver.

The estate of the decedent filed a wrongful death action against the city, alleging that the police failed to comply with department procedures regarding hot pursuits. The trial court granted summary judgment to the city, but the Arizona Court of Appeals reversed.

The Arizona Court of Appeals held that there was a question of material fact on the issue of whether the police pursuit of the fleeing vehicle was conducted in a negligent manner. Among the items of evidence offered by decedent's estate that precluded summary judgment was evidence that the officers' violated specific departmental policy in continuing pursuit after the arrival of the helicopter.

The section on air support unit assistance in the city department procedures manual section on hot pursuits provided that, once ground units are advised that the air support unit has visual contact with the suspect vehicle, then the air support unit will coordinate the remainder of the pursuit and pursuing ground units are to immediately slow down and respond to the directions of the air support unit.

See also *D'Alessandro v. Westhall*, 972 F.Supp. 965 (W.D. N.C. 1997) (holding that pursuing officers' admitted violation of departmental rules regarding pursuits may be evidence of negligence or even gross negligence). However, other courts are more reluctant to consider an officer's violation of agency pursuit policy as evidence of negligence. See *Morton v. City of Chicago*, 286 Ill. App.3d 444, 676 N.E.2d 985 (Ill. App. Ct. 1997), *appeal denied*, 173 Ill.2d 527, 684 N.E.2d 1336 (Ill. 1997) (holding that violation of internal guidelines does not impose a legal duty, let alone constitute evidence of negligence).

Several states, including California, Utah, and Wisconsin, have a statutorily imposed requirement that agencies adopt pursuit policies. California Vehicle Code §17004.7, for example, conditions governmental immunity on an agency's adoption of a written pursuit policy and provides minimum standards for such pursuit policies.

In cases involving police pursuits, California courts closely examine agency pursuit policies to determine whether they adhere to the statutory requirements of California Vehicle Code §17004.7(c). See *McGee v. City of Laguna Beach*, 56 Cal. App. 4th 537, 65 Cal. Rptr. 2d 506 (Cal. Ct. App. 1997), *review denied by* 1997 Cal. LEXIS 7612 (Cal. 1997) (holding that pursuit policy complied with minimum standards of statute so officer was immunized from liability for striking motorist and leaving young boy a quadriplegic); *Payne v. City of Perris*, 12 Cal. App. 4th 1738, 16 Cal. Rptr. 2d 143 (Cal. Ct. App. 1993), *review denied by,* (Apr. 29, 1993) (holding that pursuit policy failed to provide detailed objective guidelines so officer was not immunized from liability for death of third party killed by fleeing suspect*); Berman v. City of Daly City*, 21 Cal. App. 4th 276, 26 Cal. Rptr. 2d 493 (Cal. Ct. App. 1993) (holding that pursuit policy was deficient in giving nearly complete discretion to officers to initiate and terminate high-speed pursuit and therefore could not invoke governmental immunity).

Summary

State emergency exemption provisions offer authorized emergency vehicles limited exemptions from ordinary traffic laws. To enjoy these exemptions, law enforcement officers engaged in emergency driving must comply with the warning device requirements of these provisions. Moreover, even when complying with the warning device requirements, law enforcement officers engaged in emergency driving must still exercise due regard for the safety of others or risk liability. Under the law of many states, law enforcement officers engaged in emergency driving are not only potentially liable to a third party injured or killed in collisions with police cruisers but also to third parties injured or killed in collisions with fleeing suspects. Consequently, law enforcement officers engaged in emergency driving *must* become familiar with the requirements of their state emergency exemption provisions. In addition, law enforcement officers engaged in emergency driving should know and understand their agency's policies regarding emergency calls and pursuits. Significantly, violation of agency policy may be considered evidence of negligence.

Suggested Instructional Methodology

Lecture with Slides

With slides of various environmental factors, have students identify how the factors create a situation which is more demanding of the driver's skills and attention.

Lecture and Class Discussion

Utilize case summaries to present legal principles and involve students in discussion of relevant issues.

Small Groups with Case Studies

In groups of 3-6, present each group with the cases provided above and additional factual situations. Involve small groups in discussion of cases and develop group questions for the instructor to address in subsequent lectures.

Resources and Aids

- Relevant state statutes
- Agency policies

Suggested Evaluation Methodology

Students

- Written or verbal response to questions regarding legal principles.
- Observation of strategies, decisions, or methods used by a driver when exposed to various driving scenarios.

Course

- Observe the driving of officers during the simulations of emergency vehicle operations.
- Review agency collision reports for failure to heed legal considerations.

OBJECTIVE 1.3 Identify constitutional law, statutory law, and case law governing civil liability for emergency driving that "shocks the conscience" in its deprivation of federal constitutional rights.

Emergency Driving That Shocks The Conscience

Introduction

The federal constitution may impose liability on officers who conduct police pursuits in a manner that "shocks the conscience" in the risk created for the public. The officer's degree of fault must exceed mere recklessness before liability is created under the "shocks the conscience" standard adopted by the United States Supreme Court in *County of Sacramento v. Lewis,* 523 U.S. 833, 140 L. Ed. 2d 1043, 118 S. Ct. 1708 (1998) which is discussed at **Case Twenty-Nine** below. Pursuits that "shock the conscience" may also give rise to liability of the governmental employer or the supervising officer for an unconstitutional policy or custom or for failure to train.

Historical Context

As discussed in Objectives 1.1 and 1.2, law enforcement officers must be mindful of various state laws that bear on emergency and non-emergency law enforcement driving. State tort laws may apply to non-emergency law enforcement driving. State laws often grant emergency driving exemptions and limited immunities to law enforcement officers. These state emergency exemption statutes may impose special duties on law enforcement emergency driving. Each state is largely free to legislate as it sees fit in defining the conditions that govern emergency vehicle operation.

The federal constitution and federal statutes define another set of legal rights and obligations. Law enforcement officers employed by state and local governments cannot, under the authority of state law, violate rights secured to people under the federal constitution. Section 1983 of title 42 of the U.S. code allows persons to sue governmental defendants, such as law enforcement officers and agencies, for deprivation of rights, privileges or immunities under the federal constitution. The Fourteenth Amendment of the federal constitution, in particular, guarantees the right to substantive due process. The Fourteenth Amendment provides, in part, that "no State shall…deprive any person of life, liberty, or property, without due process of law. Persons injured during a police pursuit may claim that the pursuit deprived them of their right to substantive due process under the Fourteenth Amendment.

Over the years, several U.S. Supreme Court decisions have paved the way for individuals to sue law enforcement officers and their employing towns, cities, or counties for deprivation of federal constitutional rights. In 1961, the Supreme Court ruled that an individual could sue state and local law enforcement officers who violated a right guaranteed by the federal constitution. *Monroe v. Pape*, 365 U.S. 167, 5 L. Ed. 2d 492, 81 S. Ct. 473 (1961), *overruled by Monell v. Dep't of Social Services*, 436 U.S. 658, 56 L. Ed. 2d 611, 98 S. Ct. 2018 (1978), *overruled in part by Canton v. Harris,* 489 U.S. 378, 103 L. Ed. 2d 412, 109 S. Ct. 1197 (1989). For the first time, money damages could be recovered from individual officers who violate federal rights.

In 1978, the Supreme Court extended the right to recover money damages for a constitutional deprivation to allow suits against towns, cities, and counties with a policy or custom that violated a federal constitutional right. *Monell v. Dep't of Social Services*, 436 U.S. 658, 56 L. Ed. 2d 611, 98 S. Ct. 2018 (1978). Under *Monell*, liability is imposed on a town, city, or county government only if the injured party can prove an official policy or unofficial custom caused the deprivation of a federal right. However, a local governmental employer is not liable simply because one of its law enforcement officers violates a federal right. The constitutional deprivation must be the product of a governmental policy or custom.

In 1989, the Supreme Court recognized a suit against a town, city, or county for having a policy of deliberate indifference to inadequate training of its law enforcement officers. *City of Canton v. Harris*, 489 U.S. 378, 103 L. Ed. 2d 412, 109 S. Ct. 1197 (1989). If officers receive little or no training to the point constitutional violations are almost inevitable, the employing town, city, or county may be liable for "failure to train."

Substantive Due Process Claims

By 1998, it was well-established that persons injured or killed in high speed pursuits could bring suits against police officers and municipalities alleging violation of substantive due process rights under the Fourteenth Amendment. However, federal courts were divided on what standard of culpability should apply to the conduct of the police in these pursuit cases. Most circuit courts had adopted one of the following standards: (1) gross negligence; (2) reckless or deliberate indifference; or (3) shocks the conscience. Compare *Jones v. Sherrill*, 827 F.2d 1102 (6th Cir. 1987), *later proceeding,* 1991 Tenn. App. LEXIS 372 (1991) (gross negligence); *Medina v. City & Cty of Denver*, 960 F.2d 1493 (10th Cir. 1992) (recklessness or deliberate indifference); *Medeiros v. Town of South Kingstown*, 821 F. Supp. 823 (D.R.I. 1993) (recklessness or deliberate indifference); *Temkin v. Frederick Cty Comm'rs*, 945 F.2d 716 (4th Cir. 1991), *cert. denied*, 502 U.S. 1095, 117 L. Ed. 2d 417, 112 S. Ct. 1172 (1992) (shocks the conscience); *Fagan v. Vineland*, 22 F.3d 1296 (3rd Cir. 1994) (shocks the conscience); *Evans v. Avery*, 100 F.3d 1033 (1st Cir. 1996), *cert. denied*, 520 U.S. 1210, 137 L. Ed. 2d 820, 117 S. Ct. 1193 (1997) (shocks the conscience).

In 1998, the Supreme Court decided *County of Sacramento v. Lewis* and settled the issue: the shocks the conscience standard applies to police conduct in pursuit cases brought under the Fourteenth Amendment.

Shocks the Conscience Test

In *County of Sacramento v. Lewis*, the Supreme Court addressed when high speed pursuits may constitute substantive due process violations. The Court held that an officer is liable for a substantive due process violation for persons injured in high speed chases only where the officer's conduct "shocks the conscience." Conscience-shocking behavior for pursuits can be found only where the officer has "an intent to harm suspects physically or to worsen their legal plight."

Case Twenty-Nine: Fatal Pursuit Doesn't Shock the Conscience

COUNTY OF SACRAMENTO v. LEWIS, 523 U.S. 833, 140 L. Ed. 2d 1043, 118 S. Ct. 1708 (1998), *on remand,* 150 F.3d 1223 (1998).

Returning to their patrol cars after responding to a call regarding a fight in progress, a deputy sheriff and a police officer saw a motorcycle approaching at a high rate of speed. An 18-year-old was driving the motorcycle with the 16-year-old owner of the motorcycle as his passenger. The officer activated his cruiser's emergency lights, yelled at the boys to halt, and pulled his cruiser closer to the other patrol car in an attempt to block the path of the motorcycle. Instead of stopping, the driver slowed down, maneuvered the motorcycle between the patrol cars, and then sped away. The deputy turned on his cruiser's siren and emergency lights and pursued the motorcycle.

During the chase, the motorcycle wove in and out of oncoming traffic for 75 seconds over 1.3 miles in a residential neighborhood, forcing a bicyclist and at least two cars to veer off the road. The motorcycle also made three sharp left turns and ran four stop lights. Both the motorcycle and the patrol car reached speeds of up to 100 mph, and the deputy followed as close as 100 feet. The pursuit ended when the driver lost control while trying to make a sharp left turn and the motorcycle flipped over. Although the deputy slammed on his brakes, he was unable to stop and crashed into the motorcycle. The patrol car skidded and hit the passenger who suffered extensive injuries and died at the scene. The driver managed to get out of the way and was not hit by the patrol car.

The passenger's parents brought suit against the county, the county sheriff's department, and the deputy alleging a deprivation of their son's substantive due process rights under the Fourteenth Amendment in violation of 42 U.S.C. §1983.

The Ninth Circuit Court of Appeals held that the appropriate standard of conduct to apply to law enforcement officers in the context of high-speed vehicular pursuits was "deliberate indifference" or "reckless disregard" for an individual's right to life and liberty. Reversing the Ninth Circuit, the Supreme Court held that a much higher standard of fault than "deliberate indifference" must be shown for officer liability in a police pursuit. The Court adopted the "shocks the conscience" standard and stated:

> *"Accordingly, we hold that high-speed chases with no intent to harm suspects physically or to worsen their plight do not give rise to liability under the Fourteenth Amendment, redressible (sic) by an action under §1983."*

The Court then explained why the deputy's fault failed to meet the "shocks the conscience" test:

> *"[The deputy] was faced with a course of lawless behavior for which the police were not to blame. They had done nothing to cause [the driver's] high-speed driving in the first place, nothing to excuse his flouting of the commonly understood law enforcement authority to control traffic, and nothing (beyond a refusal to call off the chase) to encourage him to race through traffic at breakneck speed forcing other drivers out of their travel lanes. [The driver's] outrageous behavior was practically instantaneous, and so was [the deputy's] instinctive response. While prudence would have repressed the reaction, [the deputy's] instinct was to do his job as a law enforcement officer, not to induce [the driver's] lawlessness, or to terrorize, cause harm, or kill. Prudence, that is, was subject to countervailing considerations, and while [the deputy] exaggerated their demands, there is no reason to believe that they were tainted by an improper or malicious motive on his part."*

The "shocks the conscience" test adopted in *Lewis* poses a high standard for plaintiffs in police pursuit cases brought under the Fourteenth Amendment. Since *Lewis*, several federal and state courts have addressed the issue of whether a police pursuit violated the injured party's substantive due process rights under the Fourteenth Amendment. These courts have applied the "shocks the conscience" test, and most have found that a reasonable jury could not find that the officer's conduct shocks the conscience. For example, see *Courville v. City of Lake Charles*, 720 So.2d 789 (La. Ct. App. 3d Cir. 1998) (late night high speed chase of suspected burglar which ended with suspect crashing into telephone pole did not shock the conscience); *Davis v. Township of Hillside*, 190 F.3d 167 (3rd Cir. 1999), *cert. denied*, 120 S. Ct. 982, 200 U.S. LEXIS 863 (2000) (high speed chase which ended with suspect colliding with two other cars and one of those cars hitting and severely injuring pedestrian did not shock the conscience).

Several federal courts have also held that the "shocks the conscience" test applies not only to harm caused to those pursued in a high speed chase but also to harm caused to other drivers or pedestrians. See the *Davis* case above, and *Onossian v. Block*, 175 F.3d 1169 (9th Cir. 1999), *cert. denied*, *Torres v. Bonilla*, 145 L. Ed. 2d 385, 120 S. Ct. 498, 1999 U.S. LEXIS 7543 (1999) (high speed chase of reckless driver which ended with reckless driver crashing into another car and injuring occupants did not shock the conscience). And at least one federal court has suggested that the *Lewis* decision and its "shocks the conscience" standard applies not only in pursuits but also in other emergency driving situations. See *Gillyard v. Stylios*, 1998 U.S. District LEXIS 20251 (E.D. Pa. 1998) ("shocks the conscience" standard applied where officers responding to fellow officer's request for emergency assistance hit and killed pedestrian and his 7-month-old son).

While the "shocks the conscience" test may pose a difficult hurdle for plaintiffs in pursuit cases brought under the Fourteenth Amendment, the standard is not impossible to meet as evidenced by the district court decision in the next case.

Case Thirty: Fatal Pursuit May Shock the Conscience

FEIST v. SIMONSON, 36 F. Supp. 2d 1136 (D. Minn. 1999).

A Minneapolis police officer stopped a car fitting the reported description of a stolen vehicle. When the officer requested the suspect and his passenger put their hands in the air, the driver refused and sped away. The officer pursued the suspect through the streets of Minneapolis as the suspect turned the wrong way down one-way streets and nearly caused several collisions. At one point, the suspect entered a highway, exited the highway over a grassy median, and then re-entered the highway going in the opposite direction of traffic. The driver drove erratically, forcing several cars off the road to avoid being hit. The officer, along with three other patrol cars that had joined the pursuit, shadowed the suspect's driving pattern.

The pursuing officers were no longer calling out the traffic conditions and, concerned that the chase had gone on so long under dangerous conditions, the chase supervisor left the precinct and headed for the highway. The chase supervisor claimed that he was about to call off the chase because of the dangers of an upcoming tunnel. Before the chase could be called off, however, a crash occurred. As traffic on the highway slowed to a halt, a limousine driver swerved onto a shoulder to avoid hitting the car in front of him. As he turned onto the shoulder, the suspect struck the limousine driver at a closing speed estimated at 97-104 mph. The limousine driver was crushed and killed in the crash.

The limousine driver's mother filed suit against the officers and the city, alleging a deprivation of her son's substantive due process rights under the Fourteenth Amendment in violation of 42 U.S.C. §1983.

The Minnesota district court applied the "shocks the conscience" test from Lewis, but distinguished the facts of this case from the facts of Lewis. The district court held that, while the initial decision to pursue was justified, the situation "escalated into one of greater and greater potential for harm to the general public." The court stated:

> *"What began as a chase down residential roads soon escalated to a high-speed run through stop lights and down the wrong way of busy one-way streets. What then became a dangerous pursuit entering a busy interstate eventually became a deadly pursuit back onto the same interstate, this time heading at break-neck speeds the wrong direction against heavy traffic."*

The court went on to say that the officer had many opportunities during the chase to balance the need to catch the suspect against the threat to the public. The court pointed out that there was no indication that, had the officer suspended the chase, the police department would not have eventually apprehended the suspect. The court held that the officer's conduct reveals genuine issues of material fact as to whether his actions "shocked the conscience" for the purpose of a substantive due process claim.

Governmental or Supervisory Liability

Police pursuits that "shock the conscience" may not only expose the pursuing officers to liability but also may expose the governmental employer and the pursuit supervisor to liability. An employing town, city, or county may be directly responsible under 42 U.S.C. §1983 when an employee executes a governmental policy or custom that inflicts constitutional injury. See *Monell v. Dep't of Social Services*, 436 U.S. 658, 56 L. Ed. 2d 611, 98 S. Ct. 2018 (1978), also discussed earlier. Third parties injured in collisions during a police pursuit may claim that the police department had an official policy or an unofficial custom of encouraging high-speed chases of suspects at the expense of the safety of the public, that is, that the policy or custom was a product of deliberate or reckless indifference.

To succeed on a claim based on an unconstitutional policy or custom, the plaintiff must prove the following: (1) an official policy or unofficial custom of unconstitutional misconduct, (2) a deliberate indifference to or tacit authorization of such misconduct; and (3) the policy or custom was the moving force behind the constitutional violation. *Feist v. Simonson*, 36 F. Supp. 2d 1136, 1149 (D. Minn. 1999), also discussed earlier at **Case Thirty**. These requirements present a formidable burden for plaintiffs. See *Feist v. Simonson*, 36 F. Supp. 2d 1136 (D. Minn. 1999) ("statistics regarding the number of past pursuits and the lack of resulting disciplinary action is not sufficient to prove a policy or custom"); *Fulkerson v. City of Lancaster*, 801 F. Supp. 1476 (E.D. Pa. 1992), *affirmed without opinion,* 993 F.2d 876 (3d Cir. 1993)(simply citing fact that department's officers have pursued minor traffic offenders at high speeds in past without evidence of injuries or collisions is not sufficient). But see *Gillyard v. Stylios*, 1998 U.S. Dist. LEXIS 20251 (E.D. Pa. 1998) (plaintiff's evidence of large number of preventable collisions during pursuits, failure of police department to discipline officers causing preventable collisions, violation of city directive on safe driving and state traffic laws, and ignored internal requests to enforce safe driving techniques more strictly held sufficient evidence of implicit policy sanctioning reckless driving to present a jury issue).

A governmental employer (or a supervising police officer) may also be liable under 42 U.S.C. §1983 for constitutional injuries caused by the failure to train police officers. Third parties injured in collisions during a police pursuit may claim that the employing town, city, or county, and/or the police officer supervising the pursuit failed to train the pursuing officers in high-speed chases.

However, an action for failure to train will lie "only where the failure amounts to deliberate indifference to the rights of persons with whom the police come into contact." The failure to train must be coupled with a deliberate or conscious choice in order to rise to the level of a governmental policy or custom. In other words, "the need for more or different training is so obvious, and the inadequacy so likely to result in the violation of constitutional rights, that the policy-makers of the city can reasonably be said to have been deliberately indifferent to the need." Finally, the failure to train must be the cause of the constitutional violation. See *City of Canton v. Harris*, 489 U.S. 378, 389-390, 103 L. Ed. 2d 412, 109 S. Ct. 1197 (1989), also discussed earlier.

Again, this deliberate indifference standard can be difficult for plaintiffs to meet. In *Canton*, the Supreme Court was careful to note that governmental liability for failure to train will not be had merely because an individual officer is insufficiently trained or because an individual officer makes a mistake. See *Williams v. Musser*, 1997 U.S. Dist. LEXIS 10388 (N.D. Ill. 1997) (where written pursuit policy prohibits intentionally damaging suspect's car and lists factors to consider during pursuits, and officers received basic police training in compliance with state law, plaintiff's assertion that city should have provided practical training on how to interpret and apply pursuit policy is insufficient evidence of failure to train); *Smith v. City of New Baltimore*, 1999 U.S. Dist. LEXIS 20196 (E.D.S.D. Mich. 1999) (plaintiff's assertions that department failed to discipline pursuing officer for previous collisions and failed to give dispatcher copy of pursuit policy were not sufficient to state a claim for failure to train).

Whether the liability of a governmental employer for failure to train or for an unconstitutional policy or custom depends on the liability of the pursuing officer is in dispute. Some courts hold that a governmental employer can only be liable for failure to train or for an unconstitutional policy or custom if the police officer violates the federal constitution. That is, if a pursuing officer's conduct during a pursuit does *not* shock the conscience, then the officer has not violated the constitution and the officer's governmental employer cannot be held liable for an unconstitutional policy or custom or for failure to train. For example, see *Hildebrandt v. City of Fairbanks*, 957 P.2d 974 (Ala. 1998) (pursuing officer's conduct did not shock the conscience so employing city cannot be held liable for failure to train). Other courts hold that independent claims for failure to train and for unconstitutional policy or custom can be maintained against a governmental employer despite the exoneration of the involved police officers. See *Smith v. City of New Baltimore*, 1999 U.S. Dist. LEXIS 20196 (E.D.S.D. Mich. 1999) (plaintiff's cause of action for failure to train is not automatically terminated by the officer's exoneration); *Gillyard v. Stylios*, 1998 U.S. Dist. LEXIS 20251 (E.D. Pa. 1998) (governmental employer can be liable for failure to train even if no individual officer participating in the pursuit violated the federal constitution).

General Principles

General principles of federal constitutional law relating to law enforcement emergency driving include the following:

- Law enforcement driving that is negligent or reckless under state tort law is not necessarily a deprivation of federal constitutional rights under the Fourth Amendment.

- A collision between officer and bystander, or between officer and suspect, or between suspect and bystander, is not a deprivation of constitutional rights unless the conduct of the officer is so outrageously dangerous as to "shock the conscience," the substantive due process standard. Plaintiffs find that standard difficult to prove since it requires almost intentional disregard of a near unavoidable risk of serious injury.

- A governmental employer may not be liable for an unconstitutional policy or custom simply because departmental policy allows high-speed chases. Constitutional liability requires that the policy or custom require or implicitly sanction unconstitutional conduct.

- A local governmental employer or supervisory officer may not be liable for failure to train simply because a particular officer was inadequately trained in pursuit driving. Constitutional liability requires deliberate indifference to the need for more or better training

Summary

In addition to filing state claims, persons injured during police pursuits may also seek redress against the pursuing officers and their agency under federal constitutional law. These plaintiffs argue that the pursuit deprived them of their right to substantive due process under the Fourteenth Amendment. However, a much higher standard—the "shocks the conscience" standard—applies in these federal cases. Under the "shocks the conscience" standard, the officer's conduct must exceed mere recklessness before liability is created. Police pursuits that "shock the conscience" may not only expose the pursuing officers to liability but also may expose the governmental employer and the supervisory officer to liability for failure to train or for an unconstitutional policy or custom.

Suggested Instructional Methodology

Lecture with Slides

With slides of various environmental factors, have students identify how the factors create a situation which is more demanding of the driver's skills and attention.

Lecture and Class Discussion

Utilize case summaries to present legal principles and involve students in discussion of relevant issues.

Small Groups with Case Studies

In groups of 3-6, present each group with the cases provided above and additional fact situations. Involve small groups in discussion of cases and develop group questions for the instructor to address in subsequent lectures.

Resources and Aids

- Relevant federal constitutional and statutory provisions.
- Agency policies.

Suggested Evaluation Methodology

Students

- Written or verbal response to questions regarding legal principles.
- Observation of strategies, decisions, or methods used by a driver when exposed to various driving scenarios.

Course

- Observe the driving of officers during the simulations of emergency vehicle operations.
- Review agency collision reports for failure to heed legal considerations.

OBJECTIVE 1.4 Identify constitutional law, statutory law, and case law governing emergency driving as use of deadly force in terminating pursuits.

Emergency Driving As Use of Deadly Force

Introduction

Using a vehicle to block or ram a fleeing suspect may be deadly force, subject to the same laws that apply to firing a gun to prevent escape of a suspect. The United States Supreme Court discussed this principle in *Brower v. County of Inyo*, 489 U.S. 593, 103 L. Ed. 2d 628, 109 S. Ct. 1378 (1989). Use of a roadblock or ramming may be a "seizure" subject to the reasonableness standard under the Fourth Amendment of the federal constitution.

Historical Context

As discussed in Objectives 1.1 and 1.2, law enforcement officers must be mindful of various state laws that bear on emergency and non-emergency law enforcement driving. State tort laws may apply to non-emergency law enforcement driving. State laws often grant emergency driving exemptions and limited immunities to law enforcement officers. These state emergency exemption statutes may impose special duties on law enforcement emergency driving. Each state is largely free to legislate as it sees fit in defining the conditions that govern emergency vehicle operation.

The federal constitution and federal statutes define another set of legal rights and obligations. Law enforcement officers employed by state and local governments cannot, under the authority of state law, violate rights secured to people under the federal constitution. Section 1983 of title 42 of the U.S. code allows persons to sue governmental defendants, such as law enforcement officers and agencies, for deprivation of rights, privileges or immunities under the federal constitution. The Fourth Amendment provides, in part, that "the right of the people to be secure in their persons…, against unreasonable searches and seizures, shall not be violated." Persons injured as a result of a police roadblock or intentional ramming may claim that the roadblock or ramming was an unreasonable seizure in violation of the right to be free of unreasonable seizures under the Fourth Amendment.

Over the years, several U.S. Supreme Court decisions have paved the way for individuals to sue law enforcement officers and their employing towns, cities, or counties for deprivation of federal constitutional rights. In 1961, the Supreme Court ruled that an individual could sue state and local law enforcement officers who violated a right guaranteed by the federal constitution. *Monroe v. Pape*, 365 U.S. 167, 5 L. Ed. 2d 492, 81 S. Ct. 473 (1961), *overruled, Monell v. Dep't of Social Services*, 436 U.S. 658, 56 L. Ed. 2d 611, 98 S. Ct. 2018 (1978), *overruled in part, Canton v. Harris,* 489 U.S. 378, 103 L. Ed. 2d 412, 109 S. Ct. 1197 (1989).

For the first time, money damages could be recovered from individual officers who violate federal rights.

In 1978, the Supreme Court extended the right to recover money damages for a constitutional deprivation to allow suits against towns, cities, and counties with a policy or custom that violated a federal constitutional right. *Monell v. Dep't of Social Services*, 436 U.S. 658, 56 L. Ed. 2d 611, 98 S. Ct. 2018 (1978). Under *Monell*, liability is imposed on a town, city, or county government only if the injured party can prove an official policy or unofficial custom caused the deprivation of a federal right. However, a local governmental employer is not liable simply because one of its law enforcement officers violates a federal right. The constitutional deprivation must be the product of a governmental policy or custom.

In 1989, the Supreme Court recognized a suit against a town, city, or county for having a policy of deliberate indifference to inadequate training of its law enforcement officers. *City of Canton v. Harris*, 489 U.S. 378, 103 L. Ed. 2d 412, 109 S. Ct. 1197 (1989). If officers receive little or no training to the point constitutional violations are almost inevitable, the employing town, city, or county may be liable for "failure to train."

Use of Deadly Force

The Supreme Court has held that a law enforcement officer can use deadly force to prevent the escape of a fleeing suspect only where the officer has probable cause to believe the suspect poses a threat of death or serious physical harm to the officer or to others. Apprehension of a suspect by use of deadly force is a "seizure" subject to the reasonableness requirement of the Fourth Amendment. Courts determine the "reasonableness" of a Fourth Amendment seizure by balancing "the nature and quality of the intrusion on the individual's Fourth Amendment interests against the countervailing governmental interests at stake." See *Tennessee v. Garner*, 471 U.S. 1, 85 L. Ed. 2d 1, 105 S. Ct. 1694 (1985*), cert. denied, Memphis Police Dep't v. Garner*, 510 U.S. 1177, 127 L. Ed. 2d 565, 114 S. Ct. 1219 (1994).

A suspect driving in a motor vehicle at high speeds in a reckless manner jeopardizes public safety. Where the suspect refuses to stop driving that endangers the public, and other efforts to make a suspect stop are ineffective, courts have approved deadly force directed toward the fleeing vehicle's driver.

In *Smith v. Freeland*, 954 F.2d 343 (6th Cir. 1992), *cert. denied*, 504 U.S. 915, 118 L. Ed. 2d 557, 112 S. Ct. 1954 (1992), a speeding driver refused to stop, accelerated up to 90 mph, and finally stopped on a dead end street. Although blocked in by the officer, the driver rammed the officer's car twice and went around it. The officer fired one shot at the driver as the car went by him, killing the driver. The court of appeals concluded the officer acted reasonably in shooting since the driver already threatened many people and would have threatened more, including other officers, had he escaped.

In *Cole v. Bone*, 993 F.2d 1328 (8th Cir. 1993), a tractor-trailer driver went on a 50 mile rampage at speeds up to 90 mph. Over 100 cars were forced off the road in heavy holiday traffic before officers shot and killed the driver as the truck continued on. The court of appeals approved this use of deadly force as reasonable and necessary. The threat to the public was immediate and substantial. Other ways to stop the truck - roadblocks and shooting out the tires - did not work. See also *Puglise v. Cobb County*, 4 F. Supp. 2d 1172 (N.D. Ga. 1998) (shooting to stop driver who drove at excessive speeds and rammed truck at police officers not constitutionally unreasonable use of force).

Roadblocks and ramming, like shooting, may be lawful, valid deadly force in limited and extreme circumstances. The burden of proof on the officer is substantial: The threat to the public must be extremely high and alternatives to deadly force should be unsuccessful or clearly impractical. Otherwise, the roadblock or intentional ramming may be considered an unreasonable seizure in violation of the Fourth Amendment.

Unreasonable Seizure Claims

In its seminal decision in *Brower v. County of Inyo*, the Supreme Court addressed the question of whether a “deadman’s roadblock” is an unreasonable seizure in violation of the Fourth Amendment.

Case Thirty-One: Deadman's Roadblock

BROWER v. CONTY OF INYO, 489 U.S. 593, 103 L. Ed. 2d 628, 109 S. Ct. 1378 (1989).

The driver of a stolen vehicle was killed at the end of a high speed chase when he crashed into a police roadblock. Members of the driver's family brought an action under 42 USC §1983 claiming that the roadblock amounted to an unreasonable seizure of the driver in violation of the Fourth Amendment. The family claimed that police had erected a "deadman's roadblock" by positioning an 18-wheel tractor-trailer across both lanes of the driver's escape route, concealing the roadblock behind a curve in the road and leaving it unilluminated, and aiming a police car's headlights in such a fashion as to blind the driver on his approach.

Reversing the Ninth Circuit, the Supreme Court held that the allegations in the complaint sufficiently alleged a "seizure." The Court stated:

> *"It is clear…that a Fourth Amendment seizure does not occur whenever there is a governmentally caused termination of an individual's freedom of movement…, nor whenever there is a governmentally caused and governmentally desired termination of an individual's freedom of movement..., but only when there is a governmental termination of freedom of movement through means intentionally applied."*

The Court held that it was enough for a seizure that the driver "was meant to be stopped by the physical obstacle of the roadblock---and that he was so stopped." However, the Court went on to say that the seizure must be evaluated for reasonableness:

> *"Seizure" alone is not enough for 1983 liability; the seizure must be "unreasonable." …Thus, the circumstances of this roadblock, including the allegation that headlights were used to blind the oncoming driver, may yet determine the outcome of this case.*

The Court remanded the case to the Ninth Circuit to consider whether the district court properly dismissed the Fourth Amendment claim on the basis that the alleged roadblock did not effect a seizure that was "unreasonable."

Since *Brower*, several federal and state courts have addressed the issue of whether a police roadblock or ramming effected an unreasonable seizure in violation of the Fourth Amendment. These courts employ the analysis in *Brower* and essentially ask two questions: (1) did the roadblock or ramming constitute a seizure under the Fourth Amendment? and (2) if so, was the seizure unreasonable?

Roadblocks

In the following case, the court employed the two-part analysis in *Brower* to determine whether a rolling roadblock was an unreasonable seizure under the Fourth Amendment.

Case Thirty-Two: Rolling Roadblock May Be Unreasonable Seizure

HAWKINS v. CITY OF FARMINGTON, 189 F.3d 695 (8th Cir. 1999).

A dispatcher informed a city police officer that the state highway patrol was in pursuit of a speeding motorcyclist and had requested assistance. The officer positioned his police car in the median of a highway and waited for the southbound motorcycle to appear.

When the officer spotted a motorcycle coming around the bend at a high rate of speed, he activated his emergency lights and siren. The officer also decided to try to slow or stop the motorcyclist by pulling slowly into the passing lane of the southbound highway. The police car slowly moved out onto the highway at an idle. Believing the police car was going to turn left and travel southbound, the motorcyclist changed lanes to the right. However, the police car kept traveling across the highway and struck the motorcyclist who sustained severe injuries in the collision.

The motorcyclist brought suit and claimed that the rolling roadblock effected an unreasonable seizure in violation of the Fourth Amendment.

The Eighth Circuit Court of Appeals held that there is ample evidence for a jury to find that the rolling roadblock constituted a seizure and ample evidence for a jury to find that the officer's conduct was unreasonable. Regarding the issue of reasonableness, the court stated:

> *"Reasonableness of the seizure must be determined on the totality of the circumstances and is to be judged from the perspective of a reasonable officer on the scene without regard to the underlying intent or motivation. An officer's evil intentions will not make a Fourth Amendment seizure out of an objectively reasonable use of force, nor will an officer's good intentions make an objectively unreasonable use of force constitutional."*

See also *Buckner v. Kilgore*, 36 F.3d 536 (6th Cir. 1994), *reh'g, en banc, denied by* 1994 U.S. App. LEXIS 33075 (6th Cir. 1994) (claim that roadblock was created only seconds before speeding motorcycle collided with roadblock sufficient to allege unreasonable seizure). But see *Carter v. Lucas*, 1994 U.S. App. LEXIS 18235 (4th Cir. 1994) (rolling roadblock not a seizure where no contact between fleeing car and cruiser and no attempt to run fleeing car off road).

In other instances, such as in the following case, the courts find the roadblock to be a "seizure" but do not find the use of force to be unreasonable under the circumstances.

Case Thirty-Three: Roadblock A Seizure But Reasonable Use Of Force

SEEKAMP v. MICHAUD, 109 F.3d 802 (1st Cir. 1997).

During a late night chase, a speeding motorist ignored pursuing vehicles, drove through a toll plaza without stopping, and recklessly evaded a rolling roadblock. A state trooper was ordered to set up a roadblock north of a toll plaza at the end of a straightaway.

The trooper commandeered a flatbed tractor-trailer loaded with lumber and parked it across the three southbound lanes. The trooper completed the roadblock by parking his cruiser at the rear of the tractor-trailer and shined the cruiser's headlights in the direction the motorist would be approaching. Other tractor-trailers were parked along the breakdown lane parallel to the blocked travel lanes. A fifty-foot gap left between two of the tractor-trailers allowed vehicular traffic to proceed around the roadblock. Street lights, lights from the cruiser, and lights from the tractor-trailer lit the entire roadblock area.

In approaching the roadblock, the motorist seemed to brake several times but failed to come to a complete stop. The motorist collided with the tractor-trailer parked across the southbound lanes and suffered injuries. The motorist sued under 42 USC §1983 claiming that the roadblock effected an unreasonable seizure in violation of the Fourth Amendment.

The First Circuit Court of Appeals first determined that the roadblock constituted a seizure under the Fourth Amendment because the motorist was meant to be stopped by the physical object of the roadblock and he was so stopped.

The court next addressed the question of whether the seizure was unreasonable. Citing Graham v. Connor, 490 U.S. 386 (1989), the court identified three factors for evaluating whether the force used to effect a seizure was objectively reasonable: "(1) severity of the crime; (2) whether there was 'an immediate threat to the safety of the officers or others;' and (3) whether the suspect was 'actively resisting arrest or attempting to evade arrest by flight.'" The court then observed:

> *"The Fourth Amendment reasonableness test requires careful attention to the circumstances in the particular case…Unlike the 'deadman's roadblock' in Brower,…[this] roadblock was brightly illuminated and located at the end of a long straightaway. The undisputed evidence established that it was visible from approximately 1500 feet to the north and the [motorist's car] could have been brought to a complete stop without contacting the roadblock equipment but for its malfunctioning brakes. An adequate corridor for circumvention, though not readily apparent to vehicles approaching at excessive speed, had enabled many motorists to bypass the roadblock before [the motorist] arrived."*

The court concluded that the district court correctly ruled that no rational jury could have found this roadblock unreasonable in the circumstances.

In still other cases, the courts do *not* find the roadblock to be a seizure under the Fourth Amendment.

Case Thirty-Four: Roadblock Not A Seizure

ROWE v. CITY OF MARLOW, 1997 U.S. App. LEXIS 15386 (10th Cir. 1997).

A few hours after a mother called the sheriff's department to report that her 13-year-old daughter took the family van without permission, a police officer spotted the van traveling 84 mph in a 40 mph zone. A high speed chase on US 81 ensued. During the high speed chase, the van ignored pursuing vehicles, evaded a rolling roadblock, and appeared to attempt to ram several police cars from behind.

As the van approached Bowie, Texas, the Bowie police positioned their cars to block off the road into which US 81 ended in a "T" intersection to prevent any cars from entering the intersection from the west or east. A warning sign, two large stop signs, and two sets of alternating red lights alerted drivers traveling south on US 81 that the road ended in a "T" intersection. Pursuing officers slowed down a mile from the "T" intersection

The van entered the intersection at approximately 87 mph and crashed into a car dealership. The 13-year-old girl driver was ejected from the van and killed. The girl's father brought a suit under 42 USC §1983 claiming that the officers unreasonably seized the girl in violation of the Fourth Amendment.

In determining that a seizure had not occurred, the court stated:

> *"In this case, the officers' assertion of authority (their pursuit of Alysia with lights and siren activated, their placement of their police cars in various ways to attempt to slow down or stop her) did not cause her to submit or stop. Rather, she stopped only when she entered the "T" intersection at a high rate of speed, despite warnings that she needed to stop, lost control of the van and crashed. In sum, her freedom of movement was not stopped by 'means intentionally applied.'"*

See also *Morais v. Yee*, 162 Vt. 366, 648 A.2d 405 (1994) (no seizure where motorcyclist fatally crashes in attempt to avoid rolling roadblock); *Roddel v. Town of Floro*, 580 N.E.2d 255 (Ind. Ct. App. 1991) (no seizure where motorist collides with tree in attempt to avoid roadblock).

Where the suspect has simply lost control of his vehicle during a high speed chase, a Fourth Amendment claim will usually fail. In *Brower*, the court specifically stated that no seizure occurs when pursuing police seek to stop the suspect "only by show of authority represented by flashing lights and continuing pursuit" because the suspect's freedom of movement is not terminated. A pursuit alone does not constitute a seizure.

When plaintiffs have tried to raise unreasonable seizure claims in situations where the suspect has simply lost control of his vehicle during a high speed chase, the courts typically follow *Brower* and find that there was no governmental termination of the suspect's freedom of movement and, therefore, no seizure prohibited by the Fourth Amendment. See *Estate of Story v. McDuffie County, Georgia*, 929 F. Supp. 1523 (S.D. Ga. 1996), *affirmed without opinion,* 110 F.3d 798 (11th Cir. 1997) (no seizure where suspected gasoline thief fatally crashes when rounding a curve during chase); *Wozniak v. Cavender*, 875 F. Supp. 526 (N.D. Ill. 1995) (no seizure where pursued ATV crashes into ditch); *Carroll v. Borough of State College*, 854 F. Supp. 1184 (M.D. Pa. 1994), *affirmed without opinion,* 47 F.3d 1160 (3d Cir. 1995) (no seizure where fleeing motorcyclist fails to negotiate curve and crashes); *Rosado v. Deters*, 5 F.3d 119 (5th Cir. 1993) (pursuit alone cannot constitute a seizure); *Montgomery v. County of Clinton*, 743 F. Supp. 1253 (W.D. Mich. 1990), *affirmed without opinion,* 940 F.2d 661 (6th Cir. 1991) (no seizure where speeding teen driver fatally crashes into utility pole during chase); *Patterson v. City of Joplin*, 878 F.2d 262 (8th Cir. 1989) (no seizure where speeding motorcyclist fatally crashes into car during high speed chase); *Roach v. City of Fredericktown*, 882 F.2d 294 (8th Cir. 1989) (no seizure where suspected car thief fatally collides with oncoming car during chase).

Of course, those injured in high speed chases can still bring suit under state or federal law. See Objective 1.2 for discussion of negligent pursuit claims under state law and Objective 1.3 for discussion of pursuit claims under federal law alleging violation of substantive due process rights under the Fourteenth Amendment.

And finally, a few decisions involving roadblocks have not applied the *Brower* two-part test because the incidents took place before the Supreme Court decided *Brower*. See *Donovan v. City of Milwaukee*, 17 F.3d 944 (7th Cir. 1994); *Horta v. Sullivan*, 4 F.3d 2 (1st Cir. 1993*), certified question answered,* 418 Mass. 615, 638 N.E.2d 33 (Mass. 1994), *answer remanded,* 36 F.3d 210 (1st Cir. 1994).

Ramming

Like roadblocks, police ramming of a fleeing suspect's car may be subject to unreasonable seizure claims. Central to a determination of whether a police ramming is an unreasonable seizure is the intention of the officer accused of ramming. As the next case demonstrates, merely colliding with a suspect's vehicle during a pursuit does not necessarily amount to an unreasonable seizure in violation of the Fourth Amendment.

Case Thirty-Five: Unintentional Ramming Not A Seizure

BATTLE v. CITY OF FLORALA, 28 F. Supp. 2d 1331 (M.D. Ala. 1998).

While driving home from a local club, a driver noticed an officer's blue lights in her rear view mirror. The driver believed the officer was chasing a group of young boys standing alongside the road. The driver drove her car around an S-shaped curve in the road, and the officer rear-ended her car with his police car.

According to the officer's version of the facts, the officer observed the driver run a stop sign. The officer followed the car and, when he observed the car run another stop sign, the officer turned on his emergency blue lights. Instead of stopping, the driver accelerated and a high speed chase ensued. The chase ended when the officer crashed into the rear of the driver's car.

The driver brought suit under 42 USC §1983 claiming that the officer's rearend collision of her car amounted to an unreasonable seizure in violation of the Fourth Amendment.

The Alabama district court determined that the collision was not a seizure under the Fourth Amendment. The court stated:

> *"Because [the driver] has neither pleaded nor offered any evidence to prove that [the officer's] ramming was intentional, nor, according to [the driver], was the action taken in an attempt to apprehend her, the Court finds that the accident does not amount to a seizure and, thus, does not implicate the Fourth Amendment."*

See also *Frye v. Town of Akron*, 759 F. Supp. 1320 (N.D. Ind. 1991) (unintentional collision between pursuing police vehicle and fleeing motorcycle not a seizure); *Campbell v. White*, 916 F.2d 421 (7th Cir. 1990), *cert. denied*, 499 U.S. 922, 113 L. Ed. 2d 248, 111 S. Ct. 1314 (1991) (fatal collision between police car and motorcycle during high speed chase not a seizure).

However, intentional and successful use of force to stop a fleeing suspect's vehicle would constitute a seizure under the Fourth Amendment. In considering a hypothetical scenario, the *Brower* court stated that if the "police cruiser had pulled alongside the fleeing car and sideswiped it, producing the crash, then the termination of the suspect's freedom of movement would have been a seizure." But even if an intentional ramming is deemed a seizure, the use of force may be considered reasonable. The next case features an intentional ramming that is found to be a reasonable seizure.

Case Thirty-Six: Intentional Ramming A Seizure But Reasonable Use Of Force

WEAVER v. STATE OF CALIFORNIA, 63 Cal. App. 4th 188, 73 Cal. Rptr. 2d 571 (Cal. Ct. App. 1998), *review denied*, 1998 Cal. LEXIS 4394 (Cal. 1998).

A 14-year-old boy who agreed to wash a neighbor's car took the car joyriding with several friends. The next day the boy replaced the car's rear license plate with another plate and took a friend driving. When police tried to stop the car, the juvenile driver fled onto a freeway. The pursuit was then continued by a unit of the California Highway Patrol (CHP).

After the pursuit had lasted over an hour and had covered several freeways, a CHP officer and his supervisor heard a radio dispatch regarding the fleeing stolen vehicle and joined the chase. The supervisor directed the officer to take over the pursuit in the primary position, and the supervisor took up the position behind the officer. At this time, officers from other CHP units backed off the chase, and a Los Angeles Sheriff's helicopter overhead had the fleeing car in view.

Soon after, the juvenile driver exited the freeway and circled streets in residential areas at speeds ranging from 15 mph to 70 mph. At one point, the juvenile driver pulled into a residential driveway and stopped. The officer pulled in behind him but, fearing the driver would back up into him, the officer moved his cruiser back. The driver backed out of the driveway after striking the front bumper of the officer's cruiser.

Several times during the pursuit through the residential areas, the supervisor directed the officer to use a pursuit immobilization technique (PTI) maneuver, but the officer declined because he believed the conditions were not safe. Although both the officer and the supervisor had received training on the use of the PIT maneuver, the officer had never used it to stop a suspect before. According to the CHP manual, the PIT maneuver is a form of ramming that should not be used at speeds in excess of 35 mph.

When the fleeing car was traveling on a frontage road near the freeway where there were no pedestrians and no traffic, the officer rammed the rear of the fleeing car, causing it to spin out and hit an abutment wall. There was a factual dispute as to how fast the cars were traveling at the time of the ramming. The passenger in the fleeing car was seriously injured. In addition to state claims, the passenger brought suit under 42 USC §1983 claiming that the officer's ramming of the fleeing car constituted to an unreasonable seizure in violation of the Fourth Amendment.

The California Court of Appeals first determined that the ramming was a seizure under the Fourth Amendment:

> *"In this case, we conclude that the evidence is undisputed that [the passenger] was subject to a seizure within the meaning of the Fourth Amendment. It was without dispute that [the officer and the supervisor] knew that there were two individuals in the [fleeing car] and intended that [the officer] employ the PIT maneuver…Thus, the officers admittedly intended to stop the [fleeing car]…The fact that [the officer and the supervisor] may not have intended any injury to [the passenger] as a result of the PIT maneuver is irrelevant to the issue of whether a seizure occurred because there was nevertheless an intentional acquisition of physical control over the [fleeing car]."*
>
> *Next, the court looked at the reasonableness of the seizure:*
>
> *"We conclude as a matter of law no rational jury could find the instant seizure unreasonable under the circumstances here. A 14-year-old driver who has led police on a 2-hour pursuit over several freeways and through residential neighborhoods at unsafe speeds and in disregard of the traffic laws clearly lacks the skills and judgment of a mature driver. [The driver] exhibited a wanton disregard for public safety and a willingness to persist in violent conduct to evade the police, even ramming a police car in his attempt to escape when he clearly had an opportunity to stop the pursuit in a safe manner when he pulled into a driveway. According to the officers, so many bystanders had come out of their homes while [the driver] was circling through the residential streets that the area resembled a 'parade route.' With so many vulnerable bystanders in the area, and an unpredictable, youthful driver who had clearly expressed a willingness to engage in violent conduct to continue his flight, the officers acted reasonably in employing deadly force to stop [the driver]."*

Governmental or Supervisory Liability

Police roadblocks and ramming that amount to unreasonable seizures may not only expose the involved officers to liability but also may expose the governmental employer and the pursuit supervisor to liability. An employing town, city, or county may be directly responsible under 42 U.S.C. §1983 when an employee executes a governmental policy or custom that inflicts constitutional injury. See *Monell v. Dep't of Social Services*, 436 U.S. 658, 56 L. Ed. 2d 611, 98 S. Ct. 2018 (1978), also discussed earlier. Persons injured as a result of a police roadblock or intentional ramming may claim that the police department had a policy or custom of encouraging unreasonably deadly roadblocks and ramming at the expense of the safety of the public, that is, that the policy or custom was a product of deliberate or reckless indifference.

To succeed on a claim based on an unconstitutional policy or custom, the plaintiff must prove the following: (1) an official policy or unofficial custom of unconstitutional misconduct, (2) a deliberate indifference to or tacit authorization of such misconduct; and (3) the policy or custom was the moving force behind the constitutional violation. *Feist v. Simonson*, 36 F. Supp. 2d 1136, 1149 (D. Minn. 1999), also discussed in Objective 1.3 at **Case Thirty**. These requirements present a formidable burden for plaintiffs.

A governmental employer (or a supervising police officer) may also be liable under 42 U.S.C. §1983 for constitutional injuries caused by the failure to **train** police officers. Third parties injured as the result of roadblocks or ramming may claim that the employing town, city, or county, and/or the police officer supervising the pursuit failed to train the involved officers in the use of deadly force to terminate a pursuit.

However, an action for failure to train will lie "only where the failure amounts to deliberate indifference to the rights of persons with whom the police come into contact." The failure to train must be coupled with a deliberate or conscious choice in order to rise to the level of a governmental policy or custom. In other words, "the need for more or different training is so obvious, and the inadequacy so likely to result in the violation of constitutional rights, that the policy-makers of the city can reasonably be said to have been deliberately indifferent to the need." Finally, the failure to train must be the cause of the constitutional violation. See *City of Canton v. Harris*, 489 U.S. 378, 389-390, 103 L. Ed. 2d 412, 109 S. Ct. 1197 (1989), also discussed earlier.

Again, this deliberate indifference standard can be difficult for plaintiffs to meet. In *Canton*, the Supreme Court was careful to note that governmental liability for failure to train will not be had merely because an individual officer is insufficiently trained or because an individual officer makes a mistake. *Seekamp v. Michaud*, 109 F.3d 802 (1st Cir. 1997) (evidence that subordinate officers received training on high speed pursuits and roadblocks defeats claim against supervisor for failure to train). But see *Frye v. Town of Akron*, 759 F. Supp. 1320 (N.D. Ind. 1991) (allegations that town provided no training on use of deadly force held sufficient to state claim for failure to train).

Whether the liability of a governmental employer for failure to train or for an unconstitutional policy or custom depends on the liability of the pursuing officer is in dispute. Some courts hold that a governmental employer can only be liable for failure to train or for an unconstitutional policy or custom if the police officer violates the federal constitution. That is, if an officer's roadblock or ramming is considered a reasonable seizure or not a seizure at all, then the officer has not violated the constitution and the officer's governmental employer cannot be held liable for an unconstitutional policy or custom or for failure to train. See *Montgomery v. County of Clinton*, 743 F. Supp. 1253 (W.D. Mich. 1990), *affirmed without opinion,* 940 F.2d 661 (6th Cir. 1991) (pursuit not a seizure so plaintiff's action against employing county for failure to train and for unconstitutional policy or custom must fail) *Roddel v. Town of Floro*, 580 N.E.2d 255 (Ind. Ct. App. 1991) (roadblock not a seizure so plaintiff's failure to train action against employing town and county must fail); *Roach v. City of Fredericktown*, 882 F.2d 294 (8th Cir. 1989) (pursuit neither a seizure nor shocks the conscience so employing city cannot be liable for failure to train).

Other courts hold that independent claims for failure to train and for unconstitutional policy or custom can be maintained against a governmental employer despite the exoneration of the involved police officers. See *Carroll v. Borough of State College*, 854 F. Supp. 1184 (M.D. Pa. 1994), *affirmed without opinion,* 47 F.3d 1160 (3d Cir. 1995) (fleeing motorcyclist's crash not a seizure but plaintiff can still maintain failure to train action against police chief and employer); *Frye v. Town of Akron*, 759 F. Supp. 1320 (N.D. Ind. 1991) (collision between officer and fleeing suspect not a seizure but plaintiff can still maintain failure to train claim against employing town).

General Principles

Some general principles of federal law relating to emergency vehicle operation as a use of deadly force are as follows:

- A roadblock that terminates a suspect's freedom of movement constitutes a seizure subject to the reasonableness test under the Fourth Amendment. Ramming that intends to terminate a suspect's freedom of movement constitutes a seizure subject to the reasonableness test under the Fourth Amendment.

- Some roadblocks and some ramming may not be considered seizures.

- Even if a particular roadblock or ramming is deemed a seizure, its use may be reasonably necessary for immediate apprehension of a violent felon, or a suspect who is threatening harm in the course of an extremely hazardous pursuit.

- A governmental employer may be liable if it offers little or no training in use of deadly force. Training in the intentional use of force must be sufficient to enable an officer to perform normal and recurring duties without violating constitutional rights.

Summary

Using a vehicle to block or ram a fleeing suspect may be deadly force, subject to the same laws that apply to firing a gun to prevent escape of a suspect. Persons injured as a result of a police roadblock or ramming may claim that the roadblock or ramming deprived them of their right to be free from unreasonable seizures under the Fourth Amendment of the federal constitution. Some roadblocks and ramming are not seizures under the Fourth Amendment. Even if a roadblock or ramming is considered a seizure, the use of deadly force may be reasonable under the circumstances. A roadblock or ramming resulting in injury or death may also expose the governmental employer or the supervisory officer to liability for failure to train or for an unconstitutional policy or custom.

Suggested Instructional Methodology

Lecture with Slides

With slides of various environmental factors, have students identify how the factors create a situation which is more demanding of the driver's skills and attention.

Lecture and Class Discussion

Utilize case summaries to present legal principles and involve students in discussion of relevant issues.

Small Groups with Case Studies

In groups of 3-6, present each group with the cases provided above and additional fact situations. Involve small groups in discussion of cases and develop group questions for the instructor to address in subsequent lectures.

Resources and Aids

- Relevant federal constitutional and statutory provisions
- Agency policies

Suggested Evaluation Methodology

Students

- Written or verbal response to questions regarding legal principles.
- Observation of strategies, decisions, or methods used by a driver when exposed to various driving scenarios.

Course

- Observe the driving of officers during the simulations of emergency vehicle operations.
- Review agency collision reports for failure to heed legal considerations.

Module 1 Questions

Emergency Exemption Statutes: Questions For Your State.

Check your state emergency exemption statute and determine what the law requires in your state to qualify for the emergency exemption:

1. What warning devices must be activated to claim the emergency exemption?

    a. Lights and siren both in operation at all times?

    b. Lights only but not siren, or siren only but not lights?

    c. Neither in operation for exceeding speed limits, but some activated for claiming right-of-way?

    d. Must emergency equipment meet certain standards - i.e., siren must be audible at 1000 feet - or of a type approved by a governmental authority?

2. Exactly which traffic laws are covered by your emergency exemption statute?

    a. Speed limits and right-of-way laws?

    b. The above plus parking and passing restrictions?

    c. The above plus exemption from one-way streets and driving to left of center line?

3. What is the language used to impose a duty of due care at intersections and exceeding the speed limit? Often the restrictive "safety" language of an exemption statute takes away much of the authority to use the exemption - "you may cross against a signal, but only if that can be done with safety to others."

4. Somewhere in the exemption statute will appear language mandating "due regard for the safety of others." What does that mean in your state?

Tort Immunity Statutes: Questions That Need Answers For Your State

Governmental tort immunity means a negligent law enforcement driver will not be required to pay damages to persons injured by the negligent driving. Immunity from tort liability for government employees assumes the employee has committed a negligent act that would subject a private citizen to tort liability. The injured citizen is simply denied the legal right to maintain the negligence lawsuit against a governmental entity and its employees.

Some states have abolished the doctrine of governmental immunity for all tort claims, making governmental employees equal to private citizens in their responsibility for negligent traffic crashes. A few states have kept governmental immunity almost wholly intact, for the entire range of governmental activities. Most states have modified governmental immunity so certain kinds of activity are not exempt but other activities are exempt.

Liability for negligent driving by governmental employees, which includes law enforcement officers, often is removed from governmental immunity statutes. In many states, officers who are negligent are subject to lawsuits and not exempt by governmental immunity. In other states, officers are immune from simple negligence, but not gross negligence or "willful and wanton" negligence. In some states, negligence during the course of an arrest is protected by an immunity statute while other law enforcement activity is not immune.

Notice that governmental immunity laws exempting officers from a lawsuit are not the same as emergency exemption statutes, giving officers a legal right to ignore certain traffic laws. An officer who exceeds the speed limit in a safe manner that complies with the emergency exemption statute is not negligent in the first place. State immunity statutes are designed to protect the guilty government employee, not the injured citizen.

Some states have unusual governmental immunity statutes just for law enforcement driving. In California, driving immunity for individual officers is given by California statutory law if the employing agency has adopted an adequate written policy restricting emergency driving. Knowledge of your state tort immunity statute is essential for teaching new officers about their individual liability for civil damages.

Agency Policy: Questions That Need Answers For Your State

Written policy restricts emergency driving in almost every agency. Of particular importance is use of warning lights and sirens, maximum speeds, and special rules for crossing intersections against prevailing signals. Rookie officers may be under special restrictions, and pursuits usually are limited in agency policy.

Violations of agency policy have important legal consequences. Safety provisions in agency policy - i.e., don't exceed 10 mph over the posted limit going to a call - can be admitted as evidence in court to prove negligence. Thus, a safety policy violation can be used to prove an officer was guilty of criminal negligence in a fatal accident, resulting in a criminal conviction. Violations of agency policy also can lead to loss of employment. A fundamental responsibility of administrators and supervisors is ensuring all officers know and understand agency written policy.

If all students in a training class are employees of the same agency, their written policy should be used as part of instructional material. Students should be tested on their knowledge of agency policy and its important restrictions.

Decision-Making As The Best Protection Against Liability.

For all law enforcement activities, poor decision-making is the primary cause of civil liability. Liability for improper use of a pistol seldom comes from a lack of reasonable accuracy. Liability comes from shooting when use of deadly force is not authorized by the facts and circumstances. It is not a lack of skill but rather a lack of judgment that results in liability.

The same is true for emergency vehicle operation. Liability is found less in the ability to control a law enforcement vehicle at high speeds and more in failing to recognize great danger and react in time to reduce the risk of harm. It is less the ability to drive at high speeds and more the failure to slow down that causes tragic accidents. Good decisions protect an officer more than good skills.

A sad reality in emergency vehicle operation is the willingness of many officers to ignore obvious safety rules during an emergency run. The emotions generated by a chase are powerful. Letting someone get away is hard to do for many officers. Driving to the scene of an emergency call for help almost always results in extremely dangerous driving.

And the danger is not just to an innocent bystander, but also to the officer driving the car. Suppose every time an officer shot his handgun that an equal chance existed for hitting not only the criminal suspect but also of hitting an innocent bystander and hitting the officer who fired the gun - that is the danger in emergency vehicle operation.

A good instructor will stress driving dangers that can be easily identified in that locality. Major intersections controlled by signals are prime locations for traffic crashes. Hilly roads, narrow roads, residential areas, schools, and hospitals require special care. High speeds may be relatively safe on an interstate but entirely too fast for a commercial district.

Students should examine their own locality and identify its danger points for law enforcement driving. Students must know the safety rules and understand the importance of compliance and they should realize that even the most skillful driver cannot ignore safety rules and obvious dangers. Students and officers who demonstrate an inability to follow the rules of safe driving should be encouraged to leave the law enforcement profession.

Doing Legal Research

Every state has a law school with a reference librarian. Instructors should call and explain their need for court cases and any new statutes in this area. That may be quicker and easier than any other means of verifying the currency of legal information in the appropriate state(s).

Suggested Instructional Methodology

Lecture with Video

Utilize reenacted pursuits to present legal principles and involve students in discussion of relevant issues.

Lecture and Class Discussion

Utilize case summaries to present legal principles and involve students in discussion of relevant issues.

Small Groups with Case Studies

In groups of 3-6, present each group with the cases provided above and additional fact situations. Involve small groups in discussion of cases and develop group questions for the instructor to address in subsequent lectures.

Suggestions for Classroom Instructors

Statute law in two areas varies considerably from one state to the next. Those areas are emergency exemption statutes and tort immunity statutes. A third variable is agency policy, different for any given agency within a particular state. All three of these legal variables must be confronted by the classroom instructor. This publication is not a comprehensive review of the law of each state. Even if it were, classroom instructors must assume the law changes over time with new statutes and new court decisions coming into being on a regular basis.

With slides of various environmental factors, have students identify how the factors create a situation which is more demanding of the driver's skills and attention.

Resources and Aids

- Relevant state statutes
- Agency policies

Suggested Evaluation Methodology

Students

Written or verbal response to questions regarding legal principles

Course

A review of legal proceedings against the agency

CHAPTER SIX

MODULE 2

NON-EMERGENCY DRIVING

Goal

Develop accepted attitudes for safe driving methods and decision-making for collision avoidance while learning to simultaneously integrate the tasks of driving and law enforcement.

Curriculum Objectives

2.1 Identify the reasons for law enforcement driver training.

2.2 Identify unique characteristics of law enforcement driving.

2.3 Identify the effects that attitudes and emotions have upon law enforcement driving.

2.4 Identify common psychological factors that contribute to law enforcement collisions.

2.5 Identify common physiological factors that contribute to law enforcement collisions.

2.6 Identify the components of driving that lay the foundation for the development of good driving habits.

2.7 Identify vehicle defects that contribute to law enforcement collisions.

2.8 Identify elements of an acceptable law enforcement vehicle inspection.

2.9 Identify the importance of seat belts and other occupant protection devices.

2.10 Demonstrate acceptable use of seat belts and other occupant protection devices.

2.11 Identify common environmental factors that contribute to law enforcement collisions.

2.12 Identify factors that affect handling, steering, and braking to include abs systems.

2.13 Identify factors that influence the stopping distance of a vehicle.

2.14 Identify driving movements that frequently contribute to law enforcement collisions.

2.15 Identify acceptable vehicle control methods.

2.16 Identify methods for skid avoidance.

2.17 Identify acceptable methods for the use of the communications radio.

2.18 Identify factors involved in skid control.

OBJECTIVE 2.1 Identify reasons for law enforcement driver training.

Introduction

A student is more likely to put into practice what is learned when the importance of training and the personal benefits to be gained from the training become clear.

Content

Reasons for driver training for law enforcement officers include the desires to:

- reduce collisions
- reduce personal injury
- reduce the liability against the driver, community, or agency
- increase the level of attention to the driving task
- increase the desire to continue to improve as a driver
- create higher levels of maturity in the driver
- create greater emotional control and discipline
- reduce risk acceptance when there is insufficient gain
- reduce stress levels on the driver
- improve image as a role model and professional
- increase information-processing and decision-making skills necessary to avoid potential collision situations
- improve skills necessary to cope with on-going driving conditions
- improve vehicle control skills to cope with normal and abnormal conditions
- improve skills which carry over into off-job driving responsibilities

Non-Emergency Driving Objective 2.1

To achieve maximum carry-over from the training course to the on-the-job driving performance, students must realize the individual benefits to be gained from this experience.

Summary

The driver training course is as effective as the student allows it to be. Through the development and understanding of the reasons mentioned earlier, the student will better accept the knowledge, skills, and behaviors promoted during the training.

Suggested Instructional Methodology

Lecture

Using instructional aids, list reasons for training, present them to the students, and ask for their opinion regarding each reason.

Small Group

Ask the students to write at least ten reasons why driver training is needed. Divide the class into smaller groups of 3-6 students. Have the groups compile a list of the ten most important reasons. Each group reports its list, with the instructor compiling a master list. The instructor responds to the group responses, adding, deleting or correcting as necessary.

Resources and Aids

- Traffic Collision Facts, National Safety Council, NHTSA
- Insurance reports
- State motor vehicle collision records
- Law enforcement agency collision records

Suggested Evaluation Methodology

Students

- Written or verbal response to questions concentrating on why driver training is necessary.

- Observation of group or individual student responses and actions during group discussion activities.

Course

Compile a comprehensive list of reasons for law enforcement driver training.

OBJECTIVE 2.2 Identify unique characteristics of law enforcement driving.

Introduction

Due to the often difficult task of driving faced by law enforcement officers, it is important that the student identify the challenges of law enforcement driving. By concisely identifying what is unique to law enforcement driving, the student will be able to eliminate incorrect perceptions of the job function and increase the chances for demonstrating correct knowledge, skills, and behaviors for law enforcement driving.

Content

Unique Characteristics of Emergency Vehicle Operations

- Compliance with state laws and agency policy regarding pursuit and emergency responses involving driving actions that are normally illegal is mandatory. Knowledge of the relevant law and policy is critical to correct decision making.

- There are different public reactions to the sight of an emergency vehicle. It will cause many changes in driving behavior from subtle to extreme.

- Maintaining society's expectations of the emergency vehicle operator:

  " Complying with all motor vehicle laws
  " Acting as a positive example to the community
  " Being ready for sudden emergency situations

- Using radio communications during vehicle operation.

- Difficulty with performance of challenging driving maneuvers and simultaneous use of equipment, i.e., cell phones, computers

- Frequently driving under emotional stress.

- Dealing with the distractions to driving caused by transporting individuals under arrest, DWI suspects, and others.

- Patrolling

  " Observing buildings, pedestrians, drivers, license plate numbers, changes in actions of people
  " Comparing wanted notices to items listed above
  " Listening to the radio

Non-Emergency Driving Objective 2.2

Summary

Many times law enforcement driving requires quick and efficient judgments by an officer. The student will be better able to identify and deal with the challenges presented by law enforcement driving and recognizing that law enforcement driving is unique.

Suggested Instructional Methodology

Lecture

Using the content suggested, the instructor can present the material to the class. Instructional aids will ease the note-taking burden for the student.

Small Group

Divide the class into groups of 4-6 students. Ask each group to list several unique characteristics of law enforcement driving. The instructor records responses from the groups and encourages class reaction to the list.

Individualized Learning with Follow-up Group Discussion

Have the students research agency collision reports and determine which collisions were a direct result of factors unique to law enforcement driving. These findings are to be identified in the class discussions that follow. Instructor summarizes key points of discussion.

Resources and Aids

- Newspaper and magazine articles
- Collision reports from state or agency level
- Agency policies on image and performance standards
- Manuals and textbooks on police conduct and ethics

Suggested Evaluation Methodology

Students

- Written or verbal response to questions concerning unique characteristics of law enforcement driving and strategies used for dealing with these characteristics.

- Observation of strategies used by students to compensate for unique job characteristics experienced during driving exercises.

Course

- On-the-job performance evaluation of how these characteristics are being handled.

- Observe for additional unique characteristics.

OBJECTIVE 2.3 Identify the effects that attitudes and emotions have upon law enforcement driving.

Introduction

When the student realizes the effects that attitude and emotion have upon driving habits and the decision-making process, there will be changes in performance that result in safer and more effective driving. To accomplish this realization, a student will need to be led through an evaluation of current habits and values and be taught how to change them.

Suggested topics to include in the discussion:

- Emotions
- Attentiveness
- Willingness to improve

Content

Emotions

Emotions such as fear, love, hate anxiety, surprise, joy and excitement have a profound effect on behavior in general and on driving in particular. Emotions can affect the part of the brain which controls thought, reason, and judgment. Strong emotions affect certain bodily functions. Some effects are temporary: heart beats faster, face flushes, breathing speeds up, blood pressure rises, muscles become tense. Repeated extreme emotions can lead to long-term dysfunctions such as changes in appetite, digestive chemical changes, and ulcers. Emotions can have a distracting and paralyzing effect upon driving. These effects can include:

- Dim or blind powers of observation
- Delay or distortion of ability to interpret events
- Reduction of powers to assess and predict the actions of other highway users
- Production of faulty judgment and high-risk decisions
- Reduced ability to perform precisely timed skills

Non-Emergency Driving Objective 2.3

Emotion can be a positive force in determining driving behavior:

- Reasoned fear of crash or legal consequences helps to restrain unsafe tendencies
- Love that an officer has for family and friends can motivate one to drive safely
- Desire to perform successfully can result in safer driving

The degree to which a driver is beset by emotional problems, along with the effectiveness of the means used to cope with these problems, has a bearing on the potential for a collision.

Attentiveness - Causes of Distractions

There are many distracting factors that compete for the driver's attention. Driving a law enforcement vehicle is demanding in and of itself because the officer is performing the task of driving and the duties of an officer at the same time. It is important that good habits be developed to allow for safe movement through a traffic situation during the performance of police-related duties.

Distraction from the driving task is caused by:

- Thinking of things other than driving
- Having the vehicle distractions which require the driver's attention
- Situations outside the vehicle that attract the operator's attention
- Environmental factors
- Vehicle factors
- Route problems in unfamiliar areas
- Seeing one potential collision hazard at the traffic scene while failing to see another

How to minimize the distractions

To minimize the distracting factors and to maximize the driver's attention to the most critical elements of the traffic scene requires:

- Attention to be distributed over large areas without concentrating on any one part for more than two seconds

- The ability to search ahead of the vehicle and the ability to recognize traffic scenes that have deteriorated or that reduce space control such as the following:

  " Brake lights ahead

  " Traffic ahead switching lanes

  " Traffic light changes from green to red

  " Crossing traffic at an intersection

  " Pedestrians or bicycles alongside the road

  " Vehicle backing out of a driveway

  " Child running toward the street

Willingness to Improve - There Will Be No Change Unless There Is Motivation

The most important part of training is the transfer of learning activities into a real-world situation by the students. For the driver training process to have any positive effect, there must be a clear understanding of what driving behavior is desirable. A plan needs to devised to develop in each student the concepts and skills of good driving habits. Ongoing practice must take place to allow the recommended driving behaviors to replace poor driving habits. Without a willingness to improve, very few positive results will take place from the training.

Summary

The Need for Change

The effects of emotions, the attentiveness of the driver, and the willingness to improve are central themes underlying the positive results of the driver training course. It is important for the student to understand that a willingness to change habits is necessary in order to change high-risk actions into low-risk habits.

Suggested Instructional Methodology

Lecture

Present examples of law enforcement-related collisions to the groups and explain how improper attitudes and lack of emotional control contributed to the collision. Use of instructional aids will assist in diagramming the crashes. Ask the group for opinions as to how the collisions could have been avoided with better attitudes or increased emotional control.

Small Group

- Divide the class into groups of 3-6 students. Ask the groups to list examples of emotions that can affect one's decision-making abilities, even if not related to driving. Then ask the students to explain how the same emotions can surface while driving and describe the effects that emotions are likely to have upon their driving performance. After individual groups formulate their responses, the instructor can ask each group to explain their findings to the class.

- Divide the class into groups of 3-6 students. Ask the groups to list examples and state conditions relative to where and why law enforcement officers will find it difficult to concentrate, easy to become emotional, and easy to accept inappropriate risk. List their group responses and define what attitude adjustments will be required to make positive changes.

Individualized Learning

Ask the students to formulate a personal plan, to be submitted to the instructor on the last day of training that defines which concepts and skills covered during the training course will be most important for them to practice. Students should also state how the practice will take place.

Resources and Aids

- Psychology magazines and articles

- Psychology textbooks

- Guests lectures experienced in emotional and attitudinal control

- Newspaper articles or case law involving collisions that demonstrate emotional factors as contributing to the collision

Suggested Evaluation Methodology

Students

- Written or verbal response to questions concentrating on emotions, attentiveness, and willingness to improve.
- Observation of behavior during simulated scenarios.
- Observation of behavior during driving activities.

Course

- Observation of behavior during on-the-job performance.

OBJECTIVE 2.4 Identify common psychological factors that contribute to law enforcement collisions.

Introduction

While an emergency vehicle is a sophisticated piece of equipment, it is really more than a tool. Just like any other tool, it can be used properly or it can be used improperly. In order to maximize a law enforcement vehicle's effectiveness, the operator must be in good condition, both mentally and physically.

Overcoming Dangerous Attitudes

One's mental approach to driving depends a great deal on one's attitude. This attitude is affected by different factors, many of which can foster a state of mind that poses a risk to the officer's ability to operate the emergency vehicle. A person does not have to be angry or uncooperative to be in a hazardous frame of mind. There are several different types of attitudes that affect emergency vehicle operation; some of which are very subtle. It is possible that an officer might exhibit the traits of one of them and not even know it.

Content

Psychological factors that need to be controlled to maximize vehicle operation capabilities include the following:

Aggressiveness

Aggressiveness is an emotional display of energy that generally impairs judgment. Aggressive behavior oftentimes manifests itself in "High-risk, Low-gain" driving maneuvers that greatly enhance the potential for mistakes or crashes. Common characteristics of aggressive behavior are:

- Over-confidence - which fosters an attitude that allows the officer to "show-off" their driving skills and promotes a feeling of invincibility.

- Self-righteousness - which fosters a belief that the law applies to others, but not to the officer, or that everyone will get out of the way because you are a law enforcement officer.

- Impatience - which is displayed in officers acting as though they are always in a hurry and a belief that others are preventing them from getting where they want to go.

Assertiveness

Assertiveness is usually a show of confidence in knowing that the skills that have been taught will be successfully applied to the driving experience while operating the emergency vehicle. One can be assertive without being aggressive. Assertive officers are characterized by exercising the right of way, regardless of the situation or circumstance.

Attitudes and Values

Attitudes and values are generally cultivated within each individual at an early age. These attitudes and values are carried into the law enforcement career and generally are manifested in a critical incident. Due to the fact that the "Value System" of the officer may not be reflective of the promulgated policies within the department, agencies are encouraged to expose any improper attitudes in a controlled environment where they can be modified prior to entering the law enforcement vehicle.

Emotions

Emotions are an overwhelming factor in decision-making. Many emotions are carried to the emergency vehicle from home or other employment. Common emotions that manifest themselves in the officer's driving behavior are:

- Stress - The nature of law enforcement work frequently subjects the officer to highly stressful situations. These situations usually occur without warning and may be preceded by a period of relative inactivity. Some stress is good. During intense situations, there is an injection of adrenalin into the bloodstream which can increase physical performance. It is possible to become more aware of surroundings and be able to think more clearly.

  Stress does have a cumulative affect, however. It increases blood pressure and causes irregular breathing. Over time, the nervous system may be affected to the extent that the ability to think rationally is impaired. When the officer reaches that threshold, the ability to perform effectively will decrease rapidly.

- Anger - Anger may be the result of a totally unrelated experience; however, when carried into the emergency vehicle it can promote aggressive behavior and diminish the ability to make rational decisions.

- Depression - An irregular state of affairs in the officer's personal or professional life can be translated to depression. This emotion may be displayed with an "I don't care" attitude that fosters inattentiveness and risk- taking.

Patience

Patience is an individual's ability to look at a situation logically. Patience promotes a "low-risk, high-gain" attitude while impatience inversely promotes a "high-risk, low-gain" attitude.

Fatigue

Rotating shifts, secondary employment, lack of physical exercise, and other related factors contribute to fatigue. Fatigued drivers often become irritable and discourteous, causing them to overreact to minor irritations. More importantly fatigue affects visual efficiency and tends to lengthen perception, decision and reaction times.

Summary

Knowing one's own abilities and limitations can influence the outcome of an emergency response. Actions taken by a law enforcement driver have an impact on the general public. They can have an impact on fellow officers as well. Having a good attitude and exhibiting quality behavior in emergency situations will serve everyone.

When the officer concentrates on the various psychological factors affecting the emergency response, the chances increase for vehicle control and acceptable decision-making. The end result is an officer who not only arrives at a desired destination without incident, but who also arrives psychologically in control.

Steps for Developing Good Driver Attitudes

- Use training to improve skills. Training builds confidence. When officers have been well-trained, they know that they have the skills needed to handle almost any driving situation. Training also helps them to understand the state laws and agency policies that apply to all phases of emergency vehicle operations. Acting within the law prevents self-righteousness and increases respect for other drivers.

- Practice what is learned in training. This forces the officers to think about what they are doing. Being focused, reduces the likelihood the driver will be distracted. Thinking about and evaluating different options will make the officer a more patient driver. With practice, driving perimeters can be determined. Knowing the limits keeps the officer from becoming overconfident.

- Trust your judgment. When the officers' trained skills become second nature, they will develop a sense about what to do in almost every situation. In most cases, the "gut feeling" will be the correct procedure and will help prevent the officer from taking unnecessary chances.

Suggested Instructional Methodology

Lecture

Present police-related collisions to the groups and explain how improper attitudes and lack of emotional control contributed to the collision. Use of instructional aids will assist in diagramming the crashes. Ask the groups how the collisions could have been avoided with better attitudes or increased emotional control.

Small Group

- Divide the class into groups of 3-6 students. Ask the groups to list examples of emotions that can affect one's decision-making abilities, even if not related to driving. Then ask the students to explain how the same emotions can surface while driving and describe the effects the emotions are likely to have upon their driving performance. After individual groups formulate their responses, the instructor can ask each group to explain its findings to the class.

- Divide the class into groups of 3-6 students. Ask the groups to list examples and state conditions relative to where and why law enforcement officers will find it difficult to concentrate, easy to become emotional, and easy to accept inappropriate risk. List their group responses and define what attitude adjustments will be required to make positive changes.

Individualized Learning

Ask the students to formulate a personal plan, to be submitted to the instructor on the last day of training, that defines which concepts and skills covered during the training course will be most important for them to practice. Students should also state how the practice will take place.

Resources and Aids

- Psychology magazines and articles

- Psychology textbooks

- Guest lecturers experienced in emotional and attitudinal control

- Newspaper articles or case law involving collisions and listing emotional factors as contributing to the collision

Suggested Evaluation Methodology

Students

- Written or verbal response to questions concentrating on emotions, attentiveness, and willingness to improve.
- Observation of behavior during simulated scenarios.
- Observation of behavior during driving activities.

Course

- Observation of behavior during on-the-job performance.

OBJECTIVE 2.5 Identify common physiological factors that contribute to law enforcement collisions.

Introduction

An officer in a vehicle six to eight or more hours a day has a higher potential for being involved in a collision than the general motoring public. In addition, there are physiological factors which increase the potential for collisions. When a driver is experiencing certain physiological problems, the performance of the driving task is more difficult.

Content

Vision

- Acuity - sharpness of vision or ability to focus. Ideal visual acuity for example is 20/20.
- Depth perception - Ability to distinguish dimensions of depth - which objects are closer than others".
- Field of vision - The range of peripheral vision possessed by each individual - affected by speed. The faster the speed of the person or vehicle, the smaller the field of peripheral vision.
- Color vision - The ability to distinguish one color from another.
- Night vision - The ability of the eye to maximize available light after dark - visual distance or range is reduced during night driving.

Hearing

Hearing is the audio capability of each individual. Impairment or "funnel hearing" is oftentimes caused by the stress of an emergency response. Certain sounds are tuned out and are no longer audible.

Sensory

- Equilibrium - The body's center of balance is located in the inner ear. This maintains the body's state of equilibrium or balance.
- Touch - a physiological sense which provides input to the brain. This input which can be called "feel", assists in making driving-related decisions.

Smell

Smell is an additional sense which provides input to the brain and assists in making driving-related decisions. Common odors that indicate a hazard include: gasoline, fire, chemicals, burning rubber or brake metal.

Timing

Timing is the coordination of hands, eyes and feet in the maneuvering of a vehicle. The coordination varies from person to person and can be affected by stress, fatigue, or distraction. Reaction time is most often associated with the amount of time elapsed from the realization of a situation or stimulus and the reaction via hand/foot-eye coordination.

Physical Stature

Physical stature refers to the height and weight of the individual driver. Driver size can affect driving capabilities and should receive attention and compensation to ensure maximum effectiveness.

Medical Condition

Medical condition refers to the overall physiological state of the body. The influence of medications, alcohol or drugs can greatly impair the reaction capabilities of an individual as well as impair visual acuity. Drivers should be screened and cautioned against operating an emergency vehicle while under the influence of any substance that might create impairment.

Summary

Officers operating an emergency vehicle encounter many distractions from the routine of driving. These distractions include, but are not limited to, surveillance, use of radio and other equipment, high rates of speed, long time spans in the vehicle, and fatigue caused by job- related stress. In order to minimize the effect of these distractions, officers should engage in the following:

- Obtain adequate sleep (8 hours daily) prior to going on shift.
- Abstain from any form of alcohol at least 8 hours prior to beginning shift. (Alcohol burn-off rates should be considered).
- Abstain from the ingestion of any controlled substance.

- Exercise additional caution any time the speed limit is compromised.
- Participate in a regular physical exercise program.
- Minimize the potential for stress.
- Abstain from medications that affect alertness or reaction time.

By having knowledge of the physiological factors that influence driving decisions and physical performance, the officer can better prepare for the operation of the emergency vehicle. Knowledge of such factors should reduce the incidence of collisions; however, the application of such knowledge is generally the key to success.

Suggested Instructional Methodology

Lecture

Use the content outline to present some of the human factors that can contribute to a law-enforcement collision. The use of instructional aids to outline the key factors may be helpful.

Lecture with Class Discussion

Ask the class to give reasons why the officers may have more psychological or physiological factors working against them than the average driver. Make a list of the responses.

Small Group

Divide the class into groups of 3-6 students and have each group compile a list in response to the question, "What psychological and physiological factors increase an officer's chances of being involved in a collision?" Then ask the students to explain how the factors can be avoided or minimized.

Resources and Aids

- Psychology textbooks and articles
- Physiology textbooks and articles
- *Psychology On the Road*, by David Shiner. John Wiley and Sons, Inc., 1978.
- *Vision and Highway Safety*, by Merrill Allen. Chilton Book Company, 1970.

Suggested Evaluation Methodology

Students

- Written or verbal response to questions concentrating on psychological and physiological factors influencing the law enforcement driver.

- Observation of psychological and physiological changes occurring in students during practice driving exercises.

Course

- Observation and evaluation of on-the-job performance of students relative to psychological and physiological control.

OBJECTIVE 2.6 Identify the components of driving that lay the foundation for the development of good driving habits.

Introduction

An officer needs to develop a style of driving which yields the highest level of results with the lowest level of risk. A student comes into a driver training course with a style of driving and a set of habits. Some are high-risk, low-gain while others are low-risk, high-gain. A driver very seldom has all good habits or all bad habits. If a student has some habits that need to be modified or replaced, it will take a well-designed plan and a highly motivated driver to achieve the changes.

A major objective of a driver training course is to set a standard for a successful driving style. To help the student acquire that style, a set of low-risk and high-gain habits must be developed. In order to help a student develop effective driving habits, the desirable behaviors must be clearly understood and practiced by the student often enough to replace the less desirable habits.

To precisely establish recommended driving procedures for the officer, the training must describe specific driver actions. For example, if it is determined that an officer should have the skill of searching 12 seconds ahead of the vehicle, then training should provide for the practice and testing of "why" and "how" to search for 12 seconds ahead.

Training should be as realistic as possible to maximize the knowledge and experience gain for the student.

Content

Components of Driving:

- Awareness - recognition of changes to the traffic environment which could disrupt the vehicle's movement.

- Space Management - planning ahead of the vehicle so as to get, and keep, the best control of the actual or intended path of travel.

- Collision Avoidance - quickly and efficiently placing the vehicle into an alternative path of travel because the intended path of travel is no longer manageable. This action will help minimize potential collisions or avoid actual collisions.

The development of perceptual skills is critical. Practice making yourself aware of your environment to gain insight into what may occur around you.

Non-Emergency Driving Objective 2.6

Systems of Driving

There are several different systems of driving. Any one of the systems could be helpful to the student in learning driver awareness of better space management. Better space management will minimize the use of collision avoidance techniques.

Popular systems of driving include:

- The Smith System - developed by Harold L. Smith. This system was the first to recognize that drivers need to learn perceptual skills as well as manipulative skills.

- The Identify, Predict, Decide, and Execute (IPDE) or Search, Identify, Predict, Decide, and Execute (SIPDE) - was developed by a committee of traffic safety educators. The system is used to describe the decision-making process of a driver involved in the driving task.

- The Zone Control System - developed by Professor Frederick R. Mottola. This system structures the way a driver can recognize changes in the space management of the vehicle. It also describes what type of actions would be desirable to maintain the best control of a situation.

The Smith System

The Smith System features five steps. The driver must practice all the steps until they become routine. The five steps include:

1. "Aim High in Driving" - Look as far ahead as possible or at least one block ahead in city traffic. The purpose is to keep the driver's view "up" rather than looking "down" at the area in front of the car.

2. "Keep Your Eyes Moving" - To establish an orderly visual search pattern, the driver needs to look near and far, to the left and right, in the mirrors, and at the instrument panel.

3. "Get the Big Picture" - Become aware of the whole traffic scene. It is the mental process of putting together the clues received from "aiming high" and "keeping the eyes moving."

4. "Leave Yourself an Out" - Avoid being "boxed in"; one needs to adjust to traffic conditions. Have a space cushion surrounding the vehicle.

5. "Make Sure They See You" - A communication mode for getting drivers to be aware of one another's presence to avoid surprise situations.

Non-Emergency Driving **Objective 2.6**

"There is a need to recognize that most collisions are caused by driver error and that a systematic approach will reduce the number of errors."

S.I.P.D.E.

S.I.P.D.E. is a method used to gather sensory information to process and perceive a clear, complete, and accurate mental and sensory picture of a driving situation.

- Search – Look for a point ahead, steer toward it, check mirrors and instruments, anticipate visual lead time.
- Identify – Look for hazards. Determine what and how they will develop; calculate their effect on you and other traffic.
- Predict – Relate to past experience; recognize hazards, evaluate risks.
- Decide – Choose a course of action.
- Execute – Avoid the collision.

The Zone Control System

The Zone Control System is a three-step process used while driving which gives guidelines for how and where a driver should search, what should be searched for, and what to do when a deteriorating situation is identified. The Zone Control System is structured into a three-step decision-making process so that when the system is practiced properly, it can lead to good driving habits. There are three steps to the command the driver establishes over a situation:

- Step 1 - See the zone change to the path of travel or to the line of sight.
- Step 2 - Evaluate the other zones to determine what the options are.
- Step 3 - Get the best speed control, lane positioning, and communications available.

Step 1 - see the zone change to the path of travel or to the line of sight.

- Search 12 seconds ahead of the vehicle to check the front zone.
- Re-check the immediate 4-second driving range when searching ahead.
- Look for line-of-sight and path-of-travel (LOS and POT).

- Scan intersections to the left zone, front zone, right zone.

- Check mirrors after seeing zone changes and before changing speed or position.

- Check blind spots before moving vehicle to side.

Step 2 - Evaluate the other zones to determine what the options are. If the driver sees something that changes the potential or actual line of sight - position of travel - then an evaluation of alternative zones should be made to determine what the options are.

Step 3 - Get the best speed control, lane positioning, and communications that are available.

- For any situation, for any given moment, having the best control means to have the proper speed, lane positioning, and means of communication.

- If the driver is traveling at a reasonable speed in accordance with the general ongoing conditions and in accordance with speed limits, then the Zone Control System tells the driver to evaluate what the best speed selection should be if there is a change in the control of the line-of-sight or path of travel.

  " Speed Choices

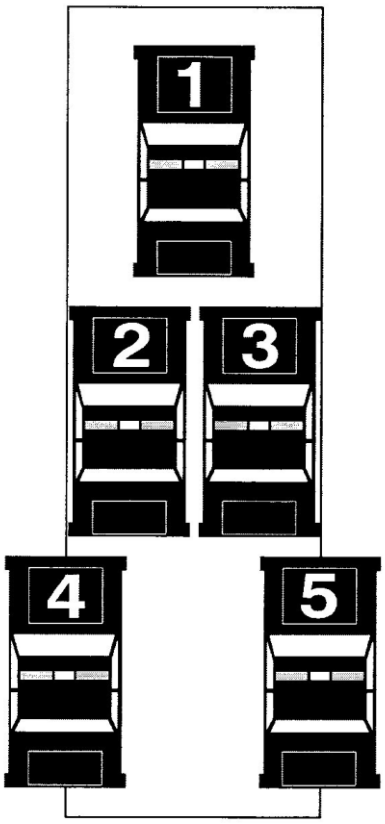
    The driver has five choices of speed selection after making an evaluation of a zone change. One of the five choices is the best selection to make. The five choices are:

    # Maintain speed
    # Decelerate
    # Off acceleration-cover brake
    # Off acceleration-apply brake
    # Increase speed

  " Lane Positioning

    There are five choices for lane positions without making a lane change. Positions 1, 2 and 3 are positions the driver should normally select when trying to pick a good lane position. Positions 4 and 5 are positions available under special conditions. Most cars are less than six feet wide; the highway lanes are twelve feet wide. This fact gives the driver six feet of space to the side without leaving the lane.

Lane Position



- Communications

  - Communications is the process of sending and receiving messages to and from other users of the roadway. Communications help eliminate the surprise situations created by drivers and pedestrians. Communications must take place early enough for others to receive and act upon the signals that are sent.

  - There are several ways a driver can communicate to other users. They include: the position of the car, signal lights, headlights, brake lights, hand signals, the horn, and the speed of the car.

Summary

This section is intended to give the student a system of processing information about driving situations which result in safe driving actions. To acquire effective and efficient driving habits, the student must clearly identify what actions to take. These actions must then be repeatedly practiced until they become habit. With sound habits the driver will be able to process information rapidly and accurately to gain maximum control of the vehicle's space requirements.

Suggested Instructional Methodology

Lecture

Select content from one of the three systems presented or any combination of the three. More information can be obtained from sources listed in Appendix F.

Lecture with Visual Aids

Obtain or make visual aids and have the class observe and respond to various elements of a driving system. Ask the class to identify changes of controllability in traffic scenes while viewing the visual aids. Ask the class to identify what they saw, things they would check, and what would be the best choice of speed control, lane positioning, and communication.

Small Group

Divide the class into groups of two. Ask the group members to explain to one another what methods are effective for searching intersections, 12 seconds ahead, into curves, and so on. Have them explain what they could expect to find as a potential or actual problem and what they would do about it if they found it.

Non-Emergency Driving Objective 2.6

On-the-Street

While students are driving in various on-street traffic situations, have them demonstrate the steps of a driving system until they are clearly able to understand what actions they should practice.

While students are driving in various on-street situations, have them identify changes in the traffic scene which could signal to them a need to make an adjustment in the present speed or position of the vehicle.

While students are driving in various on-street traffic situations, have them demonstrate how they can combine searching 12 seconds ahead of the vehicle and do police surveillance of stores to the side at the same time.

Resources and Aids

- Smith System textbook and film
- IPDE or SIPDE hand-outs and materials
- Zone Control System textbook
- Driver education textbooks

Suggested Evaluation Methodology

Students

- Written or verbal response to:
  - " Questions regarding space management concepts
  - " Questions regarding analysis of driving conditions
  - " Solutions necessary to create a manageable space condition
- Observation of space management methods during:
  - " Skid pad activities.
  - " On-street activities with commentary driving.
  - " Emergency response and pursuit activities.

Course

Analysis and evaluation of on-the-job performance relative to acceptable use of space management methods.

OBJECTIVE 2.7 Identify vehicle defects that contribute to law enforcement collisions.

Introduction

Some collisions are the direct result of mechanical failure. There is a disagreement as to the extent of information the driver must acquire in order to deal with the mechanical function. Some drivers will be required to accept almost a total maintenance responsibility, while others will be instructed to direct all maintenance problems, concerns, and responsibilities to appropriate maintenance personnel.

Regardless of the level of responsibility, the student should acquire the knowledge, skills, and behaviors necessary to prevent mechanical malfunctions, detect changes in the mechanical operation and performance of the vehicle, and react correctly to sudden mechanical failure.

Content

Mechanical Sub-systems Necessary for Vehicle Operation:

- Power train: engine, transmission, differential/front/rear wheel drive
- Electrical: lighting, ignition, emergency warning devices, radio communications
- Fuel and exhaust
- Steering: suspension and tires
- Lubrication: moving parts and engine cooling
- Visibility: windows, defrosting system
- Safety: seat belts, locks, air bags

Each of these sub-systems requires periodic maintenance checks to maintain the efficient, economical, and reliable vehicle performance expected. This will be elaborated upon in Objective 2.8, Law Enforcement Vehicle Inspections.

Non-Emergency Driving Objective 2.7

To detect changes in the mechanical sub-systems the driver must have:

- Knowledge of the mechanical sub-systems.
- Receptiveness to sensory stimuli such as visual, sound, smell and touch.
- Knowledge of vehicle performance and data.
- History of vehicle maintenance (both preventative and reactive).

A driver who fails to prevent or detect change increases the possibility of having to react to a failure. Some of the more likely situations and the appropriate reactions are as follows:

- Stalled Engine - Avoid braking, shift to neutral, restart engine, shift to drive.
- Stuck Accelerator - Try dislodging accelerator pedal, shift to neutral, brake, and move to a safe location. If necessary, turn off the ignition, but only after coming to a complete stop.
- Wet Engine - Using vehicle momentum, try to coast to a safe location. Attempt to restart engine after it dries.
- Flooded Engine - Depress accelerator fully for 5-10 seconds. Release accelerator and re-start engine.
- Dead Battery - Consult owner's manual or textbook for correct procedure for "jump-starting" a battery.
- Headlight Failure - Try to make the vehicle visible to others. Use directional signals and exit to safest location.
- Faulty, Leaking Exhaust - Repair it! Do not drive the vehicle due to the potential for carbon monoxide poisoning.
- Flat Tire or Blowout - Avoid braking, light acceleration to maintain speed or decelerate slowly as vehicle stabilizes, avoid strong steering inputs and steer the vehicle in the direction you want the front end to go. Coast to a safe location. If changing a tire, consult the owner's manual or a textbook for the correct procedure.
- Improper Tire Tread or Alignment - Replace tire or re-align wheels prior to driving the vehicle.
- Improper Speed Rated Tires - Replace tires with the proper speed rating.

- Brake Failure - Pump brake pedal. Downshift into lowest gear. Activate parking brake. Use the left foot on the parking brake to gradually stop the vehicle.

- Anti-lock Brake System Failure - System shifts to conventional brake system.

- Wet Brakes - Use left foot and depress the brake pedal to "heat-up" the brakes and evaporate water or to allow less water to enter the brake system; accelerate slowly until clear of water. Check brakes when out of water and before proceeding further.

- Overheating Engine - Consider where to exit roadway. Turning on the heater may buy additional time.

- Oil Indicator Warning - If problems occur involving oil, it's best to exit the roadway, stop the engine and check the engine oil level system.

- Hood Flies Up - Try looking out of the side windows. Check to the rear and exit to a safe location.

Summary

When the driver has an understanding of the mechanical sub-systems of a vehicle, the chances of mechanical malfunction are reduced. When the driver actively tries to prevent or detect changes in the mechanical operation of the vehicle, the chances of mechanical malfunction are almost completely eliminated. When the driver demonstrates how to react correctly if a mechanical malfunction does occur, the chances of collision are greatly reduced, if not eliminated. The lack of prevention or detection skills increases the chances of mechanical malfunctions and places the driver in the "low percentage" position of trying to react correctly.

Suggested Instructional Methodology

Lecture and Class Discussion

Collect collision reports or media accounts in which a mechanical failure contributed to the cause of the collision. These examples can lead to discussions and demonstrations on prevention techniques, detection awareness, and reaction skills.

Small Groups

Use instructional aids to list the various sub-systems of the vehicle. Then have the group identify the possible sub-system failures. The group should then identify or predict what the effect of the sub-system failure would be on the vehicle.

Range

Offer a demonstration using imaginary steering wheel and pedals as to the correct reaction to such a failure. The students could demonstrate the correct reaction, practicing until correct. The transfer of learning will be most complete if the training course can allow the students to demonstrate and practice these correct reactions while driving the training vehicles or their agency vehicles on the practice driving range or in a secure driving area.

Classroom Demonstration Method

Many short videos or other media are available through research on the internet. The media can be inserted into a visual aid presentation that depicts a driving malfunction, and the student must then identify the corrective driving response.

Malfunctions may include:
- Brake failure
- Sticking accelerator
- Stalled engine or power failure
- Hood fly-up
- Headlight failure

Resources and Aids

- Owner's vehicle maintenance manual
- Automobile magazines such as *Car & Driver, Motor Trend, Consumer's Digest Road and Track*
- Acceptable driver education textbooks. See Appendix F at the back of this Guide.

Suggested Evaluation Methodology

Students

- Written or verbal responses to question concentrating on the mechanical sub-systems of a vehicle and common vehicle malfunctions.
- Demonstration by the students of recommended solutions to vehicle malfunctions.

Course

- Review collision reports to determine if a vehicle defect contributed to the collisions.

- Review major vehicle repair order to determine if they could have been eliminated or minimized by timely inspections.

OBJECTIVE 2.8 Identify elements of an acceptable law enforcement vehicle inspection.

Introduction

The student must realize the importance of a safe vehicle inspection. A properly inspected vehicle will ensure a greater degree of confidence, reliability, and functionality with respect to vehicle performance and condition. The inspection would include, but not limit itself to, the following categories:

- Mechanical conditions under the hood
- Interior conditions
- Exterior conditions

Content

An Inspection Checklist for Each of the Categories:

- Mechanical
  - " Fluid: brake, oil, transmission, radiator, battery, windshield wipers, power steering
  - " Belts and hoses
  - " Wires
  - " Loose, worn, or broken items
- Interior
  - " Brakes and emergency brake
  - " Horn, P.A. system and siren
  - " Gauges and warning devices
  - " Windshield wiper control
  - " Fuel
  - " Occupant protection systems

- " Mirrors
- " Seat adjustment and security
- " Door locks

• Exterior

- " Tire, air pressure, tread/speed rating
- " Locks
- " Mirrors, windows, lights
- " Headlights, tail lights, emergency lights, spotlight
- " Damage to the vehicle
- " Hood and door latches
- " Windshield wipers

Summary

Vehicle inspections reduce the possibility of vehicle malfunction. The likelihood of a student conducting a vehicle inspection will be increased with awareness or knowledge of the benefits of preventive maintenance and the ability of a checklist.

Suggested Instructional Methodology

Lecture

Use the content outline to present the material to the class. Develop hand-outs based on the material.

Small Group

Divide the class into groups of 3-6 students. Have each group develop a list of why an inspection should be done and what can happen when an inspection is not performed. List the answers, thus allowing for group approval or reaction. Instructor summarizes.

Non-Emergency Driving Objective 2.8

Individual Learning

Compile checklists for the types of vehicles the students will be driving for their respective agencies. The instructor can offer suggestions for addition or deletion.

Range

Using their assigned law enforcement vehicle, a training vehicle, or personal vehicle, have the students perform pre-op inspections using their checklists. This can be done individually or in teams.

Resources and Aids

- Owner's vehicle manual
- Driver education textbooks
- Automobile-related magazines or booklets

Suggested Evaluation Methodology

Students

- Written or verbal response to questions on vehicle inspections.
- Demonstration of a proper inspection by the student.

Course

- Observation of on-the-job performance of vehicle inspection.

Illustration 2.1
EMERGENCY VEHICLE OPERATIONS
Vehicle Inspection Checklist

Make _____ Date _____
Inspected by _____ Car # _____

A. FLUIDS **Check if properly inspected; document the amount of fluid added to vehicle**

Motor Oil _____ Mileage _____
Brake Fluid _____ Radiator Reservoir _____
Power Steering Fluid _____

B. LIGHTS **Check if properly inspected and in working condition; document any malfunctions or any lights that are not operating**

Low Beams _____ Interior Lights _____
High Beams _____ Emergency Lights _____
Tail Lights _____ Flood/Spot Light _____
Brake Lights _____ Dash Lights _____
Back-up/Reserve Lights _____ Wig Wag Lights _____

C. EQUIPMENT **Check if properly inspected; document any malfunctions that are detected**

Seatbelts _____ Wipers _____
Siren/PA _____ Police radio _____

D. TIRES **Check if properly inspected; document any malfunctions that are detected and need attention**

Tire Tread	Left _____	Left _____	Right _____	Right _____
T Pressure	Left _____	Left _____	Right _____	Right _____
Rim-Cracked	Left _____	Left _____	Right _____	Right _____
Lug Nuts	Left _____	Left _____	Right _____	Right _____

E. Cooling System

Radiator hose _____ Fan & Power steering belts _____
Value covers (check for leaks) _____ Rear transmission (check for leaks) _____

F. Interior of Vehicle

Loose articles removed _____ Visor clear _____
All other secured _____

G. Exterior of Vehicle

Damaged noted _____ Window glass cracked _____

OBJECTIVE 2.9 Identify the importance of seat belts and other occupant protection devices.

Introduction

Traffic collisions injure approximately six people each minute. A traffic fatality occurs approximately every 12 minutes and an injury approximately every 11 seconds. Traffic collisions account for approximately one-quarter of officer deaths and are the leading cause of injury and disability to police officers. Occupant protection is the most important and basic safety measure for reducing these officer deaths and injuries.

Officers are even more vulnerable to injury or death from vehicle collisions because of the number of hours spent in law enforcement vehicles and the varying conditions they encounter. Developing a habit of wearing restraint systems will significantly increase body protection and control the vehicle. Officers should become more aware of the types of occupant protection devices inside the vehicle and the ways to be protected while in the vehicle. Officers need to understand the importance of wearing a properly adjusted vehicle restraint system for protection from death and injury in the event of a collision.

Content

Advantages for Seat Belt Use by Officers On and Off the Job

- Better vehicle control thereby reducing the chances of becoming involved in a collision.
- Less chance of injury or death if involved in a collision while using a properly adjusted vehicle restraint system.
- Lower medical costs to self and community if involved in a collision while using the restraint system.
- Less time lost from work due to the reduction in the severity of injuries.
- Role model to community.
- If seat belt use is required by the employing agency, failure to use the device may result in loss of benefits to the officer should that officer be involved in a traffic crash. (Check agency policy.)

Loss Statistics for Law Enforcement Officers.

- Approximately two-thirds of officers' line of duty deaths are traffic related.
- 12% of state and 24% of municipal collisions result in injury to an officer.
- On average, law enforcement officers are involved in a collision every 28,000 miles of driving.

Loss Statistics for the General Public.

- Collisions cost society in excess of $300 billion annually.
- On average, one American dies every 12 minutes and one is injured every 11 seconds.
- Collisions kill over 40,000 people annually, about 110 a day (similar to a major airline crash every day).
- Collisions injure about 3 million people annually.
- Collisions have consistently been the leading cause of death for people aged 3 to 34.

Proper Use of Restraint Systems

- They are 45-60 percent effective in reducing deaths to front seat passenger vehicle occupants and are 50-65 percent effective in preventing serious injuries.
- Saved about 15,000 lives in 2004 for people aged 4 and over.
- At 100% usage, would save about 21,000 lives (people aged 4 and above) annually, based on 2004 data.

A Variety of Occupant Protection Devices Exist

- Some of these are:
  - " Head restraints - Adjusted to the middle of the head, level with the ears, they protect the neck from whiplash.
  - " Door locks - Lock all doors. Can provide better protection in a collision by preventing occupants from being ejected.

- " Collapsible steering columns - Collapses in a collision so that a driver's chest is protected from injury. The steering column absorbs some of the impact forces in a collision.

- " Padded dashboards - Designed to cushion the occupant if contact is made with the dashboard.

- " Recessed knobs and door handles - Designed to be recessed and smooth to minimize injury if contact is made by occupants.

- " Air bags - An air bag is a porous, fabric bag designed to supplement the restraint system in a collision. It is installed in the steering wheel hub for the driver and in the dashboard of some vehicles for the front passenger. The bag is activated in a serious frontal collision. The bag is activated by a collision sensor or switch that can discriminate between a collision severe enough to cause injury and a fender-bender or panic stop. Sealed within the system is a small amount of sodium azide. The impact of the collision triggers the conversion of the sodium azide to nitrogen, a harmless gas. In 1/25 of a second the bag is inflated and creates a protective cushion between the occupant and the steering wheel, dashboard and windshield. It begins to deflate immediately after deployment. Once deployed, the air bag cannot be used again.

• How are they used correctly? Restraint system belts must be utilized with air bags to maintain passengers in a position to make the air bag effective.

Summary

Officers are exposed to great risk while driving a patrol vehicle. One of the easiest ways to minimize that risk is to take advantage of the protection equipment in the vehicle.

Suggested Instructional Methodology

Lecture with Video and Group Discussion

Have the students fill out a questionnaire on their present usage rate for seat belts on and off duty. Have them write any questions, concerns, problems, or fears they have regarding seat belt use. Show a seat belt video and, afterwards, promote a group discussion relative to the facts presented in the video and the concerns expressed on the questionnaires.

Non-Emergency Driving **Objective 2.9**

Small Group

- Divide the class into groups of 3-6 students. Have the group members list the problems they are concerned with regarding seat belt use in the patrol vehicle. After responses are gathered from all groups, have the students state ways in which officers can overcome these problems.

- Have the groups list those items such as a nightstick, radio equipment, briefcase, radar, etc. normally found in a law enforcement vehicle that could cause problems if the vehicle was involved in a collision. List responses on a chalkboard and discuss ways in which these items can be secured.

Resources and Aids

- "Occupant Protection Usage and Enforcement Publications" - NHTSA

- "Traffic Safety Materials Catalog" - www.nhtsa.dot.gov

- A current NHTSA film

Suggested Evaluation Methodology

Students

- Written or verbal response to questions concerning advantages of seat belt use, techniques for use, and types of occupant protection equipment.

- Observation of seat belt use habits during driving activities.

Course

- Observation of seat belt use habits during on-job performance and off-duty driving.

OBJECTIVE 2.10 Demonstrate acceptable use of seat belts and other occupant protection devices.

Introduction

Many officers believe in the advantages of using occupant protection devices such as seat belts. There is, however, often a fear of being trapped by the belt or that removing the belt will be time-consuming at a critical moment. Students need to become aware of ways the seat belt can be used without interfering with their job as an officer.

Content

The following method is one which the students should be aware of, use, and demonstrate competently.

- Methods for putting a seat belt on:
  - " Reach for seat belt while simultaneously starting the vehicle.
  - " Place foot on brake.
  - " Place the vehicle in drive.
  - " Keep eyes on road, not on seat belt.
  - " Position lap and shoulder belt in acceptable position while driving.
- Method for taking seat belt off in emergency and non-emergency situations:
  - " Release as you start to open the vehicle door.
  - " Guide belt away from body.
  - " Secure vehicle.
- Properly adjust the seat belt, considering shoulder harness and lap belt.

Summary

Through practical experience the officer can develop a systematic approach for use of the seat belt. Each student can become proficient in using the seat belt, thus eliminating some of the fears they may have regarding seat belt use.

Non-Emergency Driving Objective 2.10

Suggested Instructional Methodology

Range

While wearing a duty belt, have each student practice getting in and out of seat belt in a non-emergency situation by using an acceptable method for putting the belt on and releasing the belt.

While wearing a duty belt, have each student practice getting in and out of the seat belt in a non-emergency situation by using an acceptable method for putting the belt on and releasing the belt.

Simulate or re-create the emotional stress associated with an emergency situation.

Resources and Aids

- Driver training vehicle with operational seat belt system
- Duty belt equipped with gear representative of on-the-job performance

Suggested Evaluation Methodology

Students

- Observation of officer utilizing an acceptable method of seat belt usage during non-emergency driving.
- Observation of officer utilizing an acceptable method for release of a seat belt during non-emergency driving.
- Observation of seat belt usage and release usage during simulated emergency or pursuit situations that create adrenaline and emotional sensations typically experienced during those conditions.

Course

- Observe officers on the job for consistent use of seat belts.
- Observe for unsafe placement of equipment and articles in duty vehicles.

OBJECTIVE 2.11 Identify common environmental factors that contribute to law enforcement collisions.

Introduction

An officer is more likely to be exposed to all types of environmental factors due to the nature of the job. During inclement weather, when other drivers are normally not driving, the officer may have no other option than to operate their vehicle.

Reduced control of the vehicle as a result of a diminished driving environment can result from:

- weather conditions
- night driving
- traffic density
- road conditions

Content

Weather Conditions

Ice, snow, fog, sleet, rain, wind, heat, humidity, cold, smoke, and hazy conditions may reduce visibility as well as alter an officer's ability to effectively operate the vehicle.

- Snow and ice considerations:

  " The edge of the road, lane markings, or even traffic signs may not be visible.

  " Stopping distance on ice and snow increases exponentially with increased speed.

  " Have snow tires on the vehicle, and a shovel and chains available. Make certain that the vehicle's heater and defroster are in good working order. Brakes should be properly adjusted so they pull evenly.

  " Stay aware of the temperature. Wet roads with ice and freezing rain are the most treacherous of all driving conditions.

  " Remember that bridges and roadway shaded areas freeze first.

  " Do not make any sudden moves with the steering wheel, brakes, or accelerator.

- " Slow down in advance of intersections, curves, and down-grades quicker than normal. Maintain a minimum of a four-second following distance. Following distances may need to be increased if conditions continue to get worse.

- " If using chains on rear wheels, drive with them until the road surface is appreciably clear of ice and snow.

- " Straighten the front wheels when starting the car on a snow-covered or slippery surface.

- " When driving through deep snow, shift into lower gear before entering the snow and attempt to keep the car moving through the snow.

- " When stopped or stuck in deep snow or in a snow drift, be aware that carbon monoxide may seep back into the vehicle.

• Rain considerations:

- " During rainy conditions, tires may start hydroplaning, which will affect steering and braking.

- " Driving through large areas of water can affect brake performance and the vehicle's electrical system.

  - # Precautions:

    - Q Slow down before hitting water
    - Q Turn wipers on before hitting water
    - Q Tap brakes as you exit

- " Use caution in checking outside mirrors. Rain can distort or obliterate images.

- " Turn headlights on during the daytime if your vehicle is not equipped with daytime running lights.

• Wind Considerations:

- " Stay alert during windy conditions. Crosswinds can blow the vehicle off the road or across the center line, particularly while entering or exiting curves, and especially during rainy and windy conditions.

- " Stay alert when passing buildings, traveling through an underpass, when the road is wet with water, ice or snow, and when near other vehicles, especially large trucks.

- Visibility Considerations:

  - " Fog, haze, smoke, and mist can affect visibility greatly

    - # Turn on low-beam headlights and the wipers if needed. It is recommended that you should not drive with only parking lights illuminated.

    - # Observe for slow-moving and/or stopped vehicles in the roadway. Also, scan your rear-view mirror and side mirrors frequently for vehicles approaching quickly from the rear.

    - # Stay alert for patches of fog in valleys and low-lying areas.

    - # Drive slowly, but keep moving.

    - # If conditions are hazardous, pull to a safe position to the right side of the roadway and stop. You should, also leave headlights on and activate your hazard lights.

Night Driving

- In addition to reducing detail, darkness conceals hazards, i.e., pedestrians, two-wheeled vehicles, stalled cars, curves, and other objects or conditions. The driver makes a decision on the basis of a sketchy and incomplete picture.

- It is more difficult to judge the speed and position of another vehicle.

- Drivers must depend largely on their headlights, which illuminate only a relatively short and narrow path ahead. Light does not bend around corners.

- Adequate highway lighting may be limited.

- Glare from roadside lighting and the headlights of oncoming vehicles impair visibility.

- Keep panel lights dim for better vision, but always have enough panel light to read the speedometer.

- Reduce speed so that you can stop within the visible distance.

- Increase sight distance by keeping the headlights clean and properly aimed, and the windshield clean.

- Watch beyond the headlights on or near the roadway for slow-moving or unlighted vehicles, curves, T-intersections, road obstructions or defects, trains, pedestrians, and animals.

- Avoid looking directly into glaring headlights of oncoming vehicles.

- Keep a minimum of a four-second following distance.

- Allow a greater margin of safety when overtaking and passing vehicles.

- Do not wear sunglasses or motorcycle-tinted face shields at night.

- Avoid staring at bright lights. Headlight glare is a particular hazard. The human eye takes about seven seconds to fully recover from being blinded by a bright light. At 60 mph the car would travel 616 feet in seven seconds.

- With a vehicle's high beams on, you have about 180 feet of light and about 100-120 feet of identifiable lighting (light bright enough to identify objects). At 70 mph you are driving faster than you can react to an object once it appears in your headlights.

Traffic Density

- Rural Areas - Be alert for loose livestock, pets, bicyclists, school buses, children waiting for buses, and slow-moving vehicles such as tractors, farm implements, trucks, horse and buggies.

- Urban Areas - Be alert for traffic entering the roadway from alleys, parking lots, driveways, and intersections, children playing in the streets, people exiting delivery vehicles, drivers opening doors to exit parked vehicles, pedestrians at school crossings and crosswalks.

- Drive with the flow of traffic - Don't "lane hop." An officer is justified to drive differently from the flow of traffic only if on an emergency run and not driving in such a manner as to endanger other drivers.

Road Conditions

- Officers need to learn how to "read the road," since so much time is spent on various roadways.

- From time-to-time, the driver will notice a clear path in the center of the roadway followed by a dark spot. This particular pattern is caused by a bump in the road surface.
  - As vehicles travel over the bump, oil is knocked off that might not otherwise land on the road surface for several miles.
  - A concentration of various fluids causes the darker area.
  - The bump itself is in the clear area, since the bump is hit before the droplet is knocked loose.
- Another indicator of changes in the elevation of the road surface is seen when the sun is low in the sky. Note that:
  - In the early morning or late afternoon, a greater portion of the roadway can be seen as a shadow.
  - The density and size of shadow will give an indication as to the amount of change up or down in the road surface.

• At night, there are a number of signs that can help tell if the road is changing:

- Light travels in a straight line.
- Drivers can learn a lesson at night about the road from the headlights: if the roadway in front appears dark with headlights on, the road is dropping or curving out of this line of the headlights. If the road appears brighter as you approach an area, the road is rising.

• Basic rules for reading the road:

- Drive according to what you can see. If you cannot see over a crest of the hill, slow down. If you are rounding a crest of the hill, slow down. If you are rounding a bend and cannot see in front of you, slow down.
- Do not travel any faster than your ability to stop in the distance you can see.

• Road conditions to be aware of:

- Water
  - As little as 1/16th of an inch of water could cause hydroplaning.

- # If the water is concentrated on one portion of the road and only one side the vehicle goes through the water, the vehicle will tend to pull in that direction. The force of the pull is dependent on the depth of the water and the speed of the vehicle.

" Mud - Two basic problems can occur:

- # The mud can fill in the tread pattern of the tire, making the reaction ability of the tire very slow.

- # Sliding sideways in the mud - the mud can build up against the side of the tire until there is sufficient resistance to cause the vehicle to roll.

" Potholes - Potholes create a great danger to patrol vehicles. It is best to drive around the pothole. Use the following procedure if you cannot avoid hitting a pothole:

- # Just as you get to the pothole, release the brakes. If you fail to do so, your front tire can actually stop as you cross the leading edge of the pothole. By the time the vehicle gets to the other side, the wheel is no longer turning and the impact can tear the tire apart.

- # Hit the pothole squarely, rather than on the side of the tire. The face of the tire can take considerably more impact than the sidewall.

" Animals, tree limbs and miscellaneous objects - The size of the object will determine the correct action.

- # If it is a small object and you don't have the time to check for other traffic, do not cause a larger collision by swerving into another lane or oncoming traffic. Strike the object head on.

- # If it is a large animal or large object, attempt to strike it at an angle. Striking an object squarely with the front of the vehicle dramatically increases the collision impact; it may also increase the amount of damage, the potential loss of vehicle control, and personal injury.

- Road Surfaces

  " Gravel – Due to the irregular shape, size, and weight of the stones on an uneven surface, gravel moves about easily. This movement can cause a vehicle to go out of control with only a slight action by the driver. Braking on gravel can cause a vehicle to slide easily. When following another vehicle, especially at higher speeds, stay back to increase visibility due to the dust (if dry), and to avoid flying stones.

  " Blacktop

    # Will bleed oil to the surface during hot, humid days causing slick conditions.

    # Can also roll up into a washboard effect with heavy use during extremely hot days.

  " Concrete

    # This surface may explode at joints during hot weather.

    # Can develop severe dips as earth settles under it. Concrete is heavy and settles more than other surfaces.

    # Concrete can glaze over very quickly in freezing conditions.

Summary

The content of this section can be selectively used to meet the needs of any driver training course. The officer has a high exposure rate to adverse environmental driving conditions created by weather conditions, night driving, traffic density, and road conditions. Awareness of these environmental conditions can help the student overcome the negative impact they may have upon driving performance.

Suggested Instructional Methodology

Lecture with Instructional Aids

With instructional aids of various environmental factors, have students identify how the factors create a situation which is more demanding of the driver's skills and attention.

Lecture with Small Groups

After students evaluate the instructional aids of various environmental factors, ask them to write down or discuss, in small groups, the driver actions that should be taken because of the reduced control factors.

Lecture with Video

Have the students watch a video with various environmental factors depicted and ask the students to identify a particular reduced-control factor such as bright sun, and let them state what actions they are able to take to minimize the problem.

Small Groups with Case Studies

In groups of 3-6, present each group with collision reports from individual law enforcement agencies. Have each group identify environmental factors which contributed to the collision.

Resources and Aids

- Accepted driver education textbooks
- "How to Drive after Dark," National Safety Council
- National Safety Council video
- "A Drive at Night" - AAA
- "Night Driving" - Safety Industries, Inc.

Suggested Evaluation Methodology

Students

- Written or verbal response to questions regarding environmental factors that contributes to collisions.

- Observation of strategies, decisions, or methods used by a driver when exposed to various driving conditions affected by environmental factors.

Course

- Observe the driving of officers during the presence of adverse driving conditions.

- Review agency collision reports for environmental conditions that contributed to collisions.

OBJECTIVE 2.12 Identify factors that affect handling, steering, and braking to include ABS systems.

Introduction

During the operation of a motor vehicle, the driver seldom analyzes vehicle dynamics. The driver makes a series of sub-conscious adjustments in steering and speed selection to allow for continued vehicle control. This process becomes routine and the driver anticipates an uneventful drive. When there is a need for a dramatic steering or speed adjustment a driver reacts by drawing on impulse, training and habits. The percentages for successful completion of the maneuver are very low, as the driver often reacts too slowly or overreacts and has a collision.

A driver who understands how the laws of physics act on a vehicle recognizes that they cannot be violated without paying a penalty. The driver must also understand during emergency operation the increased speeds and distractions present are compounded by the changes in vehicle dynamics. Stopping distances are also affected by the speed increase.

Content

Basic vehicle dynamics and factors which influence the operation of an emergency vehicle include:

- Centrifugal Force - As a vehicle travels around a corner, there is an increase in the centrifugal force which impels an object outward from a center of rotation. As the vehicle's speed increases, the centrifugal force pushing it away from the center of rotation increases. An example is when driving around a corner a vehicle fails to maintain the intended path of travel. This is oftentimes characterized by the rear of the vehicle rotating around the axis of the vehicle.

- Centripetal Force - The opposite of centrifugal force; pushing toward the center. A vehicle accelerates towards the center of rotation while turning and the centripetal force is related to the vehicle's speed, direction of travel, mass, and the radius of the turn.

- Inertia - The tendency of a body to resist acceleration. The tendency of a body at rest is to remain at rest and a body in motion to remain in motion in a straight line unless disturbed by an external force. Inertia is resistance to motion, action or change.

- Momentum - The product of the vehicles mass and speed. As a vehicle's momentum increases, its stopping distance and kinetic energy increases.

- Velocity - The rate of change of position relative to time, speed of motion in a particular direction. (Vector)

- Gravity - A constant pull of the earth, pulling all objects towards its center.

- Friction - The force between two bodies that resist motion or tendency to motion. Three types are applicable to driving, sliding friction, rolling friction and stationary friction. Examples are a vehicle with locked wheels sliding, a moving vehicle and a vehicle at rest.

Basic Vehicle Dynamics May Be Explained as Follows:

The combination of inertia and gravity allow a vehicle to remain stationary or continue in motion until acted on by other forces. The combination of vehicle mass and gravity gives the vehicle weight. As the driver accelerates the vehicle, velocity becomes the dominant force. This velocity, combined with the mass, creates a level of kinetic energy stored in the vehicle. Kinetic energy is measured by taking into account both mass and velocity. This means the kinetic energy in a vehicle traveling 10 mph would be equal to 100 units. This same vehicle traveling at 40 mph would have 4 times the speed but 16 times the force (1600 units) acting on the vehicle. Convert the mph to units of force by squaring the mph:

MPH x MPH = UNITS OF FORCE
10 x 10 = 100
20 x 20 = 400
30 x 30 = 900
40 x 40 = 1600
50 x 50 = 2500
60 x 60 = 3600

Dynamics of Steering

- Countersteering - A method of counteracting the forces created in a skid (dry or wet) by steering in the direction of the skid, or the intended path of travel.

- Understeer - The handling characteristic of a vehicle that tends to increase the desired cornering radius as a vehicle progresses through a turn. The understeer is usually caused by excessive speed. The vehicle will have a tendency to continue in a straight line and resist turning due to a loss of traction with the front tires.

- Oversteering - The handling characteristic of a vehicle that tends to reduce the desired cornering radius as a vehicle progresses through a turn, requiring the driver to rotate the steering wheel away from the direction of the turn. Oversteer is a result of excessive speed and/or hydroplaning as the rear wheels lose their lateral traction before the front tires thus causing the rear of the vehicle to slide toward the outside of the turn.

Dynamics of Braking

- Braking
  - " Front Wheel Lock-up
    - # Caused by improper brake adjustment or slick spot on the road.
    - # Causes reduced braking ability and loss of steering.
    - # Rear wheels act as a rudder and maintain straight-ahead slide.
  - " All Wheels Locked
    - # Caused by a panic situation in which brakes are applied abruptly and hard enough to lock all four wheels.
    - # The vehicle will probably skid in a straight line as long as variables such as road surface, tire tread, and air pressure are fairly even.
  - " Rear Wheel Lock-up
    - # Caused by improperly adjusted brakes which cause rear wheels to lock while front wheels continue to rotate.
    - # Vehicle will rotate around center mass in the horizontal plane.
  - " Brake Fade - Most common during a drive when frequent use of the brakes does not allow for proper cooling.
  - " Weight Transfer
    - # Occurs when the vehicle changes velocity or direction.

- # As a vehicle accelerates, the front lifts, causing weight in rear to increase. This weight shift to the rear can cause loss of traction for front-wheel drive vehicles, but an increase in traction for rear-wheel drive vehicles.

- # When braking the vehicle, weight is transferred to front wheels which have high braking efficiency.

- # Change of direction transfers weight from one side of the vehicle to the other, which is more noticeable in vehicles with a higher center of gravity.

" Environmental factors

- # Road surface - Wet, dry, surface debris, pavement type, and temperature.

- # Road design - Flat, uphill, curve, crowned, banked.

- # Visibility relative to perception time - Weather conditions, day or night, blind spots, other traffic.

- # Wind

" Vehicle condition

- # Braking system - Poorly maintained, low brake fluid.

- # Suspension system and steering components - Bad shock absorbers, tie rods.

- # Tires - Improper tire tread, improper tire pressure, alignment, ice studs, balance.

- # Vehicle weight and distribution of extra weight - Uneven distribution, greater mass.

" Braking Systems

- # Conventional - Drum disc.

- # Four wheel disc.

- # Anti-lock braking system (ABS).

Antilock Braking Systems (Abs)[m]

What is ABS?

An antilock braking system (ABS) is the part of a vehicle's braking system that automatically controls braking pressure to prevent the controlled wheel or wheels from locking during braking.

Why Are Antilock Braking Systems Beneficial?

Motorists, when confronted with emergency situations, are likely to press too hard on the brake pedal, causing their vehicle's wheels to lock, which in turn causes skidding and loss of control. ABS, by preventing wheel lockup, allows drivers to maintain control of their vehicles even in "panic stop" situations. Maintaining control can be a key factor in collision avoidance. Most antilock systems also enable the vehicle to stop in a shorter distance, particularly on wet or slippery road surfaces.

How Does ABS Work?

On a vehicle equipped with an antilock braking system, wheel speed sensors detect wheel lock, and send signals to the brake pressure modulator to reduce brake pressure which allows the wheels to turn. The ABS then reapplies braking pressure to maintain maximum braking. This pressure regulation, in effect, pumps the brakes in the same manner a driver would, only much faster. During ABS operation, drivers would expect to feel the brake pedal pulsating. This pulsating occurs as a result of the brake fluid pressure changes in the brake system when the ABS is activated. This is not an unusual situation and the driver should continue applying pedal pressure as required.

Current antilock systems can release and reapply the brakes as many as 15 times per second. By allowing the wheels to continue rolling, the driver is always able to maintain control and stop the vehicle on slippery surfaces in a shorter distance then would be possible otherwise.

What Are The Major Components Of ABS?

- The typical antilock system includes the following major components:

  " Wheel Speed Sensors measure wheel speed, and then transmit this information to the electronic control unit (ECU).

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[m]Adapted from a "Consumer Information" bulletin published by the U.S. Department of Transportation, National Highway Traffic Safety Administration, in December 1991.

- " Electronic Control Unit (ECU) contains computer functions, sensor signal processing circuits, output signals to the various ABS valves and components, and failure detection logic.

- " Brake Pressure Modulator reduces, holds, and restores pressure to one or more brakes, independent of the brake pedal effort applied by the driver.

- Antilock systems control either the two rear wheels or all four wheels of the vehicle. In general, the four-wheel systems provide better stability and control during braking compared with the two-wheel systems because the steered wheels do not lock up.

  In the event of a malfunction in the antilock system, braking, without ABS function, is maintained on the vehicle and a warning lamp on the instrument panel alerts the driver that the ABS is in need of repair.

Law Enforcement Training and Abs:

Just as skills and knowledge are required by police officers concerning emergency driving, the same holds true for vehicles featuring ABS. Four elements have been identified which assist law enforcement departments familiarize and train personnel with ABS.

- ABS video tape produced from the vehicle manufacturer

- Driver's manual accompanying ABS equipped vehicles

- ABS warning lamp symbol and functioning

- Hands-on braking and handling familiarization prior to actual in-service emergency driving

  (Automotive service technicians who work with ABS-equipped vehicles also require additional training. Technicians must receive manufacturer product service training on Antilock Brake Systems. This ensures that technicians are qualified to inspect and repair vehicles equipped with ABS.)

The four elements above may help officers recognize the improved efficiency of Antilock Brake System; however, it is important to emphasize specific features which characterize ABS. Items such as the pulsating effort of the brake pedal during activation of ABS is important information for officers. The knowledge of the ABS warning lamp symbol and functioning (see owner's manual), is also important for law enforcement officers. This explains that should the ABS warning lamp symbol light up on the instrument panel during driving, the vehicle no longer has ABS brake capability.

However, traditional power brakes will be activated until the vehicle can be returned for service. Hands-on familiarization of the ABS braking and handling system completes the last element of training. By completing the above elements of ABS familiarization and training, officers will receive information which will assist them as they meet the challenges of emergency driving.

Which Vehicles Have Abs?

Many vehicles now employ ABS. These vehicles may have an identifying plate or there may be some indicator on the sales slip.

Getting Used to the Way Abs Works.

- When driving at high speeds, motorists are accustomed to hearing a screeching noise when they apply the brakes suddenly. This happens when a wheel locks up and the tire skids on the road surface. Since antilock brakes prevent wheel lockup, there is no screeching sound. The absence of a screech means that the ABS is working.

- Motorists are accustomed to pumping their brakes to prevent wheel lockup. When the pedal is pushed on a car equipped with antilock brakes, some motorists notice a pulsing sensation. The antilock brakes are doing their own "pumping." Do not pump the pedal. If you do, you will defeat the purpose of the ABC or lessen the effectiveness of the brakes.

- Since more vehicles are now equipped with the ABS braking system, overall there has been an increase in head-on collisions. It is important to note that with an ABS system, the vehicle will travel in the direction the operator turns the steering wheel. This is due to the continued rolling traction of the tires during the stopping process. It is important to emphasize that the pathway the operator has chosen to avoid a crash should be a clear path, or one of least resistance. This path should not include traveling into a lane with head-on traffic.

  For further inquiries concerning Antilock Braking Systems, check NHTSA's website at www.nhtsa.gov.

Summary

Basic vehicle dynamics and a number of factors influence the operation of an emergency vehicle. Knowledge of both basic vehicle dynamics and common factors such as braking will assist the operator in understanding how to effectively control an emergency vehicle.

Suggested Instructional Methodology

Lecture with Video

Support the content of this lesson plan with lecture including examples of characteristics of patrol vehicles having ABS as well as video of duty vehicles being operated in realistic conditions and performing typical duties.

Range

Select braking, turning, and combined courses from Appendix E to reinforce lecture and video presentations.

Resources and Aids

- Appendix E exercises.
- Video of vehicles being operated in a wide variety of conditions and activities.

Suggested Evaluation Methodology

Students

- Written or verbal responses to questions regarding stopping distance-related problems.
- Observation of performance of these maneuvers and methods during practice driving, on the practice range or on the street.

Course

- Repair records with vehicles equipped with ABS.
- On-the-job observation, evaluation, or analysis of these maneuvers and methods.

OBJECTIVE 2.13 Identify factors that influence the stopping distance of a vehicle.

Introduction

Stopping distance is the distance measured from the moment the driver sees a reason to stop (point of perception) to the moment the vehicle stops. The driver must perform three functions:

1. Identify the reason for stopping

2. Physically react with pressure on the brake pedal

3. Brake the vehicle to a stop

When the performance of one or more of these events is delayed, the stopping distance will be increased. This could lead to a greater potential for collision.

The stopping distance is influenced by three factors:

- Driver
- Environment
- Vehicle

Content

Driver

- Driver-related factors which will increase the stopping distance include:

  " Perception skills - Conscious observation of a problem, anticipation.

  " Attitude - Desire, risk acceptance.

  " Attention span - Distractions, concentration levels.

  " Physical reaction capabilities - Coordination, braking method, body control.

  " Physiological impairments - Eyesight, substance abuse, fatigue.

  " Emotional control - Confidence, experience.

Environment

- Environmental conditions which will increase the stopping distance include:

  " Road surface - Wet, dry, surface debris, pavement type, temperature.

  " Road grade - Flat, uphill, downhill, curve, crowned, banked.

  " Road type - Asphalt, concrete, gravel, dirt, etc.

  " External conditions - Weather conditions (rain, fog, etc.), day or night, blind spots, other traffic.

Vehicle

- Proper vehicle maintenance is crucial to its performance which affects its capabilities and limitations, and in turn, affects the stopping distance. Vehicle related factors include:

  " Speed - This is the critical factor; the greater the speed, the greater the distance required to stop.

  " Braking system - Brake fade, brake fluid levels.

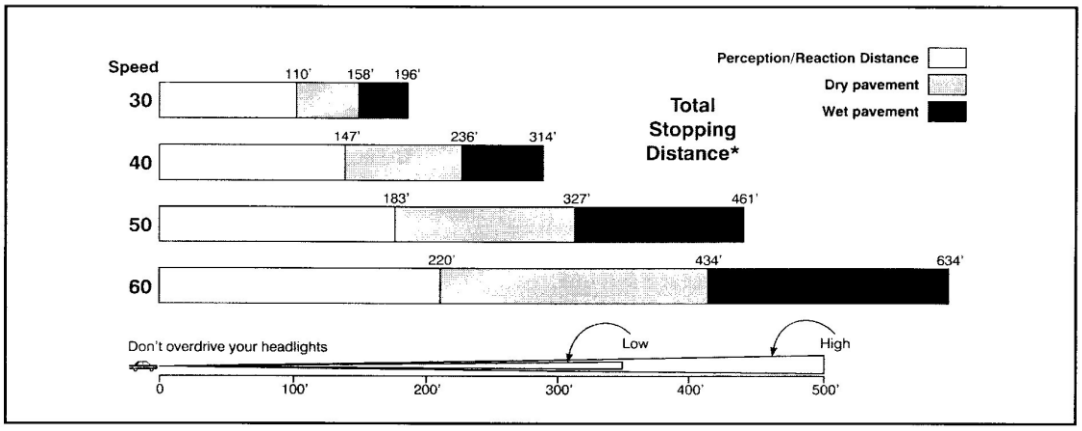
  " Suspension system and steering components: condition of shock absorbers and tie rods.

  " Tires: Tire tread, tire pressure, alignment, use of ice studs.

  " Vehicle weight and distribution of extra weight: uneven distribution, greater mass.

Because there are many variables, the exact stopping distance of a vehicle cannot be consistently calculated.

The following chart shows the stopping distances for various speeds. It is based on an alert driver searching ahead at an acceptable distance, reacting within the normal 3/4 seconds. The brakes are in good working order and the pavement is dry and level. These figures are averages. They show that stopping distances do not increase proportionately to the increase in speed.



Estimating Perception and Reaction Time

In order to calculate the distance covered during perception and reaction time multiply the speed of the vehicle by 2.2. (This is 1.5 sec. x 1.467) The 1.467 multiplier is based on the conversion of mph to feet per second. The 1.5 seconds is the perception time (.75 seconds) added to reaction time (.75 seconds).

For example: At a speed of 45 mph the distance covered during the 0.75 seconds given for perception of the stimulus is 49.5 feet (45 mph x 1.1 = 49.5). The distance covered during the reaction time is the same, 45 mph x 1.1 = 49.5 feet. The total distance for perception and reaction can be determined by multiplying the speed by 2.2 (45 mph x. 2.2 = 99 feet).

Summary

Memorizing stopping distances or being able to calculate the distances shouldn't be the goal of instruction. Recognition of the contributing factors and the fact that stopping distances increase exponentially as speed increases, along with the adopting of driving habits to counter the increase is what is important.

Suggested Instructional Methodology

Lecture with Discussion

List the factors which influence the stopping distance. Ask the class to identify what a driver should do to assure that each factor will be a positive, rather than negative, influence on the stopping distance. Emphasize the attitudes and willingness necessary to make changes in habits and skills.

Non-Emergency Driving **Objective 2.13**

Lecture with Case Study

Using collision investigation reports, create realistic case conditions and have the students determine what the stopping distances would be. Vary the weight and speeds of the vehicles, traction conditions, and driver capabilities.

Range

Using the practice driving range, have the students accelerate to specific speeds and, given a verbal cue, activate the brakes to create the shortest stopping distance. Comparisons can be made for each student as speeds are increased. Then, change the traction conditions or tire conditions for each additional effect.

On the Street

Have the students drive through a variety of traffic conditions. The students are allowed to compare the feeling they experience of the stopping control while staying perceptive at least 12 seconds ahead of the vehicle compared to less than 6 seconds ahead, the average for untrained drivers.

Resources and Aids

- Acceptable physics textbooks
- Driver training textbooks
- Acceptable collision investigation textbooks

Suggested Evaluation Methodology

Students

- Written or verbal responses to questions regarding stopping distance-related problems.
- Observation of proper searching and perceptual skills.
- Observation of physical reaction and coordination skills.
- Observation of acceptable braking techniques.

Course

Research collision records for incidents involving failure to stop. Determine the conditions and circumstances surrounding the collision.

OBJECTIVE 2.14 Identify driving movements that frequently contribute to law enforcement collisions.

Introduction

It is important for the student to identify situations which result in a high incidence of collision involvement while the officer is performing routine driving tasks. Collision prevention requires a conscious identification of specific driving behaviors and a motivated student who recognizes acceptable behaviors and develops them into low-risk habits.

By organizing a driving maneuver into specific behaviors, the student can follow a step-by-step sequence to success. Although feedback is more accurate, "pass" or "fail" performances are more easily evaluated. Successful results are more consistent; corrections more easily made.

This objective will serve as a step-by-step guide for performance.

Content

- Driving movements frequently contributing to law enforcement collisions are:
  - " Backing
  - " Parking maneuvers
  - " Road positioning
  - " Turnabouts and turns
  - " Lane changes
  - " Driving too fast for conditions
    - # While approaching intersections
    - # While approaching hills
    - # While approaching curves
    - # Passing vehicles
    - # Following vehicles

Backing

Over 50 percent of all non-emergency law enforcement related collisions occur while the vehicle is in reverse. The officer needs to complete reverse maneuvering where there is the

least amount of vulnerability and with full control over the vehicle.

Maneuvering in reverse driving situations necessitates a slightly different application of road position. Of primary consideration is the swing of the vehicle's front end during turning motions. During constant, increasing, and decreasing radius turns, the part of the reverse driving line most affected will be the entry point. As soon as the steering wheel is turned, the vehicle's front end will begin its turning arc (swing). Sufficient room must be allowed between the vehicle and the curb line to permit a continuous driving line without steering alteration or impacting of obstacles.

Limited area maneuvering presents the driver with other considerations. Driving limits may be imposed by roadway width, space between obstacles, or both. Should ample roadway width exist, a driving line which angles through the obstacle spacing should be used to take full advantage of the available driving area. This will benefit vehicle control through minimal steering input and consequently minimal weight transfer. Limited driving area may also necessitate a driving line to crowd the existing obstacles or hazards. Depending on vehicle placement, the hazards will be kept close to the vehicle's right or left side, to allow the vehicle to avoid a collision while maintaining the available roadway. A vehicle turning point (pivot point) must be selected. This can be either the vehicle's bumper or rear axle, based on driver preference.

Parking Maneuvers

The following methods are suggested to aid the driver when completing reverse maneuvering:

- Straight line backing
  - " Driver's body should be turned.
  - " Driver is looking out of the rear window.
  - " Driver's right arm is behind the passenger seat.
  - " Left hand is kept at the 12 o'clock position.
  - " Have a clear view to the rear.
  - " Accelerate lightly.
  - " There should be minimum hand movement on the steering wheel.

Non-Emergency Driving **Objective 2.14**

- Backing and turning

  " Properly position hand(s) on the steering wheel.

  " Driver's body is turned to look to the rear in the direction the rear of the vehicle will travel. If turning to the right, look over the right shoulder. If turning to the left, look over the left shoulder.

  " Frequent checks of the front corners are made to check the swing of the car before turning.

  " Turn steering wheel with a firm control not letting go of the wheel.

  " Maintain speed control; in close quarters creep the vehicle.

  " If backing is necessary, do the backing when first arriving at a destination rather than when leaving. In non-emergency situations, always back into a parking space.

- Parking

  " Perpendicular or stall parking

    Backing into a perpendicular parking space is recommended. If you back into a parking space, you can get into and out of a tighter area than if you pulled in forward. When a police vehicle is backed into a space, the officer is able to quickly and safely move the vehicle out if an emergency situation develops after the car is parked.

  " Angle parking

    Angle parking used when there are 30-45E angle parking spaces. This type of parking is designed for head-in parking.

  " Parallel Parking

    Parallel parking is used for backing between two vehicles that are parked next to a curb.

Road Positioning

Road positioning means the position of the vehicle on the road to best facilitate the negotiation of a turn or curve at a safe rate of speed, and the use of the available roadway to its fullest advantage with the least amount of steering. Road position could also be referred to as the driving line through a turn. (See diagram in Appendix G on road positioning).

- Typical turn classifications are constant radius (90E), decreasing radius, increasing radius, multiple turn situations, and 180E turns (See diagram in Appendix G on turn classification).

  " The constant radius (90E) turn is the most efficient driving line utilized to negotiate a turn - a driving line with a constant radius. This turn would become a full circle if permitted to continue a full 360E. The actual driving distance of the turn would be approximately 1/4 of the theoretical circle.

    # Three essential points of reference are relevant to a constant radius turning maneuver.

      Q Point #1 is the entry position, placing the vehicle to the extreme outside of the available roadway. This is also the point of steering input to perform the turning maneuver.

      Q Point #2 is the tightest, most inner part of the available roadway, and is referred to as the geometric apex. It is directly centered within the driving arc.

      Q Point #3 is the exit position, placing the vehicle again to the extreme outside of the roadway. If steering input is made correctly from the entry point and maintained to the apex, the vehicle will seek the exit point on its own accord.

    # The driving advantages are to minimize weight transfer and steering input, achieve smooth vehicle control, and the greatest attainable safe speed through the turn.

  " A decreasing radius curve is one in which the turn angle becomes sharper in relation to the distance driven. In this situation, the driving speed will necessarily be decreased in proportion to the severity of the turn angle. Negotiate the turn by taking the line of least resistance which is usually a late apex turn.

- An increasing radius turn is one where an initial sharp turning angle gradually straightens away from the apex area. Vehicle speed will be slow at the entry point and can be increased upon exiting, relative to the configuration of the roadway. This type of turn usually requires an early apex for the best driving line of travel.

- A multiple turn situation is where vehicle control problems are likely to occur. The correct roadway position through multiple turns is a path that will reduce the amount of directional change from one turn to another. This will lessen side-to-side weight transfer, to give the tires improved traction and allow for a greater potential for control. In order to drive correct roadway position, the driver will have to equalize necessary turning motions from one turn to another, while maintaining a consistent speed. The reason for equalizing turning motions and speed is that these two ingredients combine to create centrifugal force.

  Correct road position will vary as to the configuration of the multiple turns. The driving line selected should provide for optimum efficiency and control at the exit of the final turn.

- The configuration of a 180E turn corresponds to driving through half a circle. Entry should be slightly to the left of the center of the drivable roadway. This line will be maintained to the approach of the apex. Although not any faster, speed-wise, than an inside or outside driving line, this route provides a degree of safety for maneuvering in the case of a slide. The apex area is relatively close to the exit of the turn, not geometrically located. The exit point will be on the outside of the roadway, beyond the apex area.

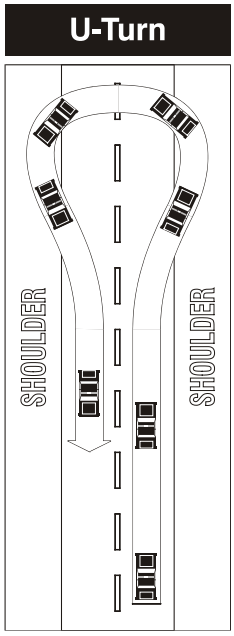
- Control considerations are important. While attempting to maintain a proper position or line through a turn, the driver must scan the curve during the approach. The path of travel should bring the vehicle to the driving apex or low side just prior to being pointed out of the turn. The length of time and distance at the apex may vary, depending on the radius of the turn being negotiated. The vehicle should be held as close as possible to the apex to allow adequate distance when exiting the turn. Vehicle stress and weight transfer may be reduced by allowing the vehicle to smoothly drift out to the high side (outside) upon leaving the turn. The driver should attempt to stay in an appropriate traffic lane after completing each turn.

Turnabouts and Turns

Some agencies have guidelines on when to turn (or not to turn) on a public roadway. In lieu of any definite guidance, some suggestions are:

- "U"-turn and broken "U"-turn

  - Slow vehicle.



" Pull to extreme right of lane or shoulder.

" Check traffic.

" Signal intent to turn.

" Do not accelerate until after the turn is completed.

" If the turn cannot be completed in one motion, back only so far as to allow for completion of the turnabout.

" Should not be attempted on a hill or curve where approaching traffic is not visible.

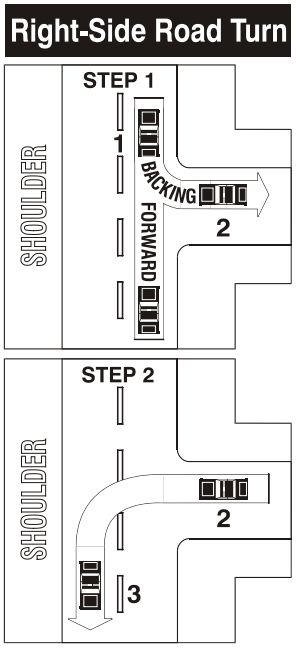
• Right-Side Roadway Turn or Use of Driveway

" Requires a two-lane roadway.

" Use same method as backing into a perpendicular parking space.

" Check roadway for traffic before and during maneuver.

" Avoid driving head-in into a driveway, as this reduces maneuverability when exiting the driveway.



• Making Left and Right Turns

By using an acceptable method for turning, the driver is able to practice the necessary steps for best habit development. When the driver is aware of the necessary steps, the potential increases for avoiding errors that can cause a collision. An acceptable method is:

" Get speed under control.

" Signal intentions.

" Check mirrors and blind spots.

" Position your vehicle to the outside of the turn.

" Scan intersection to the left, front, and before beginning to turn to be sure the new path-of-travel is clear.

- " Look into the direction of the turn before beginning to turn to be sure the new path-of-travel is clear.
- " Maintain the proper tracking control.
- " Keep braking forces applied (on turn initiated from a moving position) until half way into the turn.
- " The shuffle steering technique will give proper steering control.
- " Accelerate after the turn.

Lane Changes

Why make the lane change? What is there to gain by the change? These questions are seldom considered by those drivers having lane changing collisions. If the lane change is necessary, then consider the following method:

- Check other lanes for problems and a clear path.
- Check mirrors to find an opening in the adjacent lane.
- Signal intentions by having the signal lever in the on position for at least 3 seconds before change lanes.
- Check the blind spot by making a quick glance over the shoulder in the direction the car is to travel.
- Tracking control requires a slight turn of the wheel for a smooth, gradual, accurate movement.
- Speed control may require a slight increase in speed.
- Time vehicle arrival into the adjacent lane to avoid interfering with other traffic.

Driving Too Fast for Conditions

- Collision data for officers indicates that collisions result from driving too fast for conditions when:
  - " Approaching intersections
  - " Approaching hills

  - " Approaching curves
  - " Passing vehicles
  - " Following vehicles
  - " Passing slower traffic
- Approaching intersections
  - " Scan the intersection early.
  - " Check the mirror for an update of rear traffic.
  - " Select the best lane and positioning for negotiating the intersection.
  - " Scan left, front, right of intersection location for potential or actual conflicts, especially restrictions to the lane.
  - " Get the best speed control by either covering the brake or applying the brake if any conflicts are present or if there are line-of-sight restrictions.
- Approaching hills
  - " Determine the hill grade by observing cars disappearing.
  - " Check area to the right for possible escape path from oncoming traffic.
  - " Check mirrors for closeness of fast approaching vehicles.
  - " Keep following distance.
  - " Avoid extreme movements to either side of the lane when visibility is restricted.
  - " Reduce speed to gain more time to see over the hill crest.
  - " Try to determine immediately, while driving over the hill crest, if the path of travel is clear.
  - " Search ahead and see what the next problem might be.

- Approaching curves

  " For purposes of speed control in a turning maneuver, consideration must be given to throttle and brake application in relation to the vehicle's position within the driving lane.

  " This is accomplished by dividing the driving line into zones of activity regarding brake and throttle usage.

    # Zone #1 (speed adjustment) consists of the approach roadway up to the turn entry point. The vehicle's speed will be brought to entry within this area. This can be accomplished by speed increase, speed reduction (straight line threshold braking or extended release).

    # Zone #2 (entry) consists of the turning arc (driving line) between the entry point and the apex. Depending on the desired technique, vehicle speed is either maintained by constant throttle, or adjusted by brake release.

    # Zone #3 (exit) - optional. This area consists of the roadway from the apex to the exit point. Options exercised in this area are speed maintenance or speed increase, speed decrease, or vehicle stop. Use of the appropriate option will be determined by the situation confronting the driver.

  " The following rules apply to rounding curves:

    # Determine sharpness of curve ahead.

    # Check mirrors for condition to the rear.

    # Keep the following distance.

    # Check area to right for possible escape path from oncoming traffic.

    # Going in to left curve; keep to the right edge of the lane if the left traffic flow is okay. This will give best line of vision into the curve and best drive line into the curve.

    # Going into a right curve; keep to the left edge of the lane if the left traffic flow is okay. If oncoming traffic exists, center the vehicle in the lane.

    # Establish an effective speed control before going into the curve.

    # Look through the curve and continually evaluate the condition of the path of

travel.

Acceleration can be increased after the vehicle is beyond the halfway point in the curve and if the new path of travel is clear.

- Approaching and passing slower vehicles

" Look ahead of the vehicles to be passed.

" Observe the traffic conditions to determine the best passing location.

" Make mirror checks, head checks, and signal intentions.

" Check location to the side.

" If crossing lanes into oncoming traffic, put headlights on to increase visibility and separation.

" Accelerate smoothly and quickly.

" Pass to the left of the vehicle and keep as far away as possible for best visibility and separation.

" Keep searching for changes in the traffic conditions, knowing what the escape options are.

" When the headlights of the passed vehicle are seen in rear view mirror use turn signal and return to original lane.

- Following vehicles

" There are three major reasons why an acceptable following distance should be emphasized for patrol vehicles:

The patrol vehicle may be traveling faster than other vehicles, which means the closure rate of the patrol vehicle to the front vehicle will be rapid.

The motoring public, after seeing a law enforcement vehicle approaching from the rear, will often make quick and unexpected braking actions, which could increase the closure rate.

An officer is often performing surveillance of the area surrounding conditions, which creates distraction away from the front vehicle.

- Some law enforcement courses recommend a two-second following distance and others recommend a four-second following distance. The more space the driver is able to routinely keep, the less the number of surprises there will be. With fewer surprises there will be maximum control and minimum stress. An acceptable following distance can be measured by the use of seconds.

- How to estimate following distance by using seconds:

  Estimate how many seconds you are away from the vehicle you are following. Then find a fixed marker, such as a traffic sign or a telephone pole, that the front vehicle is about to pass. As soon as its rear bumper is even with the marker, begin counting by 1001, 1002, 1003, 1004, and so on until the front of your vehicle is even with the same marker. Repeat this process until you can estimate the distance covered in 4 seconds. Do this for different speeds.

Summary

There are many situations which have a high frequency of collision involvement for an officer. This objective presented a sequencing of driving tasks that are divided into measurable steps. If followed, these steps can help the student acquire specific behaviors and develop good driving habits. With these actions the student can perform safely and consistently in a high-risk situation.

Suggested Instructional Methodology

Lecture

Present the class with statistics for law enforcement-related collisions from local agency records. Use instructional aids to illustrate various maneuvers and procedures as listed in the content section. Explain how and why each procedure is recommended and how such performance can minimize a potential collision.

Small Group Discussion

Divide the class into groups of 3-6 students and ask them to formulate the steps they would use to perform one of the maneuvers listed in the content. After the group has had time to develop their steps for the maneuver, give them a printed sheet with a recommended procedure and have them make comparisons.

Divide the class into groups of 3-6 students and ask them to list problems to anticipate while performing any one of the maneuvers listed in this objective. Then have each group report their findings to the whole class. The instructor can fill in the missing information.

Divide the class into groups of 3-6 students and have one student within each group explain to the others the proper steps to take for any of the parking maneuvers. The other group members will check the accuracy by reading the printed guidelines for the recommended procedures.

Range or Street

While operating the vehicle, the student should be able to demonstrate the correct procedure, step-by-step, for any of the maneuvers recommended for this objective.

Resources and Aids

- Driver training textbooks
- Traffic safety programs at the university level
- *Mottola's Guide for In-Car Instruction*, by Frederick Mottola
- "In-Car Curriculum Guide," Washington Department of Education
- Driver training vehicle
- Practice driving area and community streets

Suggested Evaluation Methodology

Students

- Written or verbal responses to questions relating to the leading causes of law enforcement vehicle collisions.

- Written or verbal responses to questions concerning the elements of acceptable performance of the methods and maneuvers mentioned in this objective.

- Observation of performance of these maneuvers and methods during practice driving, on the practice range or on the street.

Course

- On-the-job observation, evaluation, or analysis of these maneuvers and methods.

- Analysis of collision reports for feedback on performance.

OBJECTIVE 2.15 Identify Acceptable Vehicle Control Methods.

Introduction

A student must be able to identify acceptable vehicle control methods before they demonstrate them. This objective will identify acceptable methods for the following vehicle control considerations:

- Acceleration and deceleration
- Braking
- Vehicle Positioning and Steering

Content

Acceleration and Deceleration

- Acceleration is necessary to reach the desired speeds. Therefore, the function of acceleration is separate from the decisions and attitudes that influence speed selection covered in Objective 2.5.

- The driver will have to make conscious adjustments in acceleration and deceleration habits based on the following criteria:

  " Engine power, low gears or high gears, and engine responsiveness

  " Traction conditions, dry or wet, materials under tires, and over-acceleration

  " Roadway characteristics and design, uphill or downhill, straight or curve

- Considering the above-mentioned criteria, acceptable strategies and methods for acceleration or deceleration are listed below:

  " Acceleration and deceleration should be smooth, rather than rough, sudden, or aggressive. The smoothest application of acceleration is always most desirable, even when maximum acceleration forces are necessary.

  " Acceleration or deceleration should be in direct relationship to the vehicle's intended path of travel. Acceleration can be greatest when the vehicle is positioned in the direction desired; less when not positioned as desired. This is most noticeable when exiting a turning maneuver. Deceleration can occur at any time, including times when the vehicle is not positioned in the desired direction of travel.

Braking

- The amount of braking necessary is usually determined by the available stopping distance. This was covered in Objective 2.12. Early deceleration reduces kinetic energy levels, allowing for smoother stopping. In contrast, rapid foot movement from acceleration to brake usually leads to dramatic, rough braking and increased chances for loss of vehicle control.

- When the driver must begin braking, the available stopping distance will directly influence the decision as to which braking method is most appropriate. Regardless of the method selected, some skills are necessary.

  " Apply pressure on the brake pedal with the upper half of the right foot, preferably with the heel contacting the floor. Try to pivot on the heel for greater sensitivity on the pedal. This involves less leg muscles and reduces unwanted "pumping" or "lock-up" of the brakes. This procedure is called “Heel Indexing.”

  " Avoid left foot braking. The left foot must be available, if the brakes fail, to use the parking brake. Left foot braking also encourages riding the brakes. This causes brake fade and improper communication to following vehicles. Use the left foot as an "anchor" to support the lower body.

  " Avoid staring at the front hood of the vehicle while braking. Check the conditions to the rear to avoid being hit from behind. Check conditions to the side in an effort to create an escape path-of-travel. Search ahead to see if the conditions which forced your braking actions have changed. Be mindful of the fact that the speed of the emergency vehicle determines the amount of distance that you need to search ahead. The greater the speed the greater the distance required that needs to be searched.

- The braking methods selected will likely be influenced by one of the following conditions:

  " Controlled braking - the driver has control of the stopping distance.

  " Sudden stops - the driver is forced to quickly stop in the shortest possible distance.

  " Emergency conditions - the driver combines the strategies above in an effort to respond to an emergency situation as quickly and efficiently and as safely as possible.

- " Trail Braking is releasing brake pressure as you turn toward the apex of the turn. If done properly, this will give more traction to the front tires thus reducing vehicle understeer.

• When an officer enters one of these three conditions, the steps below will ensure safe braking.

- " Controlled braking
  - # "Early and Smooth" - steady constant pressure early, with a smooth release of pressure as the vehicle slows to a complete stop.
  - # "Stab-Jab" or "Pumping" - apply brakes, release, apply again as necessary (applicable on wet or snowy surfaces with conventional braking systems, not to be used with ABS braking systems).
- " Sudden stops
  - # "Threshold Braking" - maximum pressure short of lock-up, releasing gradually to avoid lock-up while maintaining maximum pressure throughout (conventional braking system).
  - # "Antilock Braking Systems" - allows controlled stopping under most conditions.

An antilock brake system (ABS) is the part of a vehicle's braking system that automatically controls pressure to prevent the controlled wheel or wheels from locking during braking. Motorists, when confronted with emergency situations, are likely to press too hard on the brake pedal, causing their vehicle's wheels to lock, which in turn causes skidding and loss of control. ABS, by preventing wheel lockup, allows drivers to maintain control of their vehicles even in "panic stop" situations.

Maintaining control can be a key factor in collision avoidance. Most antilock systems also enable the vehicle to stop in a shorter distance, particularly on wet or slippery road surfaces.

During ABS operation, drivers should expect to feel the brake pedal pulsating. This pulsating occurs as a result of the brake pedal pulsating. This pulsating occurs as a result of the brake fluid pressure changes in the brake system when the ABS is activated. This is not an unusual situation and the driver should continue applying pedal pressure as required.

Non-Emergency Driving Objective 2.15

Current antilock systems can release and reapply the brakes as many as 15 times per second. By allowing the wheels to continue rolling, the driver is always able to maintain control and stop the vehicle on slippery surfaces in a shorter distance than would be possible otherwise.

Antilock systems control either the two rear wheels or all four wheels of the vehicle. In general, the four-wheel systems provide better stability and control during braking compared with the two-wheel systems because the steered wheels do not lock up.

> **In the event of a malfunction in the antilock system, braking, without the ABS function, is maintained on the vehicle and a warning lamp on the instrument panel alerts the driver that the ABS is in need of repair.**

Automotive service technicians who work with ABS equipped vehicles also require additional training. Technicians must receive manufacturer product service training on Antilock Brakes Systems. This ensures technicians are qualified to inspect and repair vehicles equipped with ABS.

Items such as the pulsating effect of the brake pedal during activation of ABS is important information for officers. The knowledge of the ABS warning lamp symbol and functioning (see owner's manual), is also important for police officers. This explains that should the ABS warning lamp symbol "light up" on the instrument panel, during driving, the vehicle no longer has ABS brake capability, however, traditional power brakes will be activated until the vehicle can be returned for service. Hands-on familiarization of the ABS braking and handling system completes the last element of training.

Officers should be taught that when the pedal is pushed on a car equipped with antilock brakes, there is a pulsing sensation. The antilock brakes are doing their own "pumping". An officer should not pump the pedal, otherwise, he or she will defeat the purpose of ABS or lessen the effectiveness of the brakes.

Officers should be further instructed that the vehicle will travel in the direction the steering wheel is turned when an emergency ABS braking stop is applied. Since ABS brakes have become common place in most vehicles, there has been an increase in head on collisions. This is due to drivers not being familiar with ABS brake system, and in emergency stopping situation, the driver may turn the steering wheel to the left or into oncoming traffic. Officers must understand that the escape path chosen must be one of least resistance, and heading into on-coming traffic may create a worse crash situation than impacting the vehicle they are trying to avoid.

Vehicle Positioning and Steering

- Equally important for vehicle control is the steering function and how it relates to vehicle positioning. Most drivers develop a "feeling" for where the vehicle is positioned. When they have difficulty creating this ability they will increase collision potential to the front, rear, and sides of their vehicle. The ability to properly position a vehicle increases with a small amount of practice or the use of an effective positioning system.

- Steering is a combination of analyzing the vehicle's position and where the driver wants to re-direct it. Steering strategies are necessary for lateral positioning and changes in direction. Steering combines hand positioning with hand movement.

- Acceptable hand positioning methods and advantages are:

  " "9-3" is the most acceptable hand positions with light finger pressure, heavier pressure with thumb. Excellent for quick steering needs, body balance, and quick access to dashboard control items.

  " One hand at the "12 o'clock" position is primarily used when backing in addition to turning the body and looking in the direction that the vehicle is moving.

- Acceptable hand movements for steering methods and their advantages are:

  " "Shuffle Steering" - avoid crossing the hands by sliding the wheel in small amounts.

    Steering should encompass the whole steering wheel by pulling down with the hand in the direction you are turning and pushing the wheel up with the opposite hand to complete the turn.

  " "Evasive Steering" - with hands at "9-3", turn the wheel 1/2 rotation, then a full rotation in the opposite direction, and finally back to the original position.

- Regardless of which steering method is used, the driver should be aware of and concentrate on searching the desired path-of-travel. The driver will tend to steer the vehicle where he is looking; therefore, he should be looking (searching) at the desired path-of-travel.

Non-Emergency Driving Objective 2.15

Summary

Vehicle control methods, when misused or improperly employed, will certainly increase the likelihood of a collision. When the driver develops a foundation of acceptable control methods and acceptable perceptual and decision-making skills, the likelihood of a collision is greatly reduced.

Suggested Instructional Methodology

Lecture with Visual Aids

Utilizing the suggested content, develop a presentation for the class. Using instructional aids will reduce confusion and enhance the concepts presented.

Small Groups

Divide the class into groups of 3-6 students. Draw an intersection on the chalkboard depicting a law enforcement vehicle approaching the intersection preparing to turn to the right. Ask each group to list what vehicle control methods they would use to perform the right turn. Encourage specificity in their responses. List the group responses on a master sheet and encourage class reaction. Supply the correct answers after 5-10 minutes of discussion.

Resources and Aids

- Acceptable driver training textbooks and manuals
- *Reference Points for Precision Driving*, by Frederick Mottola

Suggested Evaluation Methodology

Students

- Written or verbal responses to questions concerning acceptable vehicle control methods.

- Identification of acceptable methods will not guarantee correct performance. Develop the opportunity for demonstrating these methods.

Course

- Observe on-the-job performance.

- Review collision reports.

OBJECTIVE 2.16 Identify methods for skid avoidance.

Introduction

The driver who avoids skids is a truly skillful, precise, and professional driver. The mental skills used in skid avoidance are more important than the skills needed to get out of a skid.

Drivers should be aware that a vehicle in a skid is a vehicle out of control.

Some of the factors influencing skid avoidance are:

- Perception
- Steering
- Braking
- Speed Control
- Roadway positioning
- Correcting a skid

Content

Perception

- Searching far enough ahead of the vehicle and maintaining adequate space around the vehicle will enable the driver to identify changes in the roadway and environment early enough to allow for minor adjustments in the position of the vehicle. Maintaining less than the desired amount of space, a driver is more likely to become surprised. This surprise often necessitates a much more drastic movement with the vehicle and may result in a skid.

- Some perceptual and space management methods for skid avoidance are:

  " Searching at least 12 seconds ahead.

  " Maintaining an adequate following distance of 3-5 seconds from the vehicle in front.

- Practicing the acceptable search and space management methods will reduce the chances of becoming involved in a skid situation.

Non-Emergency Driving **Objective 2.16**

Steering

- By maintaining proper hand positioning and using acceptable steering methods, a driver can minimize the vehicle's weight transfer. Sudden weight transfer can result in a loss of control that may cause the vehicle to go into a skid.

- Steering methods for skid avoidance:

  " Hand position - by keeping both hands on the steering wheel, a driver is ready for initial steering input.

  " The "9-3" steering method - this position will assist the driver of the vehicle in reducing the sudden weight transfer change that may cause a skid.

  " Smooth steering inputs - abrupt steering changes may cause sudden weight transfer, situations that may result in a skid.

Braking

- Using acceptable braking methods, a driver is able to avoid wheel lock-up that can cause the vehicle to go into a skid.

- Early braking will greatly reduce the chances of wheel lock-up.

- Early braking is dependent on recommended searching and braking habits.

Speed Control

- By practicing speed control habits during non-emergency driving, a driver is able to develop a better sense of risk assessment for emergency response driving. To be sensitive to loss of traction, a driver must be aware of subtle changes in speed and situations that may cause the driver to want to exceed reasonable and prudent speeds.

- Speed control methods that will increase a driver's ability to avoid skid situations are listed below.

  " Develop acceptable acceleration and deceleration habits.

  " Develop acceptable space management methods.

  " Increase awareness to speed and speed changes. The difference between skidding and not skidding situations may be only 2-3 mph.

  " Develop sensitivity to different traction surfaces.

Roadway Positioning

- The lane selected by the driver (and the position chosen within the lane) will significantly affect a driver's ability to avoid a skid.

- The more a vehicle has to move laterally, the greater the chances that it will become involved in a skid. By searching at least 12 seconds ahead of the vehicle, a driver can identify potential problems early, decide the appropriate path-of-travel, and begin to execute movement away from the potential problem. If the problem materializes, the driver has already moved the vehicle into a strategic position that will decrease the amount of steering input and severity of the vehicle's steering response.

- Roadway positioning methods for skid avoidance include:

  " Lane selection - review space management systems.

  " Lane position within the lane - the vehicle favors whatever portion of the lane it is in - center, left, or right.

Correcting a Skid

- To correct an oversteer skid

  " When the driver feels the rear wheels break traction and begin to slide, stop accelerating and avoid using the brake.

  " The driver should look and steer the vehicle in the direction they want the front of the vehicle to travel. This is accomplished with quick shuffle steering. This is called getting CONTROL of the vehicle.

  " As the vehicle begins to slow the student will feel a PAUSE in the vehicle motion. As the skid dissipates, the rear wheel will regain traction and the loaded suspension from the slide is about to be released.

  " As the skid dissipates and the rear wheels regain traction, it is at that moment the steering wheel needs to be RECOVERED, or turned back straight.

  " This skid recover method is known as CPR - Control, Pause Recovery, some experts may say, Catch, Pause, Recover or Correct, Pause, Recovery.

- To correct an understeer skid.

  " Most understeer skids are caused by trying to carry too much speed into a corner. As soon the driver feels the front tires break traction and begin to slide off the roadway, the driver should release the accelerator.

  " Once the power to the vehicle has stopped the weight will be shifted to the front tires and possibly give the front tires enough grip to turn. If not, the driver can apply *controlled* braking.

  " To correct and understeer skid the driver should avoid slamming on the brake and trying to make strong corrective steering measures in order to complete the turn. The front tires need traction before attempting to correct the vehicle from running off the road. This is created through weight transfer to the front tires.

Summary

All drivers have the potential of becoming involved in a skid. Officers spend more time on the road than the average driver and have an even greater chance of becoming involved in a skid. By identifying the factors that can cause skids and practicing the methods necessary to prevent and control skids, the officer significantly reduces skid potential and increases vehicle control.

Suggested Instructional Methodology

Instructional Aids

Show the students instructional aids of actual traffic scenes. They are to react to the aids as if they were responding to a call, listing those places they see as potential skid areas. They must explain their strategy for skid avoidance. Each of the various potential skids should be covered in the scenarios.

Small Groups

Divide the class into groups of 3-6 students. Have each group create a list of those emotions and situations that officers experience that cause them to drive their vehicles in a manner that would cause skids. Have the group report its findings, making a list on the board. Tell each group to list the strategies it would use to avoid the potential skid in each situation.

Range

Numerous exercises can be found in Appendix E that may be used to reinforce instruction provided in this lesson plan. Skid pan exercises, operation of vehicles on surfaces that have been made slippery with liquids, soap, sand, etc., are also helpful. An additional option is to use a "skid-car" type of device that simulates low-friction road surfaces. If available, this type of training can be helpful in that it can take place even during warm weather, on most any type of surface, and in most any commonly found law enforcement training situation, i.e., parking lots, airports, etc.

Resources and Aids

- Accepted driver training textbooks
- Space management systems concentrating on speed selection

Suggested Evaluation Methodology

Students

- Written or verbal responses to questions involving skid classifications, skid avoidance methods, or skid control methods.
- Written or verbal response to slide situations, measuring perceptions of skid potential, and skid avoidance skills.

Course

- Observe on-the-job performance.
- Review agency collision reports to determine if avoidance methods would have prevented the collisions.

OBJECTIVE 2.17 Identify acceptable methods for the use of the communications radio.

Radio Use

An officer needs to know how to use the radio without losing control of the vehicle or creating a situation that would distract the driver's concentration.

If possible, the desirable time to use the radio is:

- On straight roads, when steering skills are not needed - this will prevent the microphone cord from becoming wrapped around the steering wheel assembly.
- On flat roads, rather than hilly.
- When stopped, rather then moving.
- When the driver is able to search forward and to the sides for changing conditions, rather than during moments when visibility is temporarily restricted by other vehicles or objects.
- During the slower speeds of an emergency response or pursuit.

Some additional suggestions for increasing vehicle control include:

- Avoid driving one-handed.
- Find a consistent location to secure the microphone during non-emergency or emergency moments.
- Keep the windows up to reduce sound distraction.
- If available, have a partner use the radio.
- Know the correct radio codes, language, street names and locations.
- Speak clearly and efficiently; avoid time-consuming conversations.

Summary

Proper utilization of the emergency vehicle's communication radio will minimize the possibility of a collision due to a lack of control of the steering wheel.

Non-Emergency Driving Objective 2.17

Suggested Instructional Methodology

Lecture with Instructional Aids

Utilize an emergency vehicle with an installed communications radio. Present instructional aids showing the problems with single hand control and utilizing the radio during turns.

Small Groups

Divide the class into pairs with each pair assigned to a vehicle and an instructor. Driving the vehicle at a slow speed, demonstrate the effects of proper and improper radio usage. Each student should be allowed the opportunity to experience proper and improper methods.

Resources and Aids

- Acceptable driver training textbooks and manuals
- Video presentations on radio usage and placement

Suggested Evaluation Methodology

Students

- Visual observation of each student in a mock emergency response.
- Observe proper placement of the microphone after each broadcast and ensure that the student does not hold the microphone while turning or during collision avoidance exercises.

Course

- Observation of officers during routine and emergency radio communication tasks.
- Review of agency officer crash/collision reports.

OBJECTIVE 2.18 Identify factors involved in skid control.

Introduction

When a vehicle's tires lose traction with the roadway surface, the vehicle is in a skid. Regardless of the geographic location, officers throughout the country have the potential of becoming involved in a skid situation.

Drivers erroneously believe that skids occur only in bad weather or while driving at high speeds. Emphasis should be placed on the fact that skids may occur during all types of driving: non-emergency, emergency, or pursuit. An officer on patrol may be distracted by a suspicious vehicle, and while looking at that vehicle, become surprised by the actions of another driver. This situation may force the officer to perform a drastic maneuver to avoid a collision, resulting in a skid.

There are many ways in which the driver, the environment and the vehicle can create a skid situation. It is important that officers be made aware of these factors and learn the skills needed to prevent or overcome a skid.

Content

There are a number of different types of skids. This objective will cover:

- Braking skids
- Cornering skids
- Power skids

Braking Skids

- Conditions

  " One or more brakes lock up. The direction of travel will be dependent on the number and location of the wheels that lock up.

  " There is loss of steering if front brakes are locked.

  " There is an increase in the braking distance when one or more wheels are locked.

- Examples of contributing factors:

  " The driver brakes too late, or brakes too hard due to inadequate following distance, panic, or miscalculation.

- " The sun's glare blocks the driver's line of sight, resulting in a late brake.

- " The vehicle's brakes are improperly adjusted.

- Solution: Release a minimum amount of brake pressure just until the wheels unlock. Steer in the direction the vehicle should go.

Cornering Skids

- Conditions

  While trying to negotiate a turn or a curve, the vehicle exceeds the limitations of adhesion.

- Examples of contributing factors

  - " The driver causes the vehicle to oversteer or understeer, both are commonly due to attempting to carry too much speed into the corner.

  - " The roadway is bumpy or is covered with loose debris.

- To correct an oversteer skid

  - " When the driver feels the rear wheels break traction and begin to slide, stop accelerating and avoid using the brake.

  - " The driver should look and steer the vehicle in the direction he wants the front of the vehicle to travel. This is accomplished with quick shuffle steering. This is called getting CONTROL of the vehicle.

  - " As the vehicle begins to slow the student will feel a PAUSE in the vehicle motion. As the skid dissipates, the rear wheel will regain traction and the loaded suspension from the slide is about to be released.

  - " As the skid dissipates and the rear wheels regain traction, it is at that moment the steering wheel needs to be RECOVERED, or turned back straight.

  - " This skid recover method is known as CPR - Control, Pause Recovery, some experts may say, Catch, Pause, Recover or Correct, Pause, Recovery.

- To correct an understeer skid.

  " Most understeer skids are caused by trying to carry too much speed into a corner. As soon the driver feels the front tires break traction and begin to slide off the roadway, the driver should release the accelerator.

  " Once the power to the vehicle has stopped the weight will be shifted to the front tires and possibly give the front tires enough grip to turn. If not, the driver can apply *controlled* braking.

  " To correct and understeer skid the driver should avoid slamming on the brake and trying to make strong corrective steering measures in order to complete the turn. The front tires need traction before attempting to correct the vehicle from running off the road. This is created through weight transfer to the front tires.

Power Skids

- Conditions

  " The driver overaccelerates.

  " The roadway is covered with loose debris.

  " The vehicle has too much weight behind the rear axle or poor shocks.

- Solution: Stay off the accelerator and the brake. Steer in the direction the front of the vehicle is to go.

Summary

There are many ways an officer can become involved in a skid. The number of hours spent driving, the various weather conditions, and the distractions that the officer is faced with due to the nature of the job are just a few of these ways. By being made aware of these various skids and the methods for controlling them, an officer is more likely to be able to properly handle a skid situation.

Suggested Instructional Methodology

Small Group

Divide students into three groups. Each group is assigned one of the components of the driving triangle; the driver, vehicle, or environment. Have each group develop a list of those factors that their component could contribute to causing a skid. Have each group report on their findings while the instructor lists these on the board. The list does not have to be all-inclusive. The instructor can comment as needed.

Demonstration

Using a small model car and a 2' x 3' piece of plywood, demonstrate the various types of skids. By wedging pieces of cardboard or paper in the wheels of the vehicle, the instructor can show the effects of a four wheel lock-up, two wheel lock-up, and so on. Reduced traction can be simulated by placing salt on the plywood to demonstrate the effects on the vehicle with reduced traction surfaces. Speed changes can be simulated by tilting the plywood at various angles.

Resources and Aids

- Accepted driver training textbooks
- Driver training materials from traffic safety programs at the university or corporate level

Suggested Evaluation Methodology

Students

- Written or verbal responses to questions on types and causes of skids.
- Written or verbal responses to questions on how to control a skid or recover from one.

Course

Research officer collision data to determine if skid control is a significant causative factor in officer on-duty crashes.

MODULE 3

EMERGENCY RESPONSE DRIVING

Goal

Develop the ability to accomplish the emergency driving task by understanding the risk of the driving activity and by being able to physically negotiate driving situations.

Curriculum Objectives

3.1 Identify the types and limitations of emergency warning devices on law enforcement vehicles.

3.2 Identify factors that contribute to the effective use of a police radio during an emergency response.

3.3 Identify factors in route selection for an emergency response.

3.4 Identify the changes in vehicle dynamics that occur during an emergency response.

3.5 Identify acceptable steering methods for use during an emergency response.

3.6 Identify acceptable methods of cornering during an emergency response.

3.7 Identify acceptable backing methods during an emergency response.

3.8 Identify acceptable collision avoidance methods during an emergency response.

Overview

A large percentage of law enforcement driving occurs under non-emergency conditions. However, there are those moments when the officer responds to an emergency situation. This module will not attempt to promote or discourage emergency response driving as a means of law enforcement. This module will provide the knowledge, skills, and behaviors unique to the emergency response situation.

The driving skills required during emergency response conditions will, for the most part, involve the use of those non-emergency driving habits and principles that were taught in Module 2. Combining the skills developed for non-emergency driving with the principles presented in this module, the officer improves vehicle control and reduces the risk of injury or property loss.

OBJECTIVE 3.1 Identify the types and limitations of emergency warning devices on law enforcement vehicles.

Introduction

When properly used, emergency warning devices may enhance the officer's ability to maneuver in traffic and reduce the risk to self and others.

Content

Headlights

- During daylight, headlights should be used in conjunction with emergency overhead lights.
  - " Headlights are usually more discernible than traditional red or blue overheads in the daytime.
  - " Most drivers will see headlights before they hear the siren or see the overheads.
  - " Emergency flasher lights may be helpful in daylight.
- During hours of darkness, high beam lamps have a tendency to obliterate the emergency lights and blind oncoming drivers.

Lights and Sirens

- Sirens are often required, by statute, regardless of the time of day, when engaged in emergency driving, and some states now require by statute the utilization of overhead lights and siren in an emergency response.
- Emergency lights and sirens are not substitutes for caution and use of mastered driving skills.
- Various factors affect the siren's audibility and the light's visibility.
  - " Weather Conditions
    - # The siren may be heard sooner on an overcast or cloudy day.
    - # Siren audibility tends to dissipate into the atmosphere on clear days.

- # Fog will allow sound to carry through its moisture with a minimum loss of decibels at close range. The greater the distance, however, the greater the sound blockage.

- # Emergency lights are virtually ineffective in foggy weather.

- # Inclement weather of any kind greatly reduces the value of lights and siren. The quality of driving then becomes even more critical.

" Vehicular Traffic Conditions

- # Sirens become less discernible with the increase of traffic noise.

- # Large vehicles, such as heavy trucks and buses, will decrease the effectiveness of the siren.

" Location

- # The siren may be less discernible in a residential area. Large trees and hedges tend to absorb sound.

- # Tall buildings tend to block out, deflect, or tunnel sound transmission. When this occurs, the value of the siren is diminished.

- # In flat, open areas the sound of a siren can be heard for a greater distance.

" Pedestrian Traffic Conditions

- # Emergency lights may not adequately warn pedestrians.

- # Sirens offer greater warning to pedestrian traffic.

- # Great care and caution must be taken in areas congested with foot traffic.

- # The use of warning devices in school zones is enhanced by a reduction in speed.

- # Speed control is the preferred response in areas where pedestrian traffic is the norm.

- Citizen Awareness
  - Drivers and pedestrians are not always attentive, so they may not see or hear an emergency warning device. They may be distracted by one or more of the following:
    - Children misbehaving
    - Conversation with passenger
    - Radio on loudly
    - Air conditioner or heater fan noise
    - Windows rolled up
    - Construction
    - Law enforcement activity in another area
    - Sight-seeing syndrome
  - The public may respond to the emergency warning by panic stopping, panic steering, or sudden acceleration.
- Speed and Emergency Equipment Warning Devices
  - As speed increases, the effectiveness of the siren decreases.
    - Due to the increase of speed traveled by the emergency response vehicle, other drivers and pedestrians may not have sufficient time to react to the sound of the siren.
    - As speed increases, a driver may not hear the siren until the officer is one or two car lengths behind the vehicle.
  - As the officer's speed increases, the chances of having a collision increase and the time for processing information and decision-making decreases.

The lights and siren also affect the officer's behavior.

Q Tunnel vision develops at high speed and the officer tends to forget that the emergency warning devices are operating.

Q Speed reference is lost due to the elimination of the sounds of speed, such as wind and engine noise.

Q The use of emergency lights and siren may provide a false sense of security. Don't succumb to the "Invincibility Syndrome." These warning devices are there to benefit the public. The responsibility for safe driving rests with the officer.

Summary

Emergency warning devices are a means of communication. Communication is a process involving the sending of message, reception of the message, and confirmation of an understanding of the message. When the emergency equipment is recognized, prior to the observation of the law enforcement vehicle, the pedestrian's and driving public's reaction will be more reliable and consistent.

Suggested Instructional Methodology

Lecture

Ask questions of a student after presenting one or two statements as to the “how or why” of the content presented. Example: "Why is it a good idea to use headlights in conjunction with emergency overhead lights during the daytime?"

Lecture with Instructional Aids

Make a visual presentation of local areas where sirens may be less effective to demonstrate the problem created by:

- Weather conditions
- Vehicle or traffic conditions
- Location of the vehicle
- Pedestrian traffic conditions

Range

Have one of the range cars equipped with a siren mounted in the trunk to minimize outside noise and a switching device accessible to the instructor. Turn the siren on after the students have successfully completed one of the range exercises so they can experience the additional distraction the siren creates as the students continue to perform the same exercise. The same activity can be accomplished with a pre-recorded tape of a siren sounding.

Resources and Aids

- Publications from companies specializing in emergency warning device systems
- Agency policy and procedure regarding use of emergency warning devices
- State statutes regarding use of emergency warning devices

Suggested Evaluation Methodology

Students

- Written or verbal responses to questions on uses, types, and limitations of emergency warning devices.
- Observation of correct use of emergency warning devices during simulated emergency response activities.
- Written or verbal responses to questions regarding use of strategies when given emergency response scenarios.

Course

- Observe on-the-job use of lights and sirens.
- Review agency collision reports to determine if emergency warning devices were used properly.

OBJECTIVE 3.2 Identify factors that contribute to the effective use of a police radio during an emergency response.

Introduction

The student will need to demonstrate an acceptable method of utilizing the radio in emergency situations. Individual agency policy and procedure may differ because of varying requirements. When the students return to their individual agencies, they should learn and master those requirements and follow them.

Content

Value and Importance of Radio Skills

Of the many skills that officers are expected to master, few are more important than the operation of the police radio. Accurate and precise use of the radio in emergency situations becomes more critical.

- It is important to the officers and to fellow officers because it can:
  - " Improve the officers' effectiveness by reducing response time in emergency and pursuit situations.
  - " Increase the likelihood of obtaining help when it is needed.
  - " Make the difference between effective response and ineffective response.
- The radio is the officer's source of communication between the dispatcher and fellow officers. Use it effectively and efficiently in order to avoid disaster.

Radio Transmission Accuracy

It is important that any information which the officer transmits over the radio be as accurate as possible. Inaccurate information may cause fellow officers to take inappropriate action and can result in a delay when requesting help or assistance. Regardless of how accurate and brief the message, when it cannot be understood by the dispatcher or other units, it is of no value.

Tone of Voice

The tone of voice should be calm, natural, and relaxed.

Control of Emotion

The officer needs a good attitude when transmitting during emergency situations. The officer should always strive to be calm. A calm voice is easier to understand than an excited one. The more critical the situation the officer is reporting, the more important it is to transmit clearly. In stressful situations the rate of speech frequently increases. Consequently, the officer must attempt to control emotions so everyone hears and understands the transmission.

Environmental Factors

There are a number of environmental conditions which may impact the quality of the officer's radio transmission.

Some common conditions are:

- The siren
- Heavy traffic
- Loud engine noise from sudden acceleration

Transmission Content

The agency's policy will be the best source for determining exactly what information is to be transmitted during an emergency situation. There are a number of things, however, that may be consistently included:

- Tell the dispatcher who you are.
- Advise the dispatcher of your emergency situation.
- Indicate location and direction.

The Team Approach

The critical participants in radio communication are the dispatcher and the officer(s) involved in an emergency situation. Law enforcement vehicles operating with two officers assigned need to agree upon a division of labor during an emergency situation. It is advisable to have the non-driver maintain communication. Officers in single assignment units must exercise greater care and caution when doing both. Remember that the officer can expand the size of the team by providing quality information to fellow officers.

Summary

Radio communication is more critical in emergency situations. An officer must be prepared to use the radio efficiently and effectively. Ability to do so will enhance the officer's potential for responding to the emergency situation with quality police work.

Suggested Instructional Methodology

Lecture with Instructional Aids

Present information from the content section. Utilize instructional aids such as radios from various agencies. Explain the controlling switches of the radio.

Small Group Role Playing

Divide the class into groups of 3 students. One member is to be a law enforcement officer in a vehicle, the other is to be a dispatcher; the third member of the group is an observer. Each group is given prepared scenarios of an emergency situation. The officer is to transmit this information to the dispatcher in accordance with the procedure recommended in the lecture. The dispatcher should respond as one would in an actual situation. The observer should give feedback to the law enforcement officer and the dispatcher as to how effective the communications were.

The team members rotate roles until each member has played all roles one or two times.

Walk among the groups, observing and commenting on individual performances.

Range

The same activity as described for the classroom small group can be used in the vehicle by having radios available to the students while they are driving or while they are in the back seat of the training vehicle.

Resources and Aids

- Police radio operator's manuals
- Agency policy or procedure manual for radio communications
- Tape recordings of radio communications during various types of emergencies

Suggested Evaluation Methodology

Students

- Written or verbal responses to questions regarding radio operation and procedure during emergency response driving.
- Observation of demonstrated usage of the law enforcement radio during simulated emergency response, either on the practice driving area or on a public roadway.

Course

- On-the-job analysis of performance during emergency response.
- Analysis of the tape recorded dispatches during emergency responses.

OBJECTIVE 3.3 Identify factors in route selection for an emergency response.

Introduction

An officer responding to an emergency will want to reach the desired destination as quickly as possible. The officer must do everything possible to ensure a prompt and safe arrival.

Content

Route Selection Factors

- Response management is most directly affected by traffic density. Avoid roads where heavy or uncooperative traffic patterns exist, especially commercial zoned areas. Avoid roads frequented by slow moving or large vehicles such as tractor-trailers or farm equipment.

- Avoid locations of heavy pedestrian traffic, such as school zones, busy intersections, bus loading and unloading zones, and parked cars.

- Avoid slow moving traffic conditions, such as construction zones, special events, bumper-to-bumper traffic, and rough roads.

- Select roads having acceptable line-of-sight conditions. Avoid roads with hills and curves, poor visibility at intersections, or poor visibility due to parked vehicles.

- One-way streets offer the advantage of avoiding oncoming traffic, but the disadvantage of approaching all vehicles from their rear - the area they tend to be least aware of while driving.

- Traffic density, day of the week, road, weather, and visibility conditions are other factors to be considered.

- An officer responding to an emergency should try to select a route which will offer the following:

  " The least amount of steering and speed adjustment requirements.

  " Approaches to intersections offering acceptable line-of-sight and legal right-of-way.

  " The quickest, most direct route.

  " The route that will give the least interference to the emergency warning devices being seen and heard.

" The route which is the widest and has available escape paths to the sides.

" The route which will assure safe arrival.

Summary

Route selection is often a low priority for a non-emergency response. However, proper route selection is critical during emergency response. When an officer "practices" route selection during non-emergency driving, the chance that the best route decision for an emergency response increases. The emphasis should be on safe arrival at a destination, with speed as the second consideration.

Suggested Instructional Methodology

Lecture with Video

Create a video of two routes familiar to the class. One route will be considered desirable, offering conditions encouraged in the content of the lecture. The other route will have conditions which have been discouraged. Ask the class to list why one route is more desirable, compared to the other. List the results of the discussion.

Individualized Learning

- Create a simulated emergency response condition. Give each student the challenge of driving from their respective headquarters to a predetermined location. Each student should identify a route, why it is the most desirable, and what problems can be expected. The challenge can be increased by adding additional factors such as time of day, weather conditions, or day of the week.

- Encourage the students to consider emergency response route selection in their respective communities while they are driving off duty.

Resources and Aids

- Current street or road maps of a patrol district or community

- Video equipment for filming on a public roadway

Suggested Evaluation Methodology

Students

- Written or verbal responses to questions regarding factors affecting route selection during emergency response.

- Observe demonstration of route selection during simulated emergency response on a public roadway.

Course

- Analysis of on-the-job performance during actual emergency conditions.

OBJECTIVE 3.4 Identify the changes in vehicle dynamics that occur during an emergency response.

Introduction

As the officer responds to an emergency, the vehicle will usually travel at speeds greater than normal. With increased speed, and other distractions from driving caused by the emergency condition, the officer should understand how vehicle dynamics will change.

Content

The following concepts are consistent with increased speeds:

- Steering

  " Countersteering: due to speed and weight transfer, the vehicle may experience an oversteer skid while negotiating a correct turn. The skid will necessitate countersteering, which is steering into the skid, i.e., the direction in which you want the vehicle to go.

  " Over-Correct Steering - In a secondary skid there is a tendency to over-correct steering input and allow the vehicle to get into a lesser skid in the opposite direction. This skid requires a conscious effort on the part of the driver to not panic and carefully control the steering of the vehicle and avoid over-correcting.

  " Steering in a Braking Skid - When the vehicle brakes lock-up, there is a loss of control in the steering of the vehicle. Regardless of the steering, the vehicle will proceed in a straight line. This skid requires the operator to release the brakes and use a threshold braking method.

  " Understeer - The handling characteristic of a vehicle that tends to increase the desired cornering radius as the vehicle progresses through a turn. To correct this condition, the driver should release the accelerator and try to negotiate the turn with smooth steering. If additional speed reduction is necessary, the driver should utilize *controlled* braking.

  " Oversteer - The handling characteristics of a vehicle that tends to reduce the desired cornering radius as the vehicle progresses through a turn causing the rear of the vehicle to slide toward the outside curve of the turn. To correct this condition, the driver should get Control by releasing the accelerator, avoid braking, and steer the vehicle in the direction the driver wants the front of the vehicle to travel. The driver should then feel for the Pause in the vehicle movement as the skid dissipates, and Recover the steering by straightening the steering wheel.

Emergency Driving **Objective 3.4**

- Braking
  - " Front Wheel Lock-up
    - # Caused by improper brake adjustment or slick spot on the road.
    - # Causes reduced braking ability and loss of steering.
    - # Rear wheels act as a rudder and maintain straight ahead slide.
  - " All Wheels Locked
    - # Caused by a panic situation in which brakes are applied abruptly and hard enough to lock all four wheels (non or disfunctional ABS braking system only).
    - # The vehicle will probably skid in a straight line as long as variables such as road surface, tire tread, and air pressure are fairly even.
  - " Rear Wheel Lock-up

    Caused by improperly adjusted brakes which cause rear wheels to lock while front wheels continue to rotate.
  - " Brake Fade

    Most common during a drive when frequent use of the brakes does not allow for proper cooling: the brakes are unable to grab and stop wheel movement.
- Cornering
  - " Centrifugal force - As a vehicle travels around a corner at high speed, there is an increase in the centrifugal force which impels an object outward from a center of rotation.
    - # A turn or curve can not be entered at a speed greater than the driver and vehicle can handle.
    - # Extreme braking while cornering may take away from the steering capability.
    - # Increase in acceleration should occur when the vehicle begins to exit the turn or curve.

" Centripetal Force - the force on a body in a curved motion that is directed toward the center axis or rotation. The force required to keep a moving mass in a circular path. A force which acts or impels an object toward a center of rotation. Oversteering is an example.

Centripetal force and centrifugal force must be in balance when driving around a curve or turning a corner.

- Weight Transfer

" It occurs when the vehicle changes velocity or direction.

" As a vehicle accelerates, the front lifts, causing weight in rear to increase. This weight shift to the rear can cause loss of traction for front-drive vehicles, but an increase in traction for rear-wheel drive vehicles.

" When braking the vehicle, weight is transferred to front wheels which have high braking efficiency.

" Change in direction transfers weight from one side of the vehicle to the other, which is more noticeable in vehicles with high center of gravity.

Summary

When the student understands how vehicle dynamics change during the increased speeds of an emergency response, the chance for vehicle control increases significantly.

Suggested Instructional Methodology

Lecture with Video

Make a video of your range activities. Obtain one which demonstrates the following concepts:

- Steering

" Countersteering
" Over-correct steering
" Steering in a braking skid
" Understeer
" Oversteer

Emergency Driving **Objective 3.4**

- Braking

  " Front wheel lock-up
  " All wheels locked up
  " Rear wheels lock-up

- Cornering Effects

- Weight transfer

In conjunction with the videotape demonstration, explain how these concepts work against a law enforcement officer during an emergency response and explain how they can be avoided.

Lecture with Demonstration

Use a model car that has steerable front wheels.

Demonstrate a rear wheel skid by placing a model car with the rear wheels locked, on an inclined board. The wheels can be locked by placing a small piece of cardboard between the rear wheel and the frame. The student will be able to observe a rear wheel skid. The same thing can be accomplished with the front wheels.

Allowing the car to roll down the incline with all wheels rotating and the steering turned fully to either side, the student will be able to observe the effects of speed upon the vehicle during cornering. To show an increase in speed, elevate the incline.

Range

Create range activities to have the students identify steering, braking, cornering, and weight transfer effects while the vehicle is traveling at various speeds. Refer to Appendix E for example exercises.

Resources and Aids

- Physics textbooks
- Driver training textbooks covering concepts of vehicle dynamics
- Collision investigation textbooks
- "Police Driving Techniques," by Anthony Scotti
- Model car for classroom demonstrations
- Practice driving area
- Driver training vehicles

Suggested Evaluation Methodology

Students

- Written or verbal responses to questions on vehicle dynamics and conditions existing in an emergency response.
- Written or verbal identification of various vehicle dynamics concepts during practice driving area demonstrations or video demonstrations.

Course

- Observe officer's on-the-job performance.

OBJECTIVE 3.5 Identify acceptable steering methods for use during an emergency response.

Introduction

The steering methods presented in Objective 2.14 are also acceptable for emergency response driving. Use of these steering methods will assist the officer in maintaining vehicle control during the increased speeds and dramatic cornering that occur during emergency response driving.

Content

An officer needs to recognize that steering inputs at high speeds have a magnified impact on a vehicle's reaction. Searching 12 seconds ahead is critical to identifying approaching steering requirements. Steering actions are best made with gradual steering inputs, avoiding dramatic and sudden changes in vehicle direction. As more demanding cornering and turning maneuvers become necessary, the steering inputs will require adjustments. All steering inputs should be smooth and gradual, not dramatic and sudden.

Concentration on the desired direction of travel or targeting becomes more critical as speed increases.

Two-handed steering will yield greater control than steering with one hand.

Summary

The student should realize that non-emergency steering methods will also work under emergency response driving conditions. By practicing the acceptable steering methods, the student will be able to maintain vehicle control for all driving needs.

Suggested Instructional Methodology

Lecture

Modify the content of Objective 2.14 to emphasize emergency response driving and present with this Objective. Identification of acceptable methods will not guarantee correct performance. Develop the opportunity for demonstrating these methods.

Resources and Aids

- Physics textbooks
- Driver training books covering concepts of physics

- Collision investigation textbooks
- "Reference Points for Precision Driving," by Frederik Mottola

Suggested Evaluation Methodology

Students

- Written or verbal responses to questions concerning steering method for emergency response driving.

Course

- Observe officer's on-the-job performance during an emergency response.
- Review agency collision reports to see if incorrect steering methods were a contributing factor.

OBJECTIVE 3.6 Identify acceptable methods of cornering during an emergency response.

Introduction

During an emergency response driving situation, increased speeds are to be expected. With increased speeds comes the need for increased skills to drive through turns and curves. The officer should be able to perform a precise step-by-step system for cornering during increased speeds.

Content

The officer should understand the types of corners that are common to highway design. Corners are divided into 3 types:

1. CONSTANT RADIUS - requires constant, consistent steering.

2. INCREASING RADIUS - requires sharp to gradual steering.

3. DECREASING RADIUS - requires gradual, then sharper steering.

Cornering Methods

- Search 12 seconds ahead and evaluate the conditions of the corner being approached.

- Start lane position adjustments prior to reaching the corner. Position to the outside or wide position. Avoid oncoming lanes.

- Depending on the approach speed, braking may not be necessary. Speed control can be acquired through deceleration, "threshold braking," "rotational braking" (commonly referred to as trail braking).

- Begin steering actions while looking at and driving towards the apex of the corner. Avoid aggressive steering movements. The apex will be located to the inside or tight portion of the corner.

- As the vehicle passes through the apex, the driver should steer the vehicle toward the desired exiting lane position.

- Acceleration methods and steering adjustments are added at this same moment.

Additional Considerations

- Have speed under control before entering the corner to avoid heavy braking while steering.
- Trail braking can add additional traction to the front tires to help with road grip when cornering.
- Select apex location carefully, in accordance to the desired outcome.
- Use of the travel lane must take into consideration the line of sight restrictions and the legal lane limitations, roadway design characteristics such as surface conditions, crowned roadway, and traffic patterns.

Summary

Any driver can approach a corner at high speed. The true talent is in the successful completion of the cornering maneuver. Through the use of an acceptable cornering method, the officer increases vehicle control through a turning situation. The officer also is able to identify and correct errors in method while cornering before losing vehicle control.

Suggested Instructional Methodology

Lecture with Visuals

Using instructional aids to represent each of the steps of the cornering method will help the student visualize the steps.

Small Groups

Divide the class into groups of 3-6 students. Draw an intersection on the chalkboard. Tell each group to describe how they think an officer should correctly negotiate a right turn at the intersection. Encourage specific, detailed responses. Record the group responses on the chalkboard. Encourage discussion and opinions. Correct errors before proceeding to the practice driving exercises.

Resources and Aids

- Law enforcement driver training textbooks
- Emergency vehicle operation textbooks

Suggested Evaluation Methodology

Students

- Written or verbal responses to questions concerning cornering methods for emergency response driving situations.

Course

- Observe on-the-job performance.
- Review agency collision reports for collisions that are the result of improper cornering methods.

OBJECTIVE 3.7 Identify acceptable backing methods during an emergency response.

Introduction

With good routine backing habits, an officer will be able to minimize the risks generated while backing during an emergency. The chances for a backing collision increase with emergency response because officers seldom practice backing at higher speeds with heightened emotions.

Content

Acceptable backing methods for use during emergency response include:

- Avoid backing unless absolutely necessary.
- Back in a straight line if possible.
  - " Keep one hand on the top of the steering wheel.
  - " Turn body to the right, look over right shoulder, and look through the rear window.
  - " Check mirrors and front of vehicle periodically.
  - " The front of the vehicle will be extremely sensitive to any steering inputs.
  - " Keep speed constant.
  - " Brake smoothly, as front wheel lock-up is likely if hard braking is applied.
  - " While backing, especially at a higher rate of speed, should the driver start to lose control, STOP the vehicle, correct the steering, and then continue backing. Trying to correct the wrong steering input while backing at higher speeds may cause the vehicle to lose more control and cause a crash.
- If turning is necessary, the safe completion of the maneuver is more important than the speed of the maneuver.
- Avoid backing long distances whenever possible. Turn the vehicle around as soon as possible and maneuver in a forward gear.
- Refer to the content on backing in Objective 2.14.

Emergency Driving Objective 3.7

Summary

The student should understand that reverse maneuvering in an emergency response will be much more difficult due to heightened emotions and greater speed. By practicing the suggested backing methods mentioned in Objective 2.14, and combining them with the methods mentioned in this objective, the student will develop a thorough foundation of knowledge on which to base backing decisions.

Suggested Instructional Methodology

Lecture with Visual Aids

Supplement the presentation with instructional aids to enhance the learning process. Refer to content and Instructional Methodology included in Objective 2.14.

Small Group with Video

Divide the class into groups of three students. Have the students record their performance while backing through a predetermined course on the practice driving area. Have student one drive, student two assist from the instructor's seat, and student three stand outside and video the performance. Have them switch positions until each has performed all three functions. Bring the video into the classroom for reviewing.

Resources and Aids

- Driver training textbooks
- Traffic safety programs at the university level
- "Guide for In-Car Instruction," by Frederik Mottola
- In-Car Curriculum: Washington Department of Education
- Driver training vehicle
- Practice driving area and/or public streets

Suggested Evaluation Methodology

Students

- Written or verbal responses to questions concerning reverse maneuvering and backing methods used during an emergency response.

Course

- Observe on-the-job performance.
- Review agency collision reports for collisions involving backing.

OBJECTIVE 3.8 Identify acceptable collision avoidance methods for use during an emergency response.

Introduction

While responding to an emergency, the urgency for response, increased speeds, and emotional involvement tend to distract the officer from the perceptual demands of driving. Collision avoidance maneuvers become more critical and necessary as the driving and pedestrian public react or fail to react to emergency warning devices.

Content

There are various methods that can be used for collision avoidance.

- Quick, sudden braking
- Evasive steering or sudden lane change
  - " Usually performed when the driver's intended path-of-travel is suddenly blocked by an object, pedestrian, or other vehicle.
  - " The driver should position the hands at the 9-3 steering location.
  - " The driver should turn the steering wheel no more than 1/2 rotation in the necessary direction, and return the wheel twice as far in the opposite direction, and finally straighten the wheel. A third steering movement of a lesser amount may be necessary to keep the back end from swaying.
  - " This maneuver requires available roadway to the sides, allowing for lateral vehicle positioning.
  - " This maneuver may not be appropriate at higher speeds without controlled braking. In addition, vehicles with a higher center of gravity may require even less speed to perform this task safely.
- Clearing intersections
  - " Allow for other users to adjust to the law enforcement vehicle's approach.
  - " Adjust speed to allow other users to see and hear the emergency warning devices.
  - " Use quick, yet thorough, searching methods to clear the intersection to the left, front, and right streets.

" Look for additional emergency response vehicles.

" Change siren pattern to attract attention with a different sound.

Assuming a collision will happen, there are ways to reduce personal injury and/or damage to the vehicle.

- Avoid having the collision take place in the driver's quarter of the vehicle.
- Try to strike the object on an angle, thus deflecting some of the impact forces.
- Maintain steering and braking control to avoid colliding with additional objects after the first collision.

Summary

The officer should attempt to drive in a manner which will not require the use of collision avoidance maneuvers. However, under emergency response conditions, the potential for collision avoidance maneuvers increases. By identifying these methods and identifying personal skills, the student can choose the most appropriate collision avoidance maneuver when necessary.

Suggested Instructional Methodology

Refer to the Suggested Instructional Methodology for Objective 2.14. Modify the methods to emphasize emergency response driving.

Lecture with Instructional Aids

Show instructional aids of various intersections and ask members of the class to identify where the problems may come from while approaching each intersection. Ask class members how they could best use speed control, lane positioning and communication to solve each of the identified problems. The instructor should give feedback to each student's response and ask other members of the class what they think about the response.

Have students seated so that their left shoulders are pointing at the screen. Project a photo of an intersection, then have the students turn their head to the left for one second, and have them describe what key elements they were able to see in one second. Then have them see another photo for two seconds and describe what they saw. This activity will demonstrate to the students how a fixation must be made in order to actually see. Explain that the faster the vehicle travels through an intersection, the less time one will have to adequately scan the intersection.

Emergency Driving **Objective 3.8**

Small Group

Divide the class into groups of 3-6 students. Ask the groups to list and be able to explain a correct procedure for approaching and clearing an intersection during an emergency response. After ample time, have one group explain its procedure to the class. Allow the students to interact. List on the chalkboard the procedures as recommended in this outline.

Range

Using a practice driving area, the instructor demonstrates each of the maneuvers to the students using the correct methods.

Resources and Aids

- Materials from driver training courses offered at the university level
- Materials from driver training courses conducted by nationally recognized specialists
- Practice driving areas
- Driver training vehicles

Suggested Evaluation Methodology

Students

- Written or verbal responses to questions concerning collision avoidance maneuvering.

Course

- Observe on-the-job performance.
- Review agency collision reports.

MODULE 4

PURSUIT DRIVING

Goal

Develop the ability to accomplish the pursuit driving task and make sound tactical decisions by understanding the risk of the pursuit driving activity and by being able to physically negotiate pursuit driving situations.

Curriculum Objectives

4.1 Identify factors that impact initiating a vehicle pursuit.

4.2 Identify factors involved when conducting a vehicle pursuit.

4.3 Identify factors that would warrant the pursuing officer, or a supervisor, to decide to terminate a vehicular pursuit.

4.4 Identify factors that impact on the termination of a pursuit: suspect voluntary or involuntary stopping.

4.5 Identify factors to be considered when a law enforcement vehicle is involved in the termination of a vehicular pursuit using roadblocks and various physical intervention techniques.

4.6 Identify considerations involved in post-pursuit reporting and debriefing.

4.7 Demonstrate the ability to conduct a pursuit.

4.8 Identify post-pursuit litigation preparation considerations.

PURSUIT DRIVING MODULE

Overview

Law enforcement officers will continually face a number of potentially deadly situations throughout their careers. The type of deadly situation that comes to mind most often is confronting an armed suspect. However, operating a law enforcement vehicle in a pursuit situation exposes the officer and the public to dangers as well. The deaths and injuries of officers resulting from vehicle crashes outnumber those that result from armed confrontations. Historically, two-thirds of all law enforcement officers killed in the line of duty are associated with traffic crashes.

There is nothing glamorous or desirable about being involved in a vehicular pursuit. Officers must view pursuits for what they are, potentially life threatening situations. The pursuit, when compared to other types of law enforcement activities, carries a significant risk for injury to the public, the violator, and the officer. Despite these risks, the nature of law enforcement work often requires officers to engage in pursuits in order to effectively enforce the laws.

A pursuit is defined as "an event that is initiated when a law enforcement officer, operating an authorized emergency vehicle, gives notice to stop (either through the use of visual or audible emergency signals or a combination of emergency devices) to a motorist whom the officer is attempting to stop, and that motorist fails to comply with the signal by either maintaining his/her speed, increasing speed or taking other evasive action to elude the officer's attempts to stop the motorist." A pursuit is terminated when the motorist stops, or when the attempt to apprehend is discontinued.

Operating a law enforcement vehicle in a pursuit situation is a highly stressful and demanding experience. Pursuits involve unique responsibilities and critical decision-making requirements. During the duration of a pursuit, officers must rely on their maturity, patience, experience and training while being governed by state law and agency policy.

Pursuit driving is not racing. It is not a contest between the violator and officer. There is no room for machismo, egotism or thrill-seeking. Good pursuit drivers are developed through effective training that emphasizes the skills required to conduct an effective pursuit and making sound tactical decisions.

NOTE: This reference guide will provide direction for the initiation, continuation, and termination of pursuits. The safety of the public, the officer(s), and the violators will be emphasized as being paramount in any pursuit situation. Each agency is encouraged to compare the sample policy, within this guide, to their policy and state laws that are applicable. Agencies may have to adjust their policy depending upon their pursuit intervention techniques.

Objective 4.1 Identify factors that impact initiating a vehicle pursuit.

Introduction

Vehicle pursuits in some jurisdictions have become very restrictive in nature while others have adopted a more aggressive use of intervention techniques. The public has created an outcry regarding the perceived danger that the public, officers, and violators are exposed to during pursuits. There has been an increased threat of litigation that has arisen throughout the country against the individual officer and the agency depending upon the conduct and outcome of the pursuit.

Pursuits are inherently dangerous. Officers need to demonstrate proper conduct during the vehicular pursuit under explicitly defined parameters. It is incumbent upon agencies to provide their officers with a training program specifically designed to address their standard operating procedures. An agency's policy MUST include the criterion by which to initiate, continue, and terminate a vehicular pursuit.

Content

Consideration of the following factors will assist officers in determining when to initiate a pursuit.

Legal Authority and Agency Policy

The guidelines set forth by state law and agency policy are not optional. Officers are bound by these restrictions whether they personally agree with them or not. Officers must be absolutely sure what the state law and agency policy allows and that they DO NOT exceed those limitations.

Environmental Factors

- Weather conditions affect vehicle operation and must be considered in the pursuit decision.

- Traffic conditions such as density, patterns and speed must be considered when pursuing. Not all pursuits will involve high speeds. The speed of the fleeing vehicle will most likely be controlled by these traffic conditions, which will continually change, requiring ongoing evaluation and consideration as to whether or not to continue the pursuit.

- Population conditions such as urban areas, school zones and industrial zones will affect the pursuit. This consideration will include the immediate area of the pursuit and the area that the pursuit may be entering.

- Time of day and day of week considerations vary. Daylight affords the best visibility; dawn/dusk tends to distort depth perception; and darkness greatly diminishes visibility. Traffic volume in urban areas may increase on certain days of the week. School buses may be operating in rural and residential areas during morning and afternoon hours.

- Roadway design and conditions affect the pursuit. The pursuit may be less dangerous on a four-lane divided highway than on a winding, narrow, and two-lane rural highway or in an urban residential area. In addition to the design, the condition of the roadway itself may create further danger. Officers should be aware of any loose material on the road surface and use caution when pursuing on dirt or gravel roads.

- Visibility conditions may be affected by other environmental factors. Weather and time of day have the most obvious effect on visibility. An increase in the speed of the pursuit may reduce the officer's peripheral field of vision. Dirty windshields and headlamps can also contribute to this reduced visibility. Officers should remember that every time they clean their windshield they should also clean their headlamps.

Vehicular Factors

- Tires may be the most significant single equipment factor for vehicles involved in pursuits. Tires must be examined daily prior to the vehicle's tour of duty for tread wear, cuts, bruises, abrasions and foreign objects that have penetrated the tire. The air pressure must be checked daily and corrected if necessary. If any defect is discovered during the tire examination, the tire must be replaced or repaired prior to beginning the tour of duty.

- Brakes are vitally important in the operation of the vehicle. Officers should remain attentive to the way the vehicle responds during each application of the brakes. Unusual noises, poor response or brakes pulling in either direction should be checked and corrected immediately. If the officer should experience any problem with the vehicle's braking system during vehicle operation, the vehicle should be taken out of service until the problem is corrected. This is especially true during pursuits. Any vehicle experiencing braking problems, including brake fade, should immediately terminate participation in the pursuit.

- Suspension systems on vehicles should be checked routinely by appropriate maintenance personnel. Officers should remain aware of the "handling" or "response" of the vehicle. If problems in the suspension develop, the vehicle should be taken out of service until the problem is corrected.

- Emergency warning devices are just that, devices designed to warn other motorists of the approach of an emergency vehicle. They are a means of communication. As such, they require that the other motorist first hear or see them, mentally process what they are, and react to them. Officers must be aware of the legal requirements and their agency policy regarding emergency warning devices. The use of these devices does not guarantee the officer safety, authorize the officer to violate legal restrictions or agency policy, nor does it allow the officer to operate the vehicle without due regard for the safety of others. Both audio and visual warning devices should be used during a pursuit. Unmarked vehicles should terminate participation in the pursuit as soon as a marked vehicle can be utilized.

- Mechanical failure can be greatly reduced by regular vehicle inspection and proper preventative maintenance. Officers should immediately correct any mechanical malfunction that is discovered during the vehicle's pre-operational inspection or occurs during any patrol operation. Any vehicle that experiences any significant mechanical failure during a pursuit should consider immediately terminating participation in the pursuit.

Human factors

When considering the human factors involved in initiating a pursuit, we must consider the two individuals participating, the officer and the violator, and their individual roles in the pursuit.

- The officer

  " Psychological factors that affect an officer's ability to conduct a safe and effective pursuit include stress and attitude. The stress an officer may endure during a pursuit is considerable and may possibly affect his or her ability to make proper judgments and decisions. The officer's attitude and emotions are also affected by stress. Officers should avoid taking pursuits personally. Officers must control their emotions, remain calm and stay focused the task at hand. Failure to do so may cause officers to take unnecessary risks.

" Physiological factors such as fatigue or poor physical fitness are often related to an officer's psychological state. Irregular hours, shift work, poor eating habits, secondary employment and alcohol or substance abuse tend to produce these effects. Officers have a duty to the public, their families, and themselves to remain in top physical condition. Officers who fail to do so should avoid situations as physically demanding as pursuits. This factor affects senses such as vision, hearing, smell, and touch, all of which provide the input-data needed for decision making during pursuits.

Vision supplies 90-95% of the incoming data. At high speeds peripheral vision narrows and depth perception is less accurate. Night pursuits will incorporate these along with reduced field of vision and color recognition.

Hearing provides input from traffic, the pursuit vehicle's tires, other emergency vehicles and radios.

Smell can help detect and differentiate between odors of gasoline, brake or engine overheating or electrical shorts.

Touch provides input from the hands, feet and buttocks as to the vehicle's dynamics.

During a pursuit, the body receives an "adrenaline kick", due to the heightened anxiety and emotion, which provides assistance to body functions and reactions. Officers should learn to expect this adrenaline boost and use it to their advantage rather than letting it lead to faulty decisions.

• The violator

" Psychological factors that may affect the violator are often the same as for the officer’s stress and attitude. However, their effect is much different. The stress the violator may endure in his/her attempt to elude arrest is often great and most certainly will affect his/her ability to make proper judgments and decisions. The violator's goal in the pursuit is to elude arrest. Attitude and emotions are most likely out of control, and they have no need to regain that control. To the violator, there is no need to remain calm, and much can be gained by taking unnecessary risk. With the violator, the pursuit is personal.

" Physiological factors such as fatigue, poor physical fitness and impairment may often be associated with a violator's psychological state. Alcohol and drug consumption often produce these effects. These factors affect the senses such as vision, hearing, smell, and touch, all of which provide the input-data needed for decision- making during the driving task.

Ethical Considerations

The role of the officer during a pursuit must be totally understood. The public generally perceives the officer's role as a protector of lives and property. Officers must recognize that this role, or duty, extends not only to the public, but to themselves, their fellow officers, and even to the violator. Therefore, it is imperative that officers maintain the highest ethical and professional standards during any involvement in a pursuit situation. An officer's involvement may entail the role of the primary pursuit vehicle, the secondary pursuit vehicle, or no more than the monitoring of radio communications concerning a pursuit being conducted by other officers.

The decision to engage in a pursuit will be easier to make than the decision to terminate a pursuit. Involved officers must remain professional, focused on the task at hand, the skills required to complete that task, and not allow themselves to become emotionally or personally involved. While it's true that flagrant violators cannot be allowed to use the highways freely for unlawful purposes, neither can law enforcement officers engage in pursuits with reckless disregard for the safety of the public.

Supervision Considerations

All pursuits should be supervised if the agency is large enough to have more than one supervisor on duty at a time. Supervision of the pursuit should consist of another individual, a ranking officer or not, who is not directly involved in the pursuit operation and is capable of making objective decisions. During the duration of the pursuit, multiple law enforcement agencies, officers, and vehicles may become involved. Officers must consider the need for assistance and the risk involved in obtaining it. Generally, no pursuit should involve more than two (2) law enforcement vehicles in direct pursuit; the primary pursuit vehicle, and the secondary pursuit vehicle. However, with agency policy and the utilization of pursuit intervention techniques, more than two (2) law enforcement units may be required. The primary pursuit vehicle is responsible for the actual pursuit task. The secondary pursuit vehicle is responsible for communications and back-up. Supervisors and other officers should monitor the progress of the pursuit, travel at legal speeds, position themselves to assist if necessary, and minimize radio traffic.

Seriousness of the Offense/suspicion Considerations

Offenses and suspicions may be classified depending upon their immediate threat to the public. The level of continuing threat must be considered when deciding to initiate, continue, or terminate a pursuit. Officers should refer to the guidelines that are set forth by state law and agency policy. Officers are bound by these restrictions whether they personally agree with them or not. Officers must be absolutely sure what their state law and agency policy allows and NOT exceed those limitations.

Summary

The decision to flee is made by the violator, but the decision of whether to initiate a pursuit, continue, and terminate a pursuit is made by the officer. The factors presented here should assist the officer in forming the correct decision.

Suggested Instructional Methodology

Lecture

Use the suggested text as a guide for presentation to the class. Supplement this text with the statutory requirements and agency policy that affects the class.

Small Groups

Divide the class into small groups and have the students list factors that will affect the decision to initiate a pursuit. List the responses.

Class Discussion

Using videos of actual pursuits, from patrol vehicles equipped with cameras, have the class identify the factors that would apply in making the decision to pursue. Ideally, these videos should include both motor vehicle law and/or felony violations. Ask the students to identify their attitudes, emotions, and desire to apprehend the violator for each situation. Students' answers may be controversial and seldom will the entire class be in agreement, discussion may exist individually or in the form of a class debate. The answers are not as important as their ability to identify the factors that impact the decision to initiate a pursuit.

Resources and Training Aids

- State statutes
- Agency policies
- Pursuit films and videos
- Driving simulator
- Interactive computer program

Suggested Evaluation Methodology

Student

- Written responses to questions regarding factors to consider when initiating a pursuit.

- Using a simulated pursuit, driving simulator scenarios, or an interactive computer program, provide the student with situations that will involve decisions being made whether or not to initiate a vehicular pursuit.

- Performance evaluation during a simulated pursuit training exercise.

Course

- Review of agency emergency/pursuit response data.

OBJECTIVE 4.2 Identify factors involved when conducting a vehicle pursuit.

Introduction

Once an officer decides to initiate a vehicular pursuit, professional pursuit driving tactics and strategies must be utilized. Lacking this knowledge will increase the officer's probability of being involved in a collision and diminish the chances of conducting a successful pursuit. Officers should become familiar with the factors involved in conducting a vehicular pursuit. A working knowledge of these factors will greatly enhance the officer's ability to conduct a pursuit successfully and safely.

Content

Conducting Pursuit: Recommended Pursuit Strategies

- Generally, no more than two (2) law enforcement vehicles should be involved in direct pursuit. This will prevent caravanning which serves no useful purpose, is dangerous, and looks unprofessional to the press and public.

- Upon determining that an officer has displayed an inappropriate attitude or behavior, that officer should be removed or replaced if the pursuit is to be continued.

- Unmarked vehicles, covert surveillance vehicles, non-pursuit rated vehicles, motorcycles and law enforcement vehicles with civilian passengers should not be involved in the pursuit. If the pursuit is initiated by an unmarked vehicle, the unmarked vehicle should relinquish the pursuit to the first available marked vehicle.

- Inability to see approaching traffic at an intersection requires a full stop prior to proceeding.

- Intentional contact with the violator vehicle; i.e., PIT/TVI maneuvers, ramming, boxing, fixed or moving roadblocks may be considered a 4th Amendment seizure and/or a use of force. Officers should be trained in the maneuver/technique prior to its application.

- No shooting at, or from, moving vehicles unless agency policy authorizes it and the officer is conforming with the state deadly force statutes.

- Emergency warning devices should be in operation at all times. The officer needs to remember that emergency 4-way flashers in operation will prevent the cruiser from signaling directional changes. Agencies should avoid installing emergency lighting systems which preclude officers from utilizing turn signals.

- Maintain good driving techniques, both hands on the steering wheel, proper use of restraining devices, and proper braking.

- The interior of the law enforcement vehicle must remain free of loose objects. In case of a collision, any loose object inside the vehicle is a potential projectile which can severely injure any occupants.

Communication Tactics

Professional communication is one of the primary keys to the successful termination of a pursuit. Using communications effectively in the pursuit environment has two primary goals, either of which may involve the coordinated activities of other law enforcement agencies, vehicles and officers: (1) to enhance the safe passage of the pursuit along the trafficway; or (2) to enhance the likelihood of apprehension by stopping the violator or eliminating possible avenues of escape for the fleeing driver.

- Communication with the public will be maintained through the use of the patrol vehicle's emergency warning devices. When properly used, emergency warning devices may enhance the officer's ability to maneuver in traffic and reduce the risk to self and others. Officers should also recognize that other drivers react unpredictably to emergency vehicles.

- Officers should refer to state statutes and agency policy that regulates the operation of emergency equipment.

- Officers should never approach and pass another vehicle on the right when emergency warning devices on the law enforcement vehicle are in operation.

  " Even during daylight, headlights should be used in conjunction with emergency overhead lights.

    # Headlights are usually more discernible than required red or blue lights, both the overheads and dash mounts, in the daytime.

    # Most drivers will see headlights before they hear the siren or see the red or blue lights.

    # Although the emergency flasher lights may be helpful, their use will eliminate the availability of the electronic turn signals.

  " During hours of darkness, high beam headlights have a tendency to obliterate the emergency lights and blind oncoming drivers.

- Emergency warning devices such as the lights and sirens are not substitutes for caution and utilization of professional driving skills, nor do they relieve the officer from the general duty of exercising due care with regard to the safety of others.

- Various factors affect the siren's audibility and the light's visibility.

  - Weather conditions

    - The siren may be heard sooner on an overcast or cloudy day.

    - Siren audibility tends to dissipate into the atmosphere on clear days.

    - Fog will allow sound to carry through its moisture with a minimum loss of decibels at close range. The greater the distance, however, the greater the sound blockage.

    - Emergency lights are virtually ineffective in foggy weather.

    - Inclement weather of any kind greatly reduces the value of lights and siren. The quality of the driving then becomes even more critical.

  - Vehicular traffic conditions

    - Sirens become less discernible with the increase of traffic noise.

    - Large vehicles, such as heavy trucks and buses, will decrease the effectiveness of the siren.

  - Location

    - The siren may be less discernible in a residential area. Large trees and hedges tend to absorb sound.

    - Tall buildings tend to block out, deflect, or tunnel sound transmission. When this occurs, the value of the siren is diminished.

    - In flat, open areas the sound of a siren can be heard for a greater distance.

  - Pedestrian traffic conditions

    - Emergency lights may not adequately warn pedestrians.

- Q Sirens offer greater warning to pedestrian traffic.
- Q Great care and caution must be taken in areas congested with foot traffic.
- Q The use of warning devices in school zones is enhanced by a reduction in speed.

" Citizens, with respect to driver and pedestrian awareness, are not always attentive, so they may not see or hear an emergency warning device. They may be distracted by one or more of the following:

- # Child passengers misbehaving
- # Conversation with passengers
- # High radio volume
- # Air conditioner or heater fan noise
- # Windows rolled up
- # Construction
- # Law enforcement or emergency vehicle activity in another area
- # Sight-seeing

Remember, the public may respond to the officer's warning by panic stopping, panic steering or sudden acceleration.

" As speed increases, the effectiveness of the siren decreases.

- # Due to the increase of speed and the resultant increase in feet per second traveled by the pursuing law enforcement vehicle, other drivers and pedestrians may not have sufficient time to react to the sound of the siren.
- # As speed increases, a driver may not hear the siren until the officer is one or two car lengths behind the vehicle. Additionally, more aerodynamic vehicles make less "wind noise" at higher speeds than older model police vehicles.
- # As the officer's speed increases, the chance of having a collision increases, and the time for processing information and decision-making decreases.

- # In a test conducted for the U. S. Department of Transportation, test results indicated:

  - Q Approximately 91% of *pedestrians* could tell where the siren noise was coming from.

  - Q Only 26% of *drivers*, with the windows rolled up, could tell there the siren noise was coming from.

  - Q Distance effectiveness deteriorated remarkably. Under ideal traffic test conditions, the maximum distance the siren was audible was 440 feet. When all the test subjects' scores were compared, the *average* distance was 125 feet. Contact the U.S. Department of Transportation for more information.

" The emergency warning devices, lights and siren, also affect the officer's behavior.

  # Tunnel vision develops at high speed and the officers tend to forget that the emergency warning devices are operating.

  # Speed reference is lost due to the limitation of the sounds of speed, such as wind and engine noise.

  # Officers must not succumb to the "Invincibility Syndrome." The use of emergency warning devices may provide a false sense of security. These warning devices are there to benefit the public. The responsibility for safe and professional driving rests with the officer.

• Communications with other law enforcement officers is critical for pursuit termination. Once the law enforcement officer has observed the violation occur and has decided to stop the violator's vehicle, effective use of the law enforcement radio is usually the only source of communications with the dispatcher and other officers. Its effective use is crucial to the success of any pursuit.

  " The officer will need to master one acceptable way of utilizing the radio in pursuit situations. Individual agency policy and procedure may differ because of varying requirements. When the officers return to their individual agencies, they should learn and master those requirements and follow them. Accurate and precise use of the law enforcement radio in a pursuit situation is more critical because it can:

    # Improve the officer's effectiveness in conducting a pursuit.

    # Increase the likelihood of obtaining help when it is needed.

- # Make the difference between a successful pursuit termination or an unsuccessful pursuit termination.

" To achieve maximum effectiveness, this communications process should begin once the law enforcement officer has observed the violation occur and has decided to stop the violator's vehicle. The dispatcher should be advised of:

- # The identity of the law enforcement officer making the violator stop.

- # The identity of the violator's vehicle: make, model, year, color, number of doors, any distinguishing marks or characteristics, and registration number.

- # The current location and direction of travel.

- # The occupants - number and description.

- # The reason for the stop (in specific terms).

- # The anticipated stop location.

" This information is vital should the traffic stop result in a pursuit situation. It is also good procedure even when the violator complies with the officer's signal to stop. Whenever possible, all this information should be communicated before the officer actually gives the violator the signal to stop. More often than not, it is the activation of the emergency warning devices in signaling the violator driver to stop that escalates the traffic stop into a pursuit situation. In addition to providing vital information should an actual pursuit ensue, communicating this information before the traffic stop gives the officer one less set of tasks to perform during the conduct of the pursuit, allowing the officer to focus and concentrate upon safe driving practices.

" Once a pursuit has begun, presuming the foregoing information has been provided as suggested, the officer's communications responsibilities shift to keeping the dispatch center and other officers advised of the status of the ongoing pursuit. To ensure effective communications, officers must remain aware of:

- # Radio transmission accuracy - It is important that any information the officer transmits over the radio be as accurate as possible. Inaccurate information may cause other officers to take inappropriate action and can result in a delay when requesting help or assistance.

- # Tone of voice - Regardless of how accurate and brief the message, when it cannot be understood by the dispatcher or other officers, it is of no value. The tone of voice should be calm, natural and relaxed.

Control of emotion - The officer must maintain a professional demeanor when transmitting during a pursuit situation. The officer should always strive to be calm. A calm voice is easier to understand than an excited one. The more critical the situation the officer is reporting, the more important it is to transmit clearly. In stressful situations, the rate of speech frequently increases. Consequently, the officer must attempt to control emotions so that everyone hears and understands the transmission. Taking several deep breaths prior to a radio transmission will help in controlling rate of speech.

Environmental factors - There are a number of environmental conditions which may impact upon the quality of the officer's radio transmission. Some common conditions are:

Q Siren
Q Heavy traffic
Q Sudden acceleration
Q Talkative partner
Q Tall buildings

Transmission content. The agency's policy will be the best source of determining exactly what information is to be transmitted during a pursuit. Brevity and conciseness are key factors in effective communications. Transmit only the information required. If not directly involved in the pursuit, remain off the radio. All personnel should allow the frequency to remain free of unnecessary radio traffic.

Law enforcement radio equipment. The law enforcement radio's volume should be turned higher during a pursuit. Other noises such as the AM/FM radio or opened windows should be eliminated. Care should be taken to install the radio controls and microphone in a position that affords easy access without visually looking for them. The microphone should remain secured in its holder when not in use.

- The team approach. As an old saying goes, "A car cannot outrun a radio." This saying exemplifies effective communications. The critical participants in the pursuit, and in the resulting radio communications, are the dispatcher and the officer(s) involved. During the pursuit portion of the communications process, anticipation is the key. Officers involved in pursuits have a tendency to communicate where they have been, rather than where they believe they are going, and that is useless information during the pursuit situation. Cross streets should be announced as they are approached along the pursuit's route. The lane position of the fleeing vehicle is an important clue as to its intended action and possible direction of travel. Heavy traffic congestion can literally force the fleeing driver to follow a particular course of travel. Vehicle speed should be periodically announced as a matter of record and to advise other officers, and supervisors, of the progress of the pursuit and its anticipated approach to their location.

    - Assignment of assisting law enforcement officers should be handled by the dispatch center.

    - Communications between officers not directly involved in the pursuit should be restricted to that which is absolutely necessary.

    - To the fullest extent possible, the driver of the primary pursuit vehicle should be free to devote his full attention to the driving task. To facilitate this goal, a secondary pursuit vehicle should be assigned to the active pursuit. This secondary pursuit vehicle should have three primary responsibilities:

        - Provide backup to the primary vehicle if and when the violator vehicle is stopped.

        - Take over the pursuit from the primary vehicle should it suffer a mechanical breakdown.

        - Assume the pursuit communications responsibilities from the primary pursuit vehicle.

- Lastly, and often the forgotten element of pursuit communications, is the need to communicate when and where the pursuit is terminated. A pursuit does not end when the violator's vehicle is stopped.

    - If the violator attempts to flee on foot, assisting officers need to know where the foot pursuit started.

    - If the arresting officer(s) need additional assistance in establishing control, their exact location is needed.

> As important as radio communications is, it can not exceed the importance of safe patrol vehicle operations. Safety must take precedence over all else.

Following Distance

Following distance will initially be close, approximately two (2) seconds, the normal following distance, from the violator's vehicle. This distance should be established as soon as practical. At this distance the violator's vehicle, and its occupants, can easily be observed. Reducing the following distance below this interval is extremely dangerous and not recommended. The following distance should be increased as the pursuit speed and duration increase. A following distance of three (3) to four (4) seconds will still allow the officer to observe the vehicle while increasing the reaction distance from the violator's vehicle.

The pursuing officer should not attempt to apply psychological pressure on the violator by closing the following distance. There is no substantial advantage to this tactic and it exposes the violator, officer, and public to unnecessary danger.

Speed

Speed will vary depending upon the existing conditions. Although the speed of the violator's vehicle will greatly influence pursuit speed, the pursuit officer must remember that the pursuit is not a race.

In most pursuit situations, the overwhelming urge motivating the law enforcement officer is to catch the violator. When officers focus upon "catching" the fleeing violator, a phenomenon known as *speed progression* is likely to occur. This is where the speed of the vehicles involved in the pursuit seems to increase as the pursuit continues. In this situation, both the violator's and officer's emotions are usually out of control. The idea is to sustain the pursuit without losing control of the pursuit.

Pacing a fleeing violator involves establishing and maintaining a safe following distance behind the violator's vehicle that will permit the pursuing officer to keep the vehicle in sight until assistance arrives. This tactic reduces the likelihood that the speed progression phenomenon will occur. The tactic may also reduce the radical driving maneuvers by the fleeing violator attempting to escape, and should allow the pursuing officer to retain a semblance of control over the situation. In addition, pacing allows assisting officers to get into position to provide meaningful assistance. More often than not, it is the visible presence of the other law enforcement officers that convinces the fleeing violator that he or she cannot escape, and that surrender is the only alternative.

Pursuing officers must be familiar with their patrol areas, think ahead of the pursuit, and be prepared to adjust their speed in advance to enable maneuvering through intersections, curves and other obstacles. Officers should be aware of the vehicle's speed prior to any curves. Avoid crossing the center line, applying the brakes in curves, and approaching intersections at high speeds.

Patrol Vehicle Position

The patrol vehicle's position in traffic must continuously be adjusted. Proper positioning of the patrol vehicle in relation to other vehicles on the highway allows for increased visibility for the officer, increased visibility of the patrol vehicle for the public, and an escape route should the officer's path-of-travel become blocked.

Tunnel Vision

Tunnel vision may occur as a result of increased concentration on the violator's vehicle, to the level of actually duplicating all the decisions and driving techniques made by the fleeing driver. Officers must recognize and avoid duplicating the violator's unsafe or intentionally hazardous driving tactics. Tactics used by fleeing drivers may include:

- The violator may accelerate to a high speed, lose sight of the pursuing officer, and then stop. This may lead to the violator's changing positions within the violator vehicle, fleeing on foot, or attempting to hide the vehicle.

- Timing, or delaying, driving maneuvers in an attempt to cause an innocent third party to collide with the pursuing officer.

- Intentional violation of motor vehicle laws: driving in the wrong lane, driving on the wrong side of a divided highway, driving the wrong way on a one-way street, driving off the roadway, driving across private property, violating speed limits and ignoring traffic control.

- Using his or her vehicle as a weapon against the pursuing officer.

Summary

Numerous factors must be considered when conducting a vehicle pursuit. Some generally-accepted pursuit policy guidelines were adopted in principle by the International Association of Chiefs of Police in 1996. Foremost among these are that pursuit strategies should utilize no more than two vehicles in direct pursuit. Many other features of a contemporary pursuit policy are contained in the IACP's 1996 "Sample Policy." Students and instructors alike are encouraged to review the sample policy and to compare it with existing law and policies, noting where each may differ and why.

Suggested Instructional Methodology

Lecture

Use the suggested text as a guide for presentation to the class. Supplement this text with the statutory requirements and agency policy that affects the class. Further, the instructor may wish to review the IACP Sample Policy and encourage a student discussion of what may or may not work well in their respective jurisdictions.

Small Groups

Divide the class into groups of 3 - 6 students. Ask the students to list factors that will affect their ability to conduct a pursuit. List the responses.

Class Discussion

Using videos of actual pursuits from patrol vehicles equipped with cameras, have the class identify the factors that would affect their ability to conduct a pursuit. These videos should include both motor vehicle law and criminal violations, if possible. Ask the students to identify their attitudes, emotions and desire to apprehend the violator for each situation. As their answers may be controversial, and because seldom will the entire class be in agreement, discussion may exist individually or in the form of a class debate. The answers are not as important as their ability to identify those factors that impact on their ability to conduct a pursuit.

Resources and Training Aids

- State statutes
- Agency policies
- Pursuit films and videos
- Driving simulator
- Interactive computer program
- 1996 IACP Sample Pursuit Guidelines

Suggested Evaluation Methodology

Student

- Written responses to questions regarding factors to consider when conducting a pursuit.
- Using a driving simulator or an interactive computer program, provide the student with situations that will involve factors to consider when conducting a vehicular pursuit.
- Performance evaluation during a simulated pursuit training exercise.

Course

- Review of agency emergency/pursuit response data.

OBJECTIVE 4.3 Identify factors that would warrant the pursuing officer, or a supervisor, to decide to terminate a vehicular pursuit.

Introduction

The decision whether to continue or terminate the pursuit is influenced by many factors. The primary consideration is always the safety of the public.

The decision to initiate a pursuit situation will most often be made by the operator of the violator vehicle.

The decision to terminate a pursuit may be harder to make than the decision to initiate a pursuit. This decision, whether made by the primary pursuit officer or a supervisor, must consider each of the factors discussed here. More often than not, live pursuit scenarios do not lend themselves to an analysis of whether a decision can be judged as correct or not. However, processing of as much data as possible by the pursuing officer, supervisor or others prior to making the decision, can help.

Officers must remain constantly aware of their perceptions of the pursuit situation. At no time should an officer allow his or her desire to capture the violator exceed the officer's ability to safely conduct the pursuit. Police pursuits are not legalized hot-rodding, racing, or showing-off of driving skills. Police pursuits at best involve several speeding vehicles upon a highway with unsuspecting motorists who could be easily injured or killed. **Safety must take precedence over all else**. Officers must recognize their limitations and the limitations of their vehicles, and these limits must never be exceeded.

The ability to continue making rational decisions during a pursuit situation is extremely important. This ability will be strongly affected by emotions, peer pressure, social image, competition, frustration, attitudes, stress, physiological factors and prejudices. An officer must possess maturity, experience, training and a clear mind to evaluate continually-changing perceptions of the pursuit situation. Safety must always remain the first priority of any pursuit involvement.

The ability to perform the driving skills necessary to conduct a successful pursuit is tempered by maturity, experience and training. Aggressive or assertive driving during a pursuit situation is usually exhibited by immature or inexperienced officers. The "police machismo" image tends to influence officers to push themselves too hard during a pursuit, sometimes beyond the point where the pursuit should have been terminated.

Pursuit Driving **Objective 4.3**

Having to make and implement a decision to discontinue an active pursuit is one of the most difficult decisions for a law enforcement officer. This decision can damage an immature officer's self-perception. However, it is a decision that officers must be prepared to make and, if necessary, implement, if the fundamental role of law enforcement in society is to be maintained. Failing to discontinue a pursuit when necessary ignores the responsibility to protect the lives and property of others.

Some people would maintain that the law enforcement officer is not the one who is placing the lives and property of others in jeopardy during the pursuit; that it is the fleeing violator who is doing so by his or her attempts to evade apprehension. Others would maintain that it is the actual pursuit by the law enforcement officer that is causing the unsafe driving behavior of the fleeing violator, thus placing the lives and property of others in jeopardy. Is it the cause of the unsafe behavior that is placing the lives and property of others in danger that is important, or the fact that the lives and property of others are in danger that is significant here?

The law enforcement officer must be concerned with why lives and property are in jeopardy, but the primary concern of the officer must be that his or her continuance of the pursuit may increase the hazard to the public. If the lives and property of others are in unnecessary jeopardy, and discontinuing the pursuit is the most effective means for reducing that threat, then the pursuit has to be discontinued. A failure to do so in these conditions negates the most fundamental law enforcement responsibility.

Content

Some factors to consider in determining whether or not to discontinue a pursuit are:

- Do the hazards of continuing the pursuit outweigh the hazards of the violation?
- Can an arrest be made at a later time because the operator of the fleeing vehicle has been identified?
- Has the pursuing officer lost sight of the fleeing vehicle for an appreciable length of time that would cause the pursuing officer to question the location of the vehicle?
- Have conditions changed appreciably since the pursuit began?
    - " To the violator's vehicle
    - " To the patrol vehicle
    - " To the environment
    - " To the officer

Once the decision to terminate a pursuit has been made, either by the pursuing officer or a supervisor, the following task should be performed:

- The last known location and direction of travel for the violator's vehicle should be given to the telecommunications center and broadcast to the other officers.

- The pursuing patrol vehicle's emergency warning devices should be turned off.

- The pursuing patrol vehicle should be parked, the officer should communicate that they have terminated and advise their location to the communications center, and the officer should exit the vehicle. This will allow the officer's psychological and physiological conditions to normalize. The pursuing officer should remain parked until these conditions have normalized.

Summary

The decision whether to continue or terminate the pursuit is influenced by many factors. The primary consideration is always the safety of the public. Officers must remain constantly aware of their perceptions of the pursuit situation. At no time should an officer allow his or her desire to capture the violator to exceed the ability to safely conduct the pursuit.

Suggested Instructional Methodology

Lecture

Use the suggested text as a guide for presentation to the class. Supplement this text with the statutory requirements and agency policy that affects the class.

Small Groups

Divide the class into groups of 3 - 6 students. Ask the students to list factors that will affect the decision to initiate a pursuit. List the responses using appropriate instructional aids.

Class Discussions

Using videos of actual pursuits from patrol vehicles equipped with cameras, have the class identify the factors that would apply in making the decision to pursue. These videos should include both motor vehicle law and criminal violations, if possible. Ask the students to identify their attitudes, emotions and desire to apprehend the violator for each situation. As their answers may be controversial and because seldom will the entire class be in agreement, discussion may exist individually or in the form of a class debate. The answers are not as important as their ability to identify the factors that impact on the decision to initiate a pursuit.

Resources and Training Aids

- State statutes
- Agency policies
- Pursuit films and videos
- Driving simulator
- Interactive computer program
- 1996 IACP Sample Pursuit Guideline

Suggested Evaluation Methodology

Student

- Written responses to questions regarding factors to consider when initiating a pursuit.

- Using a driving simulator or an interactive computer program, provide the student with situations that will involve decisions being made whether to initiate or not to initiate a vehicular pursuit.

- Performance evaluation during simulated pursuit training exercises. Once an officer decides to initiate a vehicular pursuit, professional pursuit driving tactics and strategies must be utilized. Lacking this knowledge will increase the officer's probability of being involved in a collision and diminish the chances of conducting a pursuit. Officers should become familiar with the factors involved in conducting a vehicular pursuit. A working knowledge of these factors will greatly enhance the officer's chance of conducting a pursuit successfully and safely.

Course

- Review of agency emergency/pursuit response data.

OBJECTIVE 4.4 Identify factors that impact on the termination of a pursuit: suspect voluntary or involuntary stopping.

Introduction

Whether a pursuit is terminated by the officer's decision that the risks outweigh the gain or the suspect's voluntarily or involuntarily stop, certain factors are critical to ensuring a successful and safe conclusion. Of paramount concern always must be the safety of the public, suspect, and officer.

Content

The following areas should be considered when officers formulate split second plans for actions associated with pursuit terminations:

- Safety of public, suspects, and officer
- Termination without apprehension
- Contact communications
- Acknowledgment of psychological and physiological state of both officer and suspect
- Pursuit terminations - high-risk felony stop situations
- Documentation needs

Safety of Public, Suspects, and Officer

Decisions and actions at the point of termination should always focus on safety and what will be in the best interest of all involved

- Extra precautions should be taken that will ensure safety.
  - " Officer survival - this is a high risk situation.
  - " Adequate warning to the public regarding an emergency situation in progress.
  - " Should risks escalate with threat to the public, the situation may warrant termination.

Termination Without Apprehension (An option that must be continually considered.)

Lengthy pursuits pose an increasing threat to the general public. If the suspect will not stop, the pursuing officer may have to terminate the pursuit. This is a very difficult decision to make. Most officers believe that terminating before a suspect is in custody goes against everything they stand for. As soon as a test of reasonableness shows that the risk of a continued pursuit or arrest action outweighs the potential gain of an apprehension, the pursuing officer's course of action is clear: call off the effort.

Contact Communications

Critical to successful terminations and officer survival, is the need to stay in constant radio contact. Once the pursuit has reached a stopping point, give the location and exact time of the termination.

- Give an immediate, detailed description of the vehicle and license tag along with unique suspect and passenger information.
- Request assistance and a supervisor (high-risk stop situation).
- Make all transmissions precise so that the record will be accurate and complete.
- Maintain radio contact and update as time permits.

Acknowledgment of Psychological and Physiological States of Both Pursuing Officers and Suspects

- It is important to recognize and understand the human factor changes that have occurred and the need to control emotions and behaviors that are critical to an officer's safety and the suspect's well-being.
    - " The pursuit has caused a mixture of emotions, such as excitement, fear, anger, anxiety and worry. These emotions can be so intense they have a crippling effect. Observable effects include faster heart and respiratory rates, flushed face, higher blood pressure and tense muscles.
    - " Signs of aggression may be present. Anger will easily be aroused, particularly when the actions of other people do not conform to your sense of correctness.
    - " Peer pressure may be fueled by personal pride and the fear of rejection. Often, its influence will lead to actions from risks one clearly knows he or she cannot handle.

- Pursuing officers must always remember that the suspects have been involved in the same stressful incident.

  " Their actions and lack of response should be considered in the arresting officer's decision-making process concerning the appropriate and reasonable use of force to effect the custodial arrest.

  " Issues of safety and officer survival are paramount.

Pursuit Terminations with Apprehension (HIGH-RISK FELONY STOP SITUATIONS)

Every pursuit termination with apprehension should be treated as a high-risk situation that has the potential to escalate at any moment.

- All terminations are high-risk stops, and extreme caution should be exercised.

  " Agency/general policy directives concerning felony stops (high-risk) should be reviewed.

  " Back-up assistance should be coordinated when possible. It's always better to wait out a situation rather than charge into the unknown.

- Placement of emergency vehicles and approach to suspect's vehicle.

  " Pursuit vehicles should be placed so as to provide a safe avenue of approach while giving optimum warning to the general public. (Maintain visual emergency lighting devices.)

  " Approach to suspect's vehicle should be a deliberate, planned and coordinated activity that keeps all alerted for the unexpected. Officers should have weapons drawn while remaining at a safe distance, verbally directing suspects and occupants to exit the vehicle to a safe location that will not jeopardize the arrest or detention procedure.

  " When possible, back-up officers or supervisors not actively involved in the actual pursuit should physically handle the suspects, to safeguard against the potential for mistreatment (or allegations of such) that often occur.

Documentation Needs

During the entire termination activity, it is critical that special attention is given to the detail and facts that surround the incident. Constant mental awareness of this need will aid

in developing accurate and complete reports.

- Always give as much detail as possible when communicating with the telecommunications center. This will be available on permanent record, and assist post-pursuit reporting efforts.

- Secure the names of all parties involved:

  " Witnesses

  " Other back-up officers or assisting agencies

  " Citizens offering assistance

- Account for all physical evidence along with scene and evidence preservation needs.

Summary

When pursuits reach a termination point, recognizing personal limitations and changes, constant communication, and clear and deliberate planning while maintaining a focus on safety will assist in creating defensible outcomes. The termination point, whether the suspect voluntarily or involuntarily stops, is an extremely dangerous situation, and must be responded to as a high-risk encounter. Special attention to detail, in addition to continued communication with the telecommunications center, will contribute to the development of accurate and complete records.

Suggested Instructional Methodology

Small Groups

Divide the class into groups of 3-6 students. Ask the students to list what factors and considerations are involved in the termination of a pursuit.

Lecture with Guest Speaker

Use the content as a guide for presentation to the class. Supplement the presentation with comments from an officer who had a vehicle pursuit terminate with negative consequences. The guest speaker could also utilize video footage showing actual pursuit termination situations.

Individualized Learning with Class Discussion

Using a handout, emphasize potential pursuit situations involving motor vehicle or felony violations. Tell the students to react, individually, to each of the pursuit possibilities. The students should identify their attitudes, emotions, and desires in each of the situations. As their answers may be controversial and because seldom will an entire class agree on strategy, discussion may exist individually or in the form of a class debate. The answers are not as important as identifying how psychological and physiological factors impact on pursuit decision making.

Resources and Aids

- State statute
- Agency policy
- Experience of veteran officers
- Refer to Appendix E
- Pursuit films and videos
- IACP Sample Pursuit Guidelines

Suggested Evaluation Methodology

Students

- Written or verbal responses to questions on pursuit termination; suspect voluntary or involuntary stopping.

- Observation of student's reaction to controversial decisions regarding the termination of a pursuit.

- Observation of student's reaction to legal decisions, legal restrictions, and agency policy regarding the termination of a vehicle pursuit.

- Observation of on-the-job performance.

- Review agency documentation involving pursuits and their terminations.

Course

- Review of agency emergency/pursuit response data.

OBJECTIVE 4.5 Identify factors to be considered when a law enforcement vehicle is involved in the termination of a vehicular pursuit using roadblocks and various physical intervention techniques.

Introduction

A roadblock may be defined as deliberate obstruction utilized by law enforcement officers for the specific purpose of controlling or terminating a targeted vehicle's movement on a selected roadway. It is imperative that officers involved in a roadblock fully comprehend the legal ramifications and operational considerations unique to this law enforcement task. There are times when the use of physical intervention techniques may be appropriate in an attempt to terminate a pursuit.

Content

Legal Considerations

- Statutory Authority

  Officers should consult their state statutes and local ordinances for any guidance they may provide.

- Case Law

  Officers should consult their local legal counsel for state and federal cases such as the United States Supreme Court case in *Brower v. Inyo County* (See Chapter 6), that apply to their jurisdiction and that provide guidance in pursuit activities.

Agency Policy Considerations

Agencies should have a policy that clearly governs the establishment and control of roadblocks. Each agency should rely on its state's statutes, court cases and legal counsel in the development of its policy.

Each officer should be thoroughly familiar with this policy. Officers and supervisors must comply fully with the established policy to ensure that they are within the legal authority to utilize the physical intervention techniques included within this objective, or any other physical intervention techniques they may choose to employ.

The policy should include the following considerations:

- Human
  - " Violator/Violation
    - # Use of force continuum
    - # Juvenile or adult (if known)
    - # Type of violations that warrant a roadblock
    - # Seriousness of the violation to determine if a roadblock is justified
  - " Officer
    - # Number/availability of officers who can be used
    - # Experience
    - # Training
    - # Attitude
  - " Supervisor
    - # Must be supervised
    - # How much responsibility/authority
    - # Multiple agency involvement
  - " Dispatcher/Communications
    - # Primary assignment(s) of personnel
- Environmental
  - " Site selection
    - # Terrain, highway configuration (number of lanes, intersections, exit ramps, hills, curves, etc.)

        # Approach to roadblock, visibility, surprise, safety to violator, public and officers, site that provides sufficient space, avenues of escape (prevent and allow/control)

        # Schools, playgrounds, residential, commercial establishments, industrial, urban v. rural considerations, shopping centers, business/downtown area

    " Day/Night

    " Weather

        # Wet

        # Snow

        # Ice

        # Wind

    " Traffic conditions

        # Rush hour traffic

        # Special events (ball games, fairs, concerts) in the area

        # Pedestrians

    " Time lapse between the commission of the offense and its bearing on the justification for using a roadblock

• Vehicle

    " Violators – What type of vehicle the violator is operating

        # Car

        # Motorcycle

        # Semi-truck

        # Other

- " Officers – Type of vehicle the officers are operating
  - # Car
  - # Motorcycle
  - # Special, etc. - unmarked v. marked, degree of warning equipment

Types of Roadblocks

Roadblocks will generally consist of two types, stationary and moving. The use of either type of roadblock will be to contain or terminate the movement of a specific vehicle on the roadway. This guide will consider various types of roadblocks, their intent and how they should be configured.

- Stationary

  Stationary roadblocks generally consist of one or more types of physical device(s) used to control or terminate the movement of specific vehicles. The following are several recognized types of stationary roadblocks that may be employed:

  - " Barricades - Used to limit the direction of travel of oncoming traffic, slow and/or stop traffic.
  - " Vehicles - Used as a blocking tool, suspect direction control device, warning device.

- Moving

  Moving roadblocks generally consist of one or more types of law enforcement vehicles attempting to control or terminate the movement of a specific vehicle. The following are types of moving roadblock techniques:

  - " Boxing in
  - " Rolling

  Techniques that may result in injury to officers as well as occupants of fleeing vehicles must be carefully evaluated from both a legal and operational standpoint.

Roadblock Strategy to Be Considered

- Cooperation with various law enforcement agencies

  - " Establish a plan with area agencies that can be implemented when a roadblock is necessary. Prior planning will assist in eliminating confusion, save time, and add to officer safety when a roadblock is instituted.

- Centralized control is essential; there must be one command post and one official in charge. A common radio channel is very important.

- Communication

  - " Prompt release of information to the officers and agencies involved is critical. Descriptions of the individual(s), vehicle(s), direction of travel, and type of crime committed are essential. There should be one central point of contact for information to be received and disseminated. This central contact should know exactly how many officers and agencies are involved so that subsequent information is relayed to everyone.

- Each officer participating should have a map of the area with his/her position marked, as well as the other positions that are established.

- Each officer should be briefed, if possible, on the plans concerning the roadblock with his/her responsibility clearly understood.

- When emergency roadblocks are necessary, having an existing plan is very helpful. Otherwise, the official in charge must direct the officers and resources to their locations based upon the need and circumstances that exist at the time.

Termination of Roadblocks

- The supervisor in charge should determine when to discontinue the roadblock.

- Roadblocks may continue for a few hours, depending upon circumstances. If a roadblock continues past 2 - 3 hours, the official in charge should consider logistical support to continue its operation.

Additional Intervention Tools

- Tire deflation devices

- Electronic disabler

- Precision Immobilization Technique (P.I.T.)

- Tactical Vehicle Intervention (T.V.I.)

- Ramming - considered deadly force

- Firearms - considered deadly force

Summary

A roadblock may be defined as deliberate obstruction utilized by law enforcement officers for the specific purpose of controlling or terminating a targeted vehicle's movement on a selected roadway. It is imperative that officers involved in a roadblock fully comprehend the legal ramifications and operational considerations unique to this law enforcement task.

Suggested Instructional Methodology

Lecture with Discussion

Use the suggested text as a guide for presentation to the class. Supplement this text with the statutory requirements and agency policy that affects the class. Further, the instructor may wish to review the IACP Sample Policy and encourage a student discussion of what may or may not work well in their respective jurisdictions with respect to the physical termination of a pursuit.

Range-practical Exercise

Agencies that allow law enforcement interventions should train officers in their use. Practical exercises can be set up in mockup situations including even miniature vehicles that will sufficiently demonstrate the use of the various techniques discussed above.

Resources and Aids

- State statutes
- Agency policies
- Pursuit films and videos
- IACP Sample Pursuit Guidelines

Suggested Evaluation Methodology

Students

- Written responses to questions regarding factors to consider when attempting to use a physical intervention to terminate a pursuit.

- Responses to fact situations provided the student that will involve factors to consider when attempting to terminate a vehicular pursuit.

- Performance evaluation during a simulated pursuit termination training exercise.

Course

- Review of agency emergency/pursuit response data.

OBJECTIVE 4.6 Identify considerations involved in post-pursuit reporting.

Introduction

Since officers will be held accountable for their decisions and actions during a pursuit, it is crucial to be able to explain with clarity and detail what occurred. Often, officers find that emotions run high during pursuits, and remembering everything that happened becomes difficult. Adopting a system that reinforces and aids in recall will establish defensible records that are invaluable to the litigation management process.

Content

Considerations for Post-pursuit Reporting

- Develop a system that supports the reporting requirements.
- Use of the police radio and taping system to assist the reporting efforts.
- Incident reports, summaries, and post incident supplementals.
- Debrief following pursuit termination with involved personnel.
- Post-pursuit analysis.

Develop a System That Supports the Reporting Requirements

The reporting process begins before the decision to initiate is made, and doesn't conclude until the pursuit is over and the post incident investigation is complete. The backbone of a good system starts with a thorough understanding of the controlling pursuit policy, since that will be the outline from which officer reports should be drafted.

- Officers must be familiar with the controlling pursuit policy and regulating state emergency vehicle operation statutes. This familiarity will facilitate a mental awareness of the regulating considerations that affect the decisions to initiate, continue the pursuit operation, and terminate at the appropriate time.
- Officers should incorporate a system that asks:
  - " Should I be involved?
  - " How should I conduct a safe pursuit operation?
  - " Should I discontinue (risks outweigh the gains)?

- Using controlling state statutes and policy directives, reporting can be strengthened with supporting facts.

  " I decided to pursue because...
  " I did not terminate because...
  " I decided to terminate because...

Use of the Police Radio to Assist the Reporting Efforts

Because everything transmitted to the dispatcher and supervisor will be recorded, this can be used as an invaluable tool for taking notes. Throughout pursuits, officers need to constantly report what actions are taking place. At each stage, there should be justification of the appropriate actions.

- Be complete.

  Pursuing officers should give a complete description of all events from the time they first observe the suspect until termination/apprehension. Give details on the "balancing test" of the reasonableness of actions.

- Be professional.

  Do not make any comments that might reflect badly on the agency or individual officer. If an officer comes across as being overly aggressive or a “loose cannon”, that could damage credibility and be used to question the actions reported at a later date.

Incident Reports, Summaries, and Post Incident Supplementals

- Fill out an incident report:

  After terminating a pursuit, the pursuing officer(s) should write down what happened. This should be done at the scene or immediately thereafter. Appropriate agency-provided forms should be used, and they should be complete with sufficient factual details.

  " Do not leave anything out - Reporting officers must be systematic and ensure that the report is thorough and complete.

  " Note the time of all events - Reporting officers should give accurate times for when the pursuit began and when it ended. If termination is without apprehension, the report should include an indication of when emergency equipment was turned off and whether or not the pursuit vehicle was brought to a complete stop (as recommended in this Guide).

" Identify all people involved in the pursuit - Besides the suspect, the report should identify the supervisors, assisting units, other occupants in suspect's vehicle, and third parties that were involved. It is especially important to identify everyone who was at the scene, as there may be a need for further witnesses at a later date.

" Be truthful. False reports are found out. One falsehood tends to discredit the entire report, and the officer's future credibility is at stake.

- Writing a summary

  While the incident report should give the facts, the summary shows how the pursuing officer weighed those facts in a reasonable manner and decided to take appropriate actions.

  " Agency policy should be used as the basis of the summary. The report should be uniform, so as to show how the limits of policy guidelines were followed. When there are deviations, an explanation must be provided on how and why they occurred.

  " Correct any errors in the dispatch tape or incident report. Reporting mistakes do happen, especially in the heat of the moment when emotions are still running high. If anything is not correct in the other reports, make the corrections and explain why the mistake was made. As long as an officer catches and corrects the error, credibility will be preserved.

  " Post-incident supplementaries

    As additional information becomes available, it should be systematically added to the incident file by way of supplemental reports.

    # Follow-up investigations
    # Records inquiries
    # Traffic crash/collision reconstruction
    # Evidence processing

Debrief

- As with most tactical police operations, debriefing the major actions of personnel directly involved immediately after the event can have a great training benefit. Officer and communications personnel can explain their perception of events and describe tactics that worked well and those that did not. Officers can gain insight from supervisors and other officer's points of view.

- Debriefs can be short, 15-30 minutes, with the officers directly involved, the communications personnel involved, and the supervisor(s) that monitored the pursuit. They should be conducted the same shift if possible and personnel involved should attempt to make the sessions constructive. They are intended to improve performance and tactics, not to be critical of individuals.

- Each individual involved can give a short chronological description of their perception of events and indicate which tactics worked well. Supervisors can utilize the opportunity to support actions within policies and monitor the emotional status of officers to ensure proper actions are taken if necessary.

Post-Pursuit Analysis

- After completing all reporting requirements, the officers and supervisors involved should objectively look at all the events that took place. For each stage of the pursuit, question the following:

  " Were all the actions the correct ones to take?

  " Were other options available for each action?

  " If faced with the same situation again, what would be done differently?

  " Did the controlling policy reflect the reality that was faced on the street?

- There is an obligation to send feedback through the appropriate channels to ensure that policy directives address the needs of the officers on the line. Honest and frank dialogue at this point allows individual officers and agencies to make the necessary adjustments that will allow for a better management of the risks associated with pursuit situations.

Summary

The post pursuit reporting component is critical to the overall defense of officers' actions and behaviors associated with these types of situations. Implementing a system that ensures all documentation is clear, accurate, and complete will help to create defensible records.

Suggested Instructional Methodology

Lecture with Guest Speaker

Use the suggested text as a guide for presentation to the class. Supplement this text with the statutory requirements and agency policy that affects the class in terms of post-pursuit reporting. The instructor may wish to invite an attorney who is experienced at handling cases involving officer tort negligence, civil liability, or who has actually represented plaintiffs in police pursuits.

Individualized Learning with Class Discussion

Utilizing a hypothetical pursuit with detailed facts or a video of an actual pursuit, have students list the facts and circumstances that should become the basis of thorough and complete reports. Once individuals have created their complete list, facilitate a group discussion that examines the entire situation to ensure that all considerations have been reflected upon.

Range

During student involved pursuit scenarios, require incident reports and summaries detailing all actions and behaviors from the point of the decision to initiate through the termination point.

Resources and Aids

- State statute
- Agency policy
- Experience of veteran officers
- Refer to Pursuit Exercise Section
- Pursuit videos
- Agency pursuit reporting forms or generic substitute
- IACP Sample Pursuit Guidelines

Suggested Evaluation Methodology

Students

- Written or verbal responses to questions regarding reporting requirements.
- Observe the actions, behaviors, and decisions of the students involved in the range pursuit scenarios to ensure reports are thorough and accurate.

Course

- Review of agency emergency/pursuit response data.

OBJECTIVE 4.7 Demonstrate the ability to conduct a pursuit.

Introduction

Students learn best by doing the task. Give them the opportunity to practice and discuss strategies and methods and to demonstrate what level of skill they have achieved. This will require the development of activities which will allow for a more emotional and long-lasting experience regarding vehicle pursuit.

Content

Refer to the Content in Objectives 4.1, 4.2, 4.3, 4.4, and 4.5. Use the content as a guide for what should be demonstrated.

Objective 4.1: Identify factors that impact initiating a vehicle pursuit.

Objective 4.2: Identify factors involved when conducting a vehicle pursuit.

Objective 4.3: Identify factors that would warrant the pursuing officer, or a supervisor, to decide to terminate a vehicular pursuit.

Objective 4.4: Identify factors that impact on the termination of a pursuit: suspect voluntary or involuntary stopping.

Objective 4.5: Identify factors to be considered when a law enforcement vehicle is involved in the termination of a vehicular pursuit using roadblocks and various physical intervention techniques.

Summary

Although the demonstration of vehicular pursuit may be considered dangerous, given the proper driving area, vehicles, and instructional staff, danger can be kept to a minimum. The experience is important for developing good driving habits for vehicle pursuit situations.

Suggested Instructional Methodology

Small Group

Divide the class into groups of two. Give each group the conditions of a pursuit or use video of an actual pursuit. Have one student act as the pursuing officer, the other should act as the dispatcher or shift supervisor. The pursuing officer should call in all necessary information during the simulated pursuit. Change roles after each pursuit. This activity can also be performed in the training vehicles on simulated pursuit scenarios.

Range

Create a pursuit scenario using cones or other markers which will allow for 2 or 3 vehicles to operate at the same time. (See Pursuit Scenarios - Appendix E.) The course should have a series of turns, curves, and maneuvers built into the design. Designate one vehicle as the fleeing driver and have that vehicle begin driving the course. Designate the other vehicle(s) as pursuit vehicle(s). As the pursuit develops, create changes in following distances and allow the fleeing driver to attempt to escape from the pursuing officers.

Allow the students the opportunity to measure:

- Effectiveness of pursuing at less than 2 seconds of following distance.
- Effectiveness of pursuing at greater than 3-4 seconds of following distance.
- Physiological changes such as pulse rate, stress levels, fatigue.
- Psychological changes such as emotions, frustration, anger, competition.

Resources and Aids

- Practice emergency vehicle operations area
- Training vehicles equipped with radios and emergency warning devices
- Cones or markers for course design
- State statutes
- Agency policy

- Experience of veteran officers
- Appendix E - Emergency Vehicle Operations Practical Exercises

Suggested Evaluation Methodology

Students

- Observation of performance during simulated vehicle pursuit.
- Observation of performance with special attention to use of radio and emergency vehicle warning devices.
- Observation of changing human factors during vehicle pursuit.
- Observe on-job evaluation of pursuit methods and strategies.

Course

- Review of agency emergency/pursuit response data.

OBJECTIVE 4.8 Identify post-litigation preparation considerations.

Introduction

Given the complexity involved in performing the various law enforcement functions, the likelihood of litigation is ever present. It's no longer thought of in terms of "if" litigation will result, but "when" it will result. Officers must be prepared. Being aware of the basic needs that will contribute to a defensible position and accurately supporting the actions or lack of response is critical to prevailing when you are held accountable in a court of law.

Content

Areas that are critical to litigation preparation:

- Documentation
- Post-incident planning
- Active communication
- Psychological aspects
- Litigation follow-up

Documentation

- To adequately protect and defend the actions of agencies and individuals carrying out the policies of that entity, a standard practice of complete and accurate incident reporting is essential.
- Should additional evidence or information become available, add by way of supplemental reporting, not by deletion of original reports.

Post-Incident Planning

- During the post analysis review of each incident, the likelihood of litigation should be openly discussed with all involved.
- Review all documentation and supporting information/material, and protect the continued availability and integrity of all associated information.
- Should an incident be litigated, would there be a need for additional information or follow-up investigations? (If yes, based on a prioritized likelihood of litigation, immediate attention should be given to follow-up.)
- Review the existing policy to make sure all involved have a good working knowledge of the document.
- Officers involved must be able to reconstruct the incident in terms of the policy's operational aspects.
- Create a litigation preparation checklist. As part of your post planning, you should summarize by creating an inventory listing of all relative and supporting information, such as:
  - " Policy
  - " All reports (include all follow-up activity)
  - " Photographs, measurements, diagrams
  - " Dispatch tapes/transcripts
  - " Video tapes/video re-creations
  - " Criminal dispositions
  - " Press releases/coverage
  - " Summary of post-incident analysis
  - " Witness list
  - " Interviews/statements
  - " Physical evidence log
  - " Identification of all agencies and officers involved

Active Communication

Make sure all affected parties are given notice about the likelihood of litigation. Too many times officers, legal counsel, and risk-management insurers are left in the dark. They may not even know the agency is looking into the incident, much less that there is a good chance of a lawsuit being filed.

- Official communication with all agency personnel affected that brings notice of the likelihood of litigation.
  - " Line officers
  - " Supervisors
  - " Administrators
- Consult with the appropriate legal counsel handling the agency's legal affairs.
  - " Interaction with legal counsel may require a need for additional follow-up or review to ensure a defensible position exists.
  - " Prepare officers for participation in the deposition process and explain what to expect in civil litigation proceedings.
- Contact with the agency's risk management/insurance carrier will allow preliminary work to begin that can assist in post litigation planning. Resources available at this level will allow for additional follow-up and guidance on defense needs.

Psychological Aspects

Dealing with litigation can be very stressful and officers will be challenged and exposed, both professionally and emotionally.

- The uncertainty and length involved in lawsuits requires active, ongoing communication and preparation to reduce the normal stress that undoubtedly will be present.
- In many cases involving serious injuries or deaths, an officer can hide psychological effects until forced to relive the situation through the litigation process.
  - " Deal with post-incident trauma immediately in post review analysis.
  - " Officers should not be reluctant to seek professional assistance in dealing with their feelings.
  - " Officers are generally caring human beings and should not be ashamed to show emotions when describing a tragic situation.

Litigation Follow-Up

The outcome of litigation should be immediately communicated to all parties involved. Many officers take lawsuits personally, and there may be a need to review current policy and practices to better manage the risks in the future.

- When cases are settled out-of-court, communicate details and reasons why the decision was made.
- Whether the judgment is for or against the agency and officers, there is always the need to reflect on current policies and practices in light of the court's/jury's findings.
  - " What may have been believed to be a reasonable response is found to be unacceptable.
  - " The total experience can remain positive when necessary change occurs, and future actions will be able to withstand scrutiny under similar situations.

Summary

When agencies and officers are aware of the litigation defense needs and remain prepared, the experience will be less intimidating and result in success more often in a court of law. Special attention to the psychological aspects associated with legal challenges and post-incident emotional trauma will greatly assist your overall efforts in this area.

Suggested Instructional Methodology

Small Groups

Divide the class into small groups allowing for the opportunity to review actual pursuit case summary files that have resulted in litigation. The focus of the review will be on adequacy of the defense from the standpoint of officers as witnesses, agency's policies, and reporting.

Lecture with Guest Speaker

Using a legal representative and risk managers, review the content of post-litigation preparation considerations. Emphasis of the presentation would be on awareness of the civil litigation process and the demands it will have on individual officers.

Resources and Aids

- State statutes
- Agency policies
- Experience of veteran officers

- Pursuit case summary files
- Depositions resulting from civil litigation in the pursuit area

Suggested Evaluation Methodology

Students

- Observations of student's reactions to actual case summaries, legal decisions, and post-analysis requirements.
- Review student's case preparation check-list to verify an understanding of the requirements for defensible documentation and information trail.

Course

- Review of agency emergency/pursuit response data.

CHAPTER 7

TESTING AND PERFORMANCE EVALUATION

This chapter provides law enforcement standard-setting and operational organizations with information to assist in the development of standardized individual assessments of proficiency levels. The material in this chapter can help in evaluating both knowledge and skill acquisition. The information is reported in two major categories:

- Knowledge Assessment
- Skills Assessment

Knowledge Assessment

Constructing a Test

Look at the objectives for each of the following areas: driving, patrol driving, responding to emergencies, and pursuit. Look at only the objectives for, say, patrol driving. If you were to give a test to determine if the students knew everything about patrol driving, what is the relative importance of each objective? Prioritize them. Now, considering their importance, what percentage of the test should address each objective?

If objective B was rated as 25% then 25 of 100 questions should address objective B. If objective B is complex and you need to ask 40 questions rather than 25 then grade the questions individually so they will compose only 25% of the score. The reverse may be done if you need not ask so many questions. This may cause more work in scoring a test but it is more defensible and it gives the school, the instructor, and the student more accurate feedback on how well the objectives are being achieved.

The test needs to be balanced in regard to the importance or criticality of the objectives. It also has to test the objectives completely. If the objectives are not thoroughly tested and the test is not balanced, it will not take school administrators and instructors very long to discover what it takes to pass the test. Students will minimize their efforts in those areas not being tested, even though they may be important.

The result is that the test is driving the curriculum, that is, it is influencing where the instructional emphasis is placed. This is wrong. The test should be determining if all aspects of the objective are being taught effectively. Developing a valid written or performance test is difficult, but it can and must be done.

Evaluating an Existing Test

Guidelines for evaluating an in-house paper and pencil test will be covered first. Initially the focus will be individual test items as a part of a test bank and not as a part of any test, and then the test as a whole. A test bank is a collection of test items or questions. They are classified by subject and by objective. A test is then constructed by selecting appropriate items or questions.

Agencies are encouraged to go beyond these suggestions in evaluating each item. Following the guidelines will not make a person a test expert. It will only make shortfalls more obvious. These deficiencies should be addressed either by attending an appropriate training or educational course, or by hiring an expert.

Does the evaluation method adequately test the acquisition of the knowledge and skills defined in the objectives? Broadly speaking, the correct sequence of instructional design is to (1) define the problem, (2) write the objectives, (3) develop a test that will verify that a student has achieved the objectives, and (4) develop the instruction that will allow the student to meet the objectives.

When the curriculum is developed before the test, the test often measures the student's acquisition of the instruction and not the achievement of the objectives. All too often the test items reflect something that was injected into the lecture to spur the motivation to learn, a little side fact that was brought out, or other things that were related to the subject but not related to the objective.

Paper and Pencil Test Bank

There are numerous rules for constructing test items that range from proper grammar and punctuation to logically or consistently sequencing alternatives in multiple choice items. There is no attempt in this chapter to cover or even list all of these rules. Instead, the focus will be on things not normally covered in academic courses on testing and measurements. They are things that are critical for the defense of a test that can either deny a person employment or allow an unqualified person to be employed.

Each test item should be evaluated against the following criteria:

- The item or question must test the accomplishment of a specific objective. After the objective has been identified place the number or letter of the objective after the item or question. This will key each item or question to an objective for classification purposes.

- The wording must not be ambiguous or open to interpretation or based on circumstances not mentioned. Use caution in using the following phrases: "The most important task", or "The first thing that should be done." It is permissible if it is an accepted fact by all subject matter experts, and it is true under all circumstances. If it is true in only 99% of the cases, or it is a judgment call in real life, it is ambiguous.

- The correct answer must be an option following the question.

- The source where the answer can be verified must be listed.

What Is Being Tested?

Generally speaking, test items or questions measure (1) the recall of simple facts such as names and symbols or a procedure, rule, principle or classification; (2) the ability to classify something, perform a procedure, use a rule, or predict something based on a principle, without any assistance; (3) the ability, with some specified aids, to do any of the things mentioned in (2).

Now compare each test item to the appropriate objective. Is it testing what the objective requires the student be able to do? If the objective requires the student to make a judgment and then arrive at a decision based on the evaluation of the circumstances, you can not test that with a true or false question. True and false questions test recall.

Evaluation

Tests have many purposes, including giving the student feedback as to how well he or she is doing. If the results are properly analyzed, tests also give the instructor feedback on how well the information is being comprehended. Tests, of themselves, are not always a true indicator of how well the instructor taught. Students, as a class, may score high for a number of reasons. One reason could be that there were a number of give-away questions: the answers were obvious.

Test items should be analyzed to determine their index of difficulty and discrimination. This will identify which questions are too easy, which questions are being answered incorrectly by a majority of students, and which questions are being answered correctly by more of the poorer performing students than by the better performers.

Skills Assessment

The requirements of the practical exercises must be reasonable, and they must match the performance, condition and criteria identified in the objective. For example, if the objective calls for performance using a police-package sedan, then a police-package sedan must be used during testing. Adjusted performance objectives should be specific and validated for weather conditions, road conditions, vehicle type, etc.

What a Performance Test Should Consist Of

Earlier, in reviewing objectives, the question was asked, does the problem statement indicate that poor judgments and decision-making were a part of the problem? If so, there should be an objective addressing them. Now there is a need to test the student's ability to make good judgments and decisions.

Written tests that ask a student to respond with a true or false answer or select one of four multiple choice alternatives do not test the judgment and decision-making that is required in a driving situation. Driving exercises where the student is given specific directions as to what must be done tests psychomotor skills, but may not test judgment and decision-making.

Individual Exercises

What objectives are the driving exercises addressing? Are all physical skills objectives being tested by performance exercises?

Rating an Exercise

Law enforcement driver training exercises must bear a direct relationship to essential job performance demands. Likewise, student performance evaluation must also bear a close relationship to the job requirements. For example, setting a given number of points for passing and then deducting points for cones that are hit is not realistic. In the real world if an officer has a collision, he has to stop and give assistance. If the officer is at fault, the officer would not be considered a competent driver. It would be better to lower the speed or change some other specification and require 100% performance. The precise level of performance would then not be open to interpretation.

Evaluating the Transfer of Training

In evaluating the transfer of training to the job, frequent stories of how officers used the maneuvers taught to avoid collisions is not necessarily an indication that the training is effective. If the training was working to its highest potential, the officers should have been driving in such a manner that they did not have to resort to the maneuvers. A better indicator would be reduced collisions and indications that the officers did not have to resort to the maneuvers taught.

Evaluating Job Performance

If the training did transfer to the job, did it eliminate or minimize the problem? If so, to what extent? Is the conclusion based on hard data? Did anything, other than the training, contribute to making the results more or less positive?

Feedback

Feedback from each level of evaluation mentioned is essential for course improvement. Feedback in the form of concrete data or other evidence is essential for credibility and support, especially if it involves a request for additional money, facilities, or time.

Exercises

The exercises contained in appendix E are only a sampling of the variety of activities in each required skill area. They were selected on the basis of their widespread national use. It is the responsibility of the state standard-setting organization or the agency to select, modify, or develop the exercises and items that meet the state's needs, and to establish the standards for passing.

In addition to the exercises, there is a suggested rating scale and sample rating form. Add any other factors that would be a cause for failure. These factors should be things that are observable, such as striking a cone or other object. If the reason is something less tangible, such as poor judgment, list the observable behavior that supports the opinion.

Besides indicating that a student did not meet the standard, the reason for not meeting the standard should be noted. Some possible causes are lack of psychomotor coordination skills, inattention to instruction, determined to do it their own way, poor judgment, delay in making a decision, lack of confidence, lack of concentration, or lack of stability under pressure.

If a student fails to make improvements at the normal rate, he or she should be reassigned to another instructor. This new instructor should not be made aware that the student was not performing as expected. To maintain objectivity in rating a student and to justify a rating during a review, an instructor should not review previous ratings.

The evaluation of emergency vehicle operation exercises varies considerably from course to course. There is insufficient research data validating any one set of criteria. Therefore, this Guide will not publish a specified criterion for rating an exercise. The rating scale was published for the purpose of providing reasonable suggestions for consideration in the design and implementation of an overall evaluation process that will meet a state or agency's needs.

Each student should be made aware of the expectations and evaluation criteria for each exercise.

Performance Ratings

The exercises in Appendix E utilize a 4-point scale that measures pass/fail. Ratings of 1, 2, or 3 are failing ratings that indicate the extent of the failure. Comparison of rating sheets can provide different kinds of information. For example, comparison could show that there is a consistent level of failure for a given task within an exercise, or that when there was an improvement in one task there was a lower performance level in another task.

Apply rating points for each of the tasks in each exercise. Passing requires a rating of 4 in all tasks, as well as positive responses to these items:

- Did not apply what was taught.
- Made an effort but did not perform the task consistently and to the standard required.
- Made an effort but did not perform the task (consistently or to the standard) required.
- Met the standard required.

Scaling Options for Practical Exercises

The purpose of the practical exercise is to afford a student an opportunity to acquire the skills necessary to operate an emergency vehicle. The practical exercise may also be used when evaluating the student's ability to operate a vehicle. The purpose of a practical exercise, by design, should never be to require that a student drive a specific distance or at a specific speed.

When selecting a practical exercise to include in an emergency vehicle operation training program, there are two key issues should be considered: how much space and how much speed does the practical exercise require? When considering these issues, remember that space and speed are conditional on each other; the more space available, the higher speed allowed; the less space available, the less speed allowed. The solution is to let the available range facility dictate both space and speed parameters.

The dimensions of each practical exercise can and should be adjusted to take advantage of the space available and to control the speed of the vehicle. An examination of this principle is useful, using the forward serpentine practical exercise. If the facility used is an abandoned airport, the facility will provide plenty of available distance but little width. The serpentine exercise can contain numerous serpentine maneuvers. The speed of the vehicle can be controlled by the amount of distance allowed between each maneuver. It is reasonable to expect that a vehicle's speed will be higher if each maneuver is 100 feet apart instead of 50 feet apart. Using an airport facility with this particular practical exercise will allow students to experience the dynamics (i.e., steering response, roll) associated with high speeds.

However, if the facility used is a campus parking lot, the speed of the vehicle becomes critical. The total length of the exercise must then be reduced to accommodate the parking lot's restrictions. Reducing the distance between each maneuver will reduce the speed allowed to successfully complete the maneuver. A practical exercise established on a smaller scale (less distance used) is still effective.

The student will experience the dynamics (i.e., steering response, roll) which is the purpose of the exercise.

The dimension for each of the practical exercises contained in this reference guide should be modified according to the space available and speed desired.

The exercises in Appendix E were developed based on pre-established space allocations and full size police package sedans currently in use around the nation. If other vehicles are utilized, consideration should be given to altering the exercise to avoid adversely impacting the intended outcome. Any alterations to existing exercises should be reviewed by qualified personnel to ensure sufficient space is allowed.

If any of the diagrams included in this Guide are adjusted to the needs and requirements of the instructor or agency providing emergency vehicle operator training, special care should be given to the appropriateness of the adjustments. The instructor should personally drive the course before the students, and should use the same type of vehicle to be used by them. Following the instructor's prior drive-through, appropriate adjustments should be made considering such factors as safety, and size and shape of the driving surface, scaling notes in this Guide, and any other relevant considerations. The exercise should not be so difficult as to frustrate learning, nor so easy as to fail to develop important and essential skills. Consultation with the vehicle's manufacturer may be in order, as well.

CHAPTER 8

VALIDATING A DRIVER TRAINING PROGRAM

Evaluation is the means used to determine if the presented information was received and to what degree. It measures the effectiveness of the instructor, the materials, and the learning ability of the student. This chapter is directed toward the development of methods and processes for evaluating driver proficiency. The emphasis has been placed upon analyzing practical driving exercises rather that the development of a written examination. As a note, written examinations can be developed for testing the knowledge level of the student by selecting questions relevant to the process of emergency vehicle operations.

A review of the driver training curriculums of many different agencies from across the nation indicates that many similarities exist in the practical exercises as well as the paper-pencil type of examinations. Most often a disparity is found in the criteria for passing or failing student drivers. Information has been compiled in this chapter regarding testing, evaluation, and validation. This information will provide program training administrators and driver training instructors with a method of instruction and evaluation that is uniform, as well as valid.

While many driver training programs use exercises to evaluate driver proficiency (serpentine, evasive lane change, or T-driveway exercises, etc.,) the standards for passing these exercises differ considerably. In many instances, the driving methods taught vary, which in and of itself accounts for the absence of uniform standards. In other instances, agency goals for training differ as well as the unique demands of population, weather, terrain, etc. In any case, efforts to test and evaluate trainees should be conducted only after establishing that tests are indeed valid.

In reviewing methods of evaluating driver proficiency it is apparent that there is much commonality in the exercises that are used to determine an individual's driving skills. While many agencies use the same exercises to evaluate driving skills, their standards vary. As a result, there is a need to establish a valid process for determining driver proficiency. The following is an outline of a process training agencies may use in establishing criteria for determining driver proficiency.

Determine Test Specifications

Driving instructors should develop a series of test specifications. Minimally, these specifications should include:

- Skills to be measured.
- Exercises used to measure a specific skill.
- Scoring process to be used.

For example, assume you have decided to measure backing skills. The question will be what kind of exercise is to be used to measure backing skills. In this case, let's say you have decided to use a serpentine maneuver, wherein the student must back a vehicle through a series of cones.

The next step will be to determine how to score the exercise. Is the driving instructor going to score the number of cones struck, the amount of time a student takes to complete the exercise, steering technique, and vehicle control? Or, on the other hand, will striking any cone result in failure, as any collision with static objects can be considered a performance failure. When developing test specifications, consideration must be given to the concept of "test validity."

Selection of Validation Test Groups

Factors to consider in selecting individuals for test groups include: prior driving records, collisions in which the driver was at fault, supervisor assessments of driving skills.

It is important that the sample groups be of sufficient size to enhance the reliability of the results. For example, it is recommended that a minimum sample of sixty officers be used, thirty in the excellent group, and thirty in the substandard group.

Conducting the Validation Test

Generally, it is difficult to test sixty people at once. Therefore, you may decide to divide the sample into several groups. If you do this, it is best to use mixed groups, excellent drivers mixed with substandard drivers. Note: most assembled groups of drivers randomly selected are inherently comprised of the excellent and substandard drivers. A representative sample of each group is the key to success. Other considerations are:

- The drivers should not know the criteria by which they were chosen.

- Neither the drivers nor the instructors grading the exercise should be informed as to who qualifies at what skill level.

The following are general guidelines:

- Each driver should receive the same instructions in the same manner and should proceed through the testing process in exactly the same sequence.

- If possible, multiple raters should be used to evaluate each driver during each exercise. This will be useful in determining the reliability of the evaluation process. It is important to keep in mind that a major factor which reduces test reliability is "scoring unreliability." A test score may be unreliable to the extent that the score is affected largely by the person doing the scoring. By comparing the scores of multiple raters, you can determine the degree of objectivity in the scoring process.

- Two types of scores should be obtained:

  " Scores for each exercise
  " A composite score

- When analyzing test scores it will be important to determine if specific exercises, as well as the total test processes, were able to discriminate between superior drivers and substandard drivers.

- Following a familiarization session, the student should drive the exercise without any warm-up laps. The student should take as much time as needed to safely complete the exercise; but the time taken to complete the exercise is recorded. At the end of the training session the student again drives through the exercise for time. The difference between the first and last runs should show significant improvement, which assists in validating the exercise.

Test Analysis

After conducting the test, the results must be analyzed. This is accomplished by determining whether the test criteria for passing and failing discriminated between superior drivers and substandard drivers. Fundamentally, you need to answer the question: Did the good drivers perform consistently better than the poor drivers? Several forms of statistical analysis can assist in quantifying the degree of sub-test such as individual driving exercises and total test discrimination.

When analyzing test results, a concern which should be addressed is whether an individual can have one or more significant driving deficiencies still pass the total test. For example, assume a driver is unable to perform a backing exercise with minimal proficiency. Further, assume that this same individual performs poorly on all backing maneuvers, but is able to obtain a passing score for all other exercises and for the total test. The question arises: Should this person be allowed to pass the program? A driver who lacks driving skills in only one or two areas may be a hazard, especially if that skill area is a critical one.
In reviewing driving test criteria, it is found that students frequently pass the total test even though they failed to demonstrate minimal proficiency in a major skill area, i.e., backing, braking, cornering, or evasive responses. This is an area that demands extensive review. Allowing a student to receive a successful overall rating while overlooking

deficiencies in critical areas could set the student up for failure in the real world surroundings of a critical incident. Additionally, if the student is subsequently involved in a crash where the deficiencies are exploited, citizen safety may be compromised and department civil liability may be applicable.

Follow-Up Tests

Time and circumstances permitting, when establishing the standards for testing, it is desirable to bring the same group of drivers back for retesting sixty days after the initial test. The theory here is that, if test scores are to be useful predictors of future levels of performance, then they should not vary appreciably over relatively short periods of time. This assumes, of course, that no significant changes have occurred in the individual's abilities.

Reasonably, we can expect slightly higher driver scores due to the fact that the drivers will be more familiar with the program. However, we are most concerned with whether the test criterion is still able to identify those with greater or lesser driving skills.

Pre-Tests

Although the emphasis of this chapter has been placed on standards for the practical aspects of emergency vehicle operations, each practical test should be preceded by a written test. Pre-tests are recommended for every program, as they should clearly establish the knowledge level of the student as being much higher after having taken the program. This further validates the rationale for training.

As a side note to written examinations, no student should be allowed to successfully complete the program without ensuring that he knows the correct answer to every question, regardless of his final score. This is generally accomplished by providing a Test Review Session at the end of the program after the tests have been corrected.

Establishing a Minimum Level of Competency

Determine the point at which the test is able to discriminate between superior and inferior drivers, and then set the minimum passing level for students of basic driver training. The level should be set at, or slightly lower than, the level which separated the superior and inferior drivers.

Since every program is different, no specific standard is recommended. However, attention must be given to the following suggestions:

- The program should reflect a realistic environment to be encountered by the students when they are driving while on duty.

- The time element to complete the exercise should provide a reasonable level of stress, without promulgating the "Pedal to the Metal" attitude.

- Students should not be allowed to strike any cones and still pass the exercise. Indoctrinating a student that it is allowable to strike a foreign object while en route to a specific location without a maximum penalty, fosters a dangerous attitude that may later reveal itself in a "real life" situation.

- Emphasis should be placed on "as safe as possible" in place of "as fast as possible."

- Passing scores do not have to reflect 100%. However, any noticeable mistakes must be corrected prior to allowing the student to pass.

If the standard does not allow for some student failure, it may be unrealistic. Some experts claim that a valid program/test should have an overall failure rate of 5% to 15% at a minimum. This is established after several programs and, although each class is different, the overall pass/fail rate should be relatively consistent.

An alternate view is that there should be very little actual failure for veteran officers. Indeed, some may have superior skills. However, emphasis should be primarily focused on performing essential law enforcement functions at an acceptable level and not who is the best driver.

Skills Evaluation

The instructor's task of identifying which exercises will develop or test a student's level of driving proficiency can oftentimes be a difficult one. The individual instructor needs to determine what the facility will allow and the objective of the training program and then establish a program that will meet the needs of that particular agency.

In an attempt to assist the instructor, an Exercise Selection Matrix system has been developed. (See illustration 8.1.) The system is designed to indicate the exercises that can be used to develop a particular skill. Some of the exercises are designed to develop or test several skills and they can be established according to the facility constraints in accordance with the objective. As a suggestion, the objective should always be to establish exercises that will test the student's ability to drive in an environment that is as close as possible to his work conditions.

Validity

Test validity is the single most important variable in the development and implementation of a test. The term "validity" refers to the accuracy and usefulness of inferences which are drawn from test results. Or more simply, it is answering the question, "Does the test measure what it was intended to measure?"

In law enforcement driver training, it is imperative to design testing processes that assist in determining the level of driver proficiency. Therefore, tests which accomplish this purpose must be developed. Of equal importance is the concern that the conclusions drawn from these test results be accurate. By designing exercises that are reflective of the work environment, the instructor ensures that the tests not only will determine proficiency but will be "valid" in the sense that they measure skills applicable in real life circumstances.

If such tests in any way affect career opportunities or benefits, then they must measure what have come to be known as "essential" tasks, not marginal ones. Essential tasks are those that, if they were removed from the job duties, would significantly alter the nature of the job, i.e., patrol officer. Marginal tasks are those that, if removed or performed by another officer or employee, do not significantly alter the nature of the job.

Additionally, essential job tasks or functions should be listed in a description of the job itself, and they should be identified specifically as essential tasks. Driving a law enforcement vehicle is clearly an essential function. This function can have a series of subsidiary tasks along the lines of those found in the matrix.

Exercise Selection Matrix
Illustration 8.1

Exercise Selection Matrix	Skills											
	1	2	3	4	5	6	7	8	9	a	b	c
Angle Parking	X		X						X	X		
Baird's Judgment	X		X		X		X			X		
Controlled Braking	X	X	X				X			X		
Dutton's Weave	X		X					X		X		
Evasive Steering	X	X	X		X		X			X		
Lane Change	X	X	X		X					X		
Left-Side Road Turn	X		X							X	X	
Maximum Braking	X	X	X				X			X		
90E Turn	X		X	X			X			X	X	
Off-Road Recovery	X		X							X		X
Parallel Parking	X		X					X	X	X		
Perpendicular Parking	X		X					X	X	X		
Perpendicular Parking	X		X					X	X	X		
Power U-Turn	X		X							X	X	
Reverse Serpentine	X		X					X		X		
Right Side Road Turn	X		X							X	X	
Serpentine	X		X							X		
Shuffle	X									X		
Skid Control	X		X			X	X					
T-Driveway	X		X					X		X	X	
Turnaround	X		X							X	X	
U-Turn	X		X				X			X	X	
Y-Turn	X		X				X			X	X	

1-Steering
2-Braking
3-Acceleration Control
4-Cornering
5-Lane Change
6-Skid Control
7-Skid Avoidance
8-Backing
9-Parking
a-Vehicle Positioning
b-Turning
c-Off-Road Recovery

Appraising Validity

Writers on the topic of validity frequently discuss different kinds of validity. They explore the differences between empirical and/or statistical validity and logical or curricular validity. Various professional organizations have distinguished four types of validity: *predictive, concurrent, construct,* and *content*. While some argue that these are different "types" of validity, others argue that these are just different methods of assessing validity. For all practical purposes, such discussions are of little concern to those engaged in driver training.

What is important, however, is to design tests in such a manner that they reflect the kinds of situations students will encounter on the job. Ultimately, they should prove that students who do well on the driving tests will also do well in various driving situations while on-duty (*predictive validity*). Statistically, the degree to which a test can predict success or failure can be established. To do this there is a need to correlate test performance to on-the-job performance.

Unfortunately, measures of on-the-job driving performances are frequently difficult to obtain. A problem thus arises. By failing to establish *predictive validity*, significant attacks on the question of validity can be made. However, all is not lost. What needs to be done is the exploration of alternative methods of establishing validity. The best alternative is to provide a foundation for *content validity*. This is not to suggest that developers of driving tests should not be concerned with after-training performance. Rather, it is suggested that inferences as to the degree of correspondence between behavior in the test situation, and later on-the-job behavior, are to be made without resort to direct comparisons.

Content validity, generally, refers to the degree to which a test represents the range of on-the-job behaviors one will be required to perform. For example, a comprehensive law enforcement driving test would not be *content valid* if it simply measured backing and steering skills, thus excluding cornering, speed control, and roadway position.

In many instances, establishing *content validity* is a logical process for which the rules are frequently ambiguous. Experts generally agree that there is no agreed-upon criterion for determining the extent to which a measure has attained *content validity*. Given this ambiguity, experts have noted that inevitably *content validity* rests mainly on appeals to reason regarding the adequacy with which important content has been sampled, and on the adequacy with which the content has been cast in the form of test items.

In spite of inherent ambiguity in establishing content validity, a useful approach is to ask veteran patrol officers and supervisors if exercises reflect on-the-job type demands. A compelling case that a test is content valid can be made when a vast majority of veteran officers can be documented as agreeing that the test is indeed reflective of job demands.

To establish *content validity* test developers should:

- Define the total range of job-related behaviors that the test is to represent.
- Define sampling procedures to determine which behaviors will be measured on the test. This step is necessary because it is frequently impractical to measure all of the on-the-job behaviors.
- Develop and implement a representative test.
- Document the comments of incumbent officers.
- Do a follow-up analysis to determine whether or not the test does indeed distinguish between superior and poor drivers.

Qualities of a Good Test

When developing driving tests it is suggested that the following qualities should be strongly considered:

- *Validity*: Does the test measure what it is intended to measure?
- *Reliability*: How consistently does the test measure what it was intended to measure?
- *Objectivity*: To what extent does personal judgment affect the scoring of a test and the interpretation of a student's response to a test situation?
- *Discrimination*: Does the test distinguish between excellent drivers and poor drivers?
- *Comprehensiveness*: Does the test include a representative sampling of on-the-job behaviors?

Reliability

Reliability is a measure of consistency. Does a test render the same results consistently and is it free from error? Reliability is critical because a test cannot be valid for any purpose if it is not reliable. It is necessary to have a basic understanding of the principle causes of test unreliability. Once these causes are understood, then we can take appropriate steps to minimize their influence.

Principal Causes of Test Unreliability

- Scoring Unreliability. A test score may be unreliable in the sense that the score depends to a great extent upon the particular person who does the scoring.

- Content Unreliability. As previously mentioned, a test usually consists of a sampling of the total on-the-job behaviors. The sample may be poor in that it is too small.

- Temporal Unreliability. If test scores are to be useful, they must not vary appreciably over relatively short intervals of time. There is an assumption that no significant changes occur in an individual's abilities in a short interval of time.

Conclusion

A great deal of thought and consideration should be given to the standards by which driving students are evaluated, graded, or ranked. Standards must reflect the actual job demands and not what anyone thinks is "good" for officers to know. Failure to perform at an acceptable or passing level must be a clear indicator that the officer may be a danger to themselves or others.

The same thing applies to practical driving exercises. Any exercise must reflect activities that are essential to the safe and effective performance of the driving function. A driver training program should be able to refer to a matrix of exercises and needed skills. To the extent possible, exercises should "look like" activities that officers perform on a regular basis and are an important part of the job.

Postscript

While some would argue that an effective test fails some of the students, the more important issue is whether or not the test discriminates between safe and unsafe drivers. Indeed, some drivers will do better than others. In this sense, a percentage score will indicate a student's level of skill to some extent and provide a ranking of students where it makes sense to do so.

An agency having an effective recruitment and in-service driver training program might reasonably expect no failures in its basic or in-service driver training programs. Or, at a minimum, those failures that are experienced should be a function of physical, psychological, or attitudinal problems. A failure indicates that the observed driving behaviors are unsafe. The agency should consider reassignment out of driving until remediation is successful.

APPENDIX A

PART I

EMERGENCY VEHICLE GLOSSARY

The purpose of the two glossaries in this appendix is to establish nationally accepted definitions of words and terms associated with the development of training in general and emergency vehicle driving training in particular. Terms associated with instruction on motor vehicle law, collision investigation, and vehicle stops are not included in this glossary.

Having nationally-accepted terminology will result in a number of advantages for police training. First, it will help ensure more accurate communication between trainers and agencies and reduce the possibilities of miscommunication. Second, it will permit a more accurate analysis of training documents generated by other agencies. Third, it will be a sign that police training has made a transition from parochially developed training courses to a professional level. Training materials, as developed, can be utilized in all parts of the country. Fourth, it will reduce the possibility of having the validity of training attacked because the use of words and terms are at odds with the definitions used by the scientific and technical communities.

The improvement of police training is dependent upon many things, the acceptance of common terminology being one of them. You can help improve the quality of training by adopting the glossary as presented. This glossary was developed as a result of the contribution and review of many agencies throughout the country. Uncontrolled modification of the meanings, no matter how slight, will eventually destroy the value of the glossary.

The listing of words and terms was organized to increase comprehension. All similar terms are grouped together for comparison. For example, if you look up "IMPENDING SKID," you will be referred to "SKID, IMPENDING." There you will see a listing of other items that include the word "SKID." If you want to look up a term and it is not listed, you can look up the general category, i.e., "SKID, OBJECTIVE, EMERGENCY VEHICLE OPERATIONS." You may find the definition you are seeking under a different terminology.

ACCELERATION: the rate of change of velocity. It can be an increase or decrease. It is expressed as feet per second.

ACCIDENT: term no longer in use by traffic management professionals. See "crash".

ACUITY: the capacity of either eye to recognize small space intervals and the discrimination of form.

ADHESION POINT: a point in a curvature where the maximum amount of stress is on the vehicle's tires.

ANTILOCK BRAKE SYSTEMS (ABS): an antilock braking system is the part of a vehicle's braking system that automatically controls braking pressure to prevent the controlled wheel or wheels from locking during braking.

APEX OF A CURVE: The geometric midpoint along the inside radius of a turn.

BALANCED HAND POSITION: a wide grip on the steering wheel with the preferred method being 9 o'clock and 3 o'clock to avoid physical injury should the air bag deploy.

BANKED PAVEMENT: one side of the roadway is elevated, banked, or higher than the opposite side; normally occurs during a curve. Also referred to as "super-elevation." An engineering design technique to increase the traction (friction) of the vehicle to the road during cornering. If on a left-hand curve, it is known as positive banking.

BRAKE FADE: the loss of braking efficiency, normally due to heat build-up resulting from excessive use.

BRAKE LOCK-UP: The application of brakes to the point that the wheels can no longer rotate while braking.

BRAKING, BRAKE PRESSURE MODULATOR: reduces, holds, and restores pressure to one or more brakes, independent of the brake pedal effort applied by the driver.

BRAKING DISTANCE: The distance your vehicle will travel after brake pressure is applied and the vehicle comes to a complete stop.

BRAKING, ELECTRONIC CONTROL UNIT, (ECU): contains computer functions, sensor signal processing circuits, output signals to the various ABS valves and components, and failure detection logic.

BRAKING SKID: *see* **skid, braking**.

BRAKING, THRESHOLD: the brakes are pressed firmly to a point just before lock-up and held at that point, and the wheels never lose their rolling friction.

BRAKING, WHEEL SPEED SENSORS: devices that measure wheel speed and then transmit this information to the Electronic Control Unit (ECU).

CENTRIFUGAL FORCE: *see* **force, centrifugal**.

CENTRIPETAL FORCE: *see* **force, centripetal**.

COEFFICIENT OF FRICTION: *see* **friction coefficient**.

COHESION: the mutual attraction by which the elements of a body are held together; the sticking power between two surfaces.

CONDITION, VARYING OR ONGOING: those factors which have an influence on choices of speed, lane position, or communication needs. Some examples are legal limitations, lane width, lane selection, traffic flow, traffic density, traffic controls, needs of the driver, roadway conditions, roadway design, visibility, environmental conditions, time of day, and weather conditions.

CORNERING SKID: *see* **skid, cornering**.

COUNTER-SKID: A skid in the opposite direction of the original skid due to over-reaction by the driver; synonymous with **secondary skid**.

COUNTERSTEER: turning the front wheels to counter the effects of a previous turning movement or of a skid, to put the vehicle on its intended course of travel.

CRASH/COLLISION: that occurrence in a sequence of events which usually produces unintended injury, death, or property damage (previously known as an "accident") Includes collisions between vehicles, collisions of vehicles with fixed objects, and rollovers.

CROWNED PAVEMENT: a roadway on which the center portion is higher than either of its sides.

DECELERATION: the rate of change of velocity when slowing down.

DRAG FACTOR: a number which has been assigned to scientifically describe the slipperiness of a surface; the higher the drag factor, the greater the resistance; synonymous with **friction coefficient**.

EMERGENCY: This definition must match the individual state's *legal definition of an emergency that justifies the use of lights and siren. Some definitions have defined it as "a life or death situation." Others have listed an "assault" as being an emergency.*

EMERGENCY SIGNAL DEVICES: a siren, flashing or revolving lights that meet the requirements of a state statute(s); synonymous with **emergency warning device**.

ENERGY, KINETIC: energy associated with motion; the energy possessed by a body in motion. Kinetic energy = 1/2 mass x velocity ^{2}. The energy possessed by a body in motion. A force exerted by one solid surface on another when the two surfaces are sliding past each other. *Distinguish from* **momentum**.

ENERGY, POTENTIAL: the energy a body possesses by virtue of its position, e.g., a vehicle parked on a hill; the energy stored in a spring as it is stretched or compressed.

EVASIVE ACTION: any action taken by a driver to avoid a hazardous situation; steering, braking, or accelerating; to avoid a collision or other crash; sometimes referred to as a tactic.

EVO: An acronym for the operation of an emergency vehicle whether in the non-emergency, emergency, or pursuit mode.

EVO, RISK MANAGEMENT: The identification of high liability exposures and the implementation of steps or methods to minimize the identified exposures.

EVOC: An acronym for Emergency Vehicle Operation Course; an emergency vehicle operation course involving the control of an emergency vehicle using emergency equipment.

FEET PER SECOND: an alternative to mph as a means of expressing speed: V = 22/15 x (speed)/1 or a less accurate but more simple calculation is multiplying the speed by 1.466.

FORCE: that which changes the state of rest or motion of matter, measured by the rate of change of momentum; mass times acceleration.

FORCE, CENTRIFUGAL: A force that tends to move an object away from the center in a system undergoing circular motion. Centrifugal force is a form of inertia. Understeering is an example.

FORCE, CENTRIPETAL: the force on a body in a curved motion that is directed toward the center axis or rotation. The force required to keep a moving mass in a circular path. A force which acts or impels an object toward a center of rotation. Oversteering is an example.

FORCE, GRAVITATIONAL: a constant force; gravity creates weight.

FORCE, INERTIA: the tendency of a body to resist acceleration; the tendency of a body at rest to remain at rest or a body in motion to stay in motion in a straight line unless disturbed by an external force.

FORCE, MOMENTUM: the product of a body's mass times velocity. An amount of motion; it is the property of a moving body which determines the length of time required to bring it to rest. *Distinguish from* **kinetic energy**.

FRICTION: the rubbing of one object or surface against another. Factors effecting friction include the smoothness of the two surfaces and the magnitude of the forces holding the two bodies together to include gravity and weight.

FRICTION COEFFICIENT: the measurement of cohesion between two surfaces; synonymous with **drag factor**.

FRICTION, ROLLING: The resistance that occurs when an object (wheel or tire) rolls on a surface.

FRICTION, STATIC: a force exerted by one solid surface on another when they are at rest; the holding force between two surfaces at rest. Example, a table on the floor or a vehicle stationary on the pavement.

FRONT END SWING: the movement of the front end in the opposite direction of the steering input when backing up.

GRAVITATIONAL FORCE: *see* **force, gravitational**.

HANDLING, VEHICLE: The way wheeled vehicles respond to their direction of motion to include cornering, swerving, and stability when moving in a straight line. Vehicle handling responds positively or negatively based on the driver's input. *Distinguish from* **ride**.

HEEL INDEXING: A controlled braking technique where the driver places their right heel on the floorboard to operate the accelerator and brake by indexing over to the brake pedal while the heel remains on the floor. This technique allows the driver to control the brake pedal with the ball or toes of the foot. This provides more brake control and smoother stops.

HYDROPLANING: to skim along on the surface of water. The condition occurs when a tire rides upon water rather than the roadway.

IMPACT FORCE: the force measured when one object collides with another. It includes the speed of the objects, the weight of the objects, and the distance traveled between impact and the final resting place.

IMPENDING SKID: *see* **skid, impending**.

INERTIA: *see* **force, inertia**.

INTENTIONAL TORT: *see* **tort, intentional**.

KINETIC ENERGY: *see* **energy, kinetic**.

LONGITUDINAL WEIGHT TRANSFER: *see* **weight transfer, longitudinal**.

LATERAL WEIGHT TRANSFER: *see* **weight transfer, lateral**.

LIABILITY, DIRECT CIVIL: the liability that is imposed upon a person for causing injury to another through a negligent or willful misconduct.

LIABILITY, VICARIOUS CIVIL: the liability which is imposed upon one who is without personal fault or complicity, because of the relationship that person bears towards the person who actually performed the wrongful act or omission. Example, supervisor allowing inappropriate behavior by a patrol officer.

MARKED VEHICLE: *see* **vehicle, marked**.

MECHANICS: a branch of the science of physics which deals with what happens when forces act on material objects.

MENTAL CONDITIONING: the preparation of the driver to deal with the psychological, physiological, and environmental conditions that may be encountered while operating a motor vehicle.

MODERATE SPEED: *see* **speed, moderate**.

MOMENTUM: *see* **force, momentum**.

NEGLIGENCE: for civil litigation in some states, it is the failure of a law enforcement officer to conform his or her conduct to the standard which a reasonable law enforcement officer would have conformed to under the same or similar circumstances. In other states an officer is held to a standard of the "reasonable man."

NEWTON'S FIRST LAW OF MOTION: An object at rest or traveling in uniform motion will remain at rest or traveling in a uniform motion unless acted upon by a net force.

NEWTON'S SECOND LAW OF MOTION: The rate of change of momentum on a body is equal to the resultant force acting on the body that is in the same direction.

NEWTON'S THIRD LAW OF MOTION: All forces occur in pairs, and these two forces are equal in magnitude and opposite in direction. To every action there is always an equal and opposite reaction.

OVERSTEER: the characteristic of a vehicle to tighten its turning radius as the rear end slips toward the outside curve. The loss of traction of the rear wheels causes the rear of the vehicle to head for the outside of the corner.

PATROL DRIVING: *see* **driving, non-emergency**.

PERCEPTION: (1) awareness of objects and other data through the medium of the senses; (2) having insight or intuition, as an abstract quality.

PIT: Pursuit Immobilization Technique

POLICE PACKAGE: a manufacturer's modification of a standard passenger vehicle to meet the demands placed upon a police patrol vehicle. It usually involves modification of the braking, suspension, and electrical systems.

POTENTIAL ENERGY: *see* **energy, potential**.

POWER SKID: *see* **skid, power**.

PRECISION OPERATION: *see* **operation, precision.**

PURSUIT: an event that is initiated when a law enforcement officer, operating an authorized emergency vehicle, gives notice to stop [either through the use of visual or audible emergency signals or a combination of emergency devices] to a motorist whom the officer is attempting to apprehend and that motorist fails to comply with the signal by either maintaining his/her speed, increasing speed or taking other evasive action to elude the officer's continued attempts to stop the motorist. A pursuit is terminated when the motorist stops, or when the attempt to apprehend is discontinued by the officer or at the direction of competent authority.

REACTION TIME: *see* **time, reaction**.

REAR END CHEAT: while driving forward during a turn, the rear tires will track along a path different than that of the front tires. They may track inside, outside, or along the same line, depending on the speed, tires, and load distribution.

RESPONDEAT SUPERIOR: Latin for "Let the master answer." The legal theory that the employer is liable for the wrongful acts of the employee where the employee is acting within the scope of employment. This theory is applicable only in state courts. It is not applicable in federal courts.

RIDE, VEHICLE: the result of a vehicle's absorption of the irregularities of the road. This is accomplished through the design of tires and suspension system (springs, shock absorbers). *Distinguish from* **handling**.

ROLLING FRICTION: *see* **friction, rolling**.

SEMI-MARKED VEHICLE: *see* **vehicle, semi-marked**.

SIREN: a device used to generate and transmit the easily recognized siren sound whose frequency varies with time, used as a warning signal by police vehicles, fire vehicles, and ambulances. There are three types of sirens: electro-mechanical, electronic, and mechanical.

SKID: The act of sliding or slipping over a surface due to a loss of traction.

SKID, BRAKING: the loss of traction when one or more wheels are locked by excessive braking pressure thus producing a slide.

SKID, CORNERING: the loss of traction in negotiating a curve or a turn at a speed faster than can be sustained by the tire-road cornering limits thus producing a slide.

SKID, IMPENDING: a preliminary skid caused by maximum pedal pressure short of locking the brakes. Sometimes improperly used as a synonym for threshold braking.

SKID PAN OR PAD: an area designed to practice skid control.

SKID, POWER: the loss of traction when excessive power is applied, causing the drive wheels to spin and no longer provide traction.

SLIDING FRICTION: *see* **friction, sliding**.

SPACE CUSHION: the open area surrounding a vehicle while it is in motion. An "escape route" to the front, rear, and sides.

SPACE MANAGEMENT: the selection of the best speed control, path of travel, or communication technique to maximize control of the space surrounding the vehicle.

SPATIAL: relating to or involving space.

SPEED, HIGH: a speed that, given the posted or prima facie speed, would constitute reckless driving.

SPEED, MODERATE: 50% to 75% of the maximum speed at which a vehicle may be safely operated, considering the nature, condition, and type of roadway, volume and direction of the flow of traffic, presence of intersections, visibility, and weather conditions.

STATIC FRICTION: *see* ***friction, static***.

STOPPING DISTANCE: reaction time plus braking distance.

STRATEGY: an overall plan to increase the probability of success and to minimize the probability of failure. *Distinguish from* **tactic**.

SUPER ELEVATION: *see* **banked pavement**.

SUPERVISOR: an individual having responsibility for the control or training of others.

TACTIC: the actions of an individual or small group for achieving a limited goal or objective. *Distinguish from* **strategy**.

THRESHOLD BRAKING: *see* **braking, threshold**.

TIME, REACTION: the total length of time it takes for the brain to receive the information from the senses (eyes, ears, nose), make a decision, transmit the decision to the appropriate muscles, and for the muscles to respond.

TIME SPATIAL JUDGMENT, RATE OF CLOSURE: ability to judge the proper rate of deceleration necessary to negotiate a curve or avoid a hazard.

TIRE FOOTPRINT: the contact area of a tire tread with the roadway.

TORT: a private or civil wrong against a person or property for which a court may award money damages.

TORT, INTENTIONAL: a wrongful act committed by a person who knows that the law requires that the act not be committed.

TRACK: the distance on the ground between the center of the tire tread on one side of the vehicle to the center of the parallel tire tread on the opposite side.

TRACTION: physical adhesion such as a vehicle tire on a roadway.

TRAIL BRAKING: a driving technique by releasing brake pressure as you turn toward the apex of the turn. If done properly, this will give more traction to the front tires thus reducing vehicle understeer.

TUNNEL VISION: *see* **vision, tunnel**.

TURNS, CONSTANT RADIUS: a driving line with a constant radius. This turn would become a full circle if permitted to continue a full 360E.

TURNS, DECREASING RADIUS: is one in which the turn angle becomes sharper in relation to the distance driven.

TURNS, INCREASING RADIUS: is one where an initial sharp turning angle gradually straightens away from the apex area.

TVI: Tactical Vehicle Intervention

UNMARKED VEHICLE: *see* **vehicle, unmarked**.

UNDERSTEER: the tendency of a vehicle to continue in a straight line and resist turning from a loss of traction of the front tires. A front wheel drive vehicle is more prone to understeering due to a loss of traction due to power to the front wheels and additional front end weight (also known as pushing or plowing).

VEHICLE CONTROL: developing an understanding of the principles and developing the proficiency pertaining to the successful operation of vehicles under all driving conditions.

VEHICLE DYNAMICS: any force, action, or law of physics that affects the path of a vehicle in motion.

VEHICLE, MARKED: a police patrol vehicle equipped with a permanent emergency roof light, siren, and police agency vehicle identification decals. It may or may not be painted with the standard color(s).

VEHICLE OPERATION, DEFENSIVE: operating a vehicle in such a manner as to be able to avoid involvement in a preventable crash, no matter what the road and weather conditions. *Synonymous with* **driving, precision**.

VEHICLE OPERATION, EMERGENCY: a response to a situation that is life threatening or that involves an extreme property loss; justifies the legal use of an emergency warning device.

VEHICLE OPERATION, NON-EMERGENCY: all operations of a vehicle in other than an emergency or pursuit mode, as defined herein.

VEHICLE OPERATION, PRECISION: the operation of a vehicle in such a manner as to avoid involvement in a collision, no matter what the road and weather conditions or the actions of other drivers. *Synonymous with* **driving, defensive**.

VEHICLE OPERATION, PURSUIT: the act or instance of chasing or pursuing a fleeing vehicle in an attempt to overtake and apprehend the driver.

VEHICLE, SEMI-MARKED: a police patrol vehicle equipped with a siren, and with permanent emergency lights in the grill area or mounted in the front or rear window area.

VEHICLE, UNMARKED: a standard vehicle with no indicators that it is a law enforcement vehicle. It may or may not be equipped with portable or concealed emergency lights and siren.

VELOCITY: velocity is the speed of the body and can be calculated to find the distance traveled per unit of time. The time rate of motion in a fixed direction; the rate of change of position relative to time; speed of motion in a particular direction. It is a vector or any quantity with magnitude and direction.

VISION, PERIPHERAL: a wide arc of vision that allows a person to see objects to the right and left of center.

VISION, TUNNEL: a narrow arc of vision. The focus of attention on a particular object or area to the exclusion of adjacent areas of activity.

VISUAL HORIZON: the point at which a driver's eyes are focused on the roadway.

WEIGHT TRANSFER: the transfer of weight to the front, rear, or either side caused by acceleration, deceleration, or turning.

WEIGHT TRANSFER, LATERAL: the transfer of weight to the opposite side the vehicle due to a turn.

WEIGHT TRANSFER, LONGITUDINAL: transfer of weight to the rear axle due to acceleration, or to the front axle due to deceleration or braking.

WHEEL BASE: the distance from the center of the front wheels to the center of the rear wheels.

PART II

GLOSSARY OF INSTRUCTIONAL TERMINOLOGY

ABILITY: the actual power present in an organism to carry to completion any given act or to make adjustments successfully, the response being subject to voluntary control and dependent on the motivation of the subject to perform optimally. *Distinguish from* **capacity**.

ADVANCED TRAINING: *see* **training, advanced**.

AFFECTIVE OBJECTIVE: *see* **objective, affective**.

APTITUDE: (1) a group of characteristics deemed to be symptomatic of an individual's ability to acquire proficiency in a given area; examples might be a particular art, school subject, or vocational area; (2) ability measured by the amount of time required by the learner to acquire mastery of a task; thus, given enough time, all students can conceivably attain such mastery.

ATTITUDE: the predisposition or tendency to react specifically towards an object, situation or value; usually accompanied by feelings and emotions; some writers differentiate a verbal attitude (what the reacting person says) from a behavioral attitude (what that person does when confronted with the affect-producing stimuli); attitudes cannot be directly observed but must be inferred from overt behavior, both verbal and non-verbal.

BASIC TRAINING: *see* **training, basic**.

CAPABILITY: the ultimate limit of an individual's possible development as determined at a given time, assuming optimum environment and training from that time onward.

CAPACITY: the ultimate limit to which an individual could develop any function, given optimum training and environment.

CERTIFIED OR APPROVED INSTRUCTOR: an instructor who has the knowledge, skills, abilities, experience, education, and training required by the certifying or approving agency to teach a particular subject or course, and who is properly registered. *Distinguish from* **technician or assistant instructor**.

COGNITIVE OBJECTIVE: *see* **objective, cognitive**.

CONFERENCE METHOD: teaching method which employs direct discussion of a topic rather than a lecture by the instructor.

COURSE: organized subject matter in which instruction is offered within a given period of time, and for which credit toward graduation is usually given. *Distinguish from* **program**.

COURSE OF STUDY: (1) strictly, an official guide prepared for use by administrators, supervisors, and teachers of a particular school or school system as an aid to teaching in a given subject or area of study for a given grade, combination of grades, or other designated class or instructional group; may include the aims of the course, the expected outcomes, and the scope and nature of the materials to be used with suggestions as to suitable instructional aids, textbooks, supplemental reading, activities, suggested learning experiences, teaching methods, and measurement of achievement; (2) sometimes loosely and incorrectly used as a synonym for curriculum. *Distinguish from* **program, school; program of studies**.

CRITERION: a description of the degree of acceptable, expected performance or desired performance.

CURRICULUM: *plural, curricula;*(1) a systematic group of courses or sequences of subjects required for graduation or certification in a major field of study, for example social studies curriculum, physical education curriculum; (2) a general overall plan of the content or specific materials of instruction that the school should offer the student by way of qualifying him or her for graduation or certification or entrance into a professional or vocational field; (3) a group of courses and planned experiences which a student has under the guidance of the school or college; may refer to what is intended, such as planned courses and other activities, opportunities, and experiences, or to what was actualized for the learner, as in actual educational treatment or all experiences of the learner under the direction of the school. *Distinguish from* **course of study, program school**.

EDUCATION: (1) the aggregate of all the processes by means of which a person develops abilities, attitudes, and other forms of behavior of positive value in the society in which a person lives; (2) the social process by which people are subjected to the influence of a selected and controlled environment (especially that of a school) so that they may attain social competence and optimum individual development; (3) the art of making available to each generation the organized knowledge of the past.

ENABLING OBJECTIVE: *see* **objective, enabling**.

FIELD TRAINING: *see* **training, field**.

GESTALT: *(German, literally, "confirmation," "total structure," or "shape")* a term designating an undivided articulate whole that cannot be made up by the mere addition of independent elements, the nature of each element depending on its relationship to the whole; as a theory of perception which places stress upon structural unity, the wholeness by which consciousness gives order to experience; gestalt, in art, implies the structural wholeness of a work or art as well as the unity of the experience of it.

GESTALT PSYCHOLOGY: *(German, literally, "form," "structure")* a system of psychology which holds that experiences should be studied not in segregated parts but as units, and which maintains that the organism always reacts as a whole, regardless of specific stimuli.

GESTALT THEORY OF LEARNING: a theory of learning that originated in Germany in the early twentieth century; introduced into the United States in the 1920's, it defines learning as the reorganization of the learner's perceptual or psychological world. *See* **gestalt**.

GOALS, INSTRUCTIONAL: a description of intent stated in terms that are not measurable. A basic aim, a value construct, the achievement of which can be assessed only by inferential terms. A goal is the basis for objectives.

GUIDELINE: a standard or principle by which to make a judgment or determination or policy or course of action. *Distinguish from* **mandatory standard, performance standard**.

IN-SERVICE TRAINING: *see* ***training, in-service***.

KNOWLEDGE: (1) the accumulated, facts, truths, principles, and information to which the human mind has access; (2) the outcome of specified rigorous inquiry which originated within the framework of human experience and functions in human experience; (3) the product of the operation of man's intellect, either within or apart from human experience; the recall of specifics and universals, or the recall of a pattern, structure, or setting; for measurement purposes, the recall involves mostly bringing to mind the appropriate material, with major emphasis on the psychological process of remembering, the problem in a knowledge test situation being that of finding in the problem or task the appropriate signal, cues, and clues that will most effectively bring out whatever relevant knowledge is filed or stored.

LEARNING OBJECTIVE: *see* **objective, learning**.

MANAGEMENT TRAINING: *see* **training, management**.

MEASURABLE OBJECTIVE: *see* **objective, measurable**.

METHOD: an established or systematic order for performing any act or conducting any operation.

MINIMUM STANDARD: the lowest level of achievement that will be accepted. *Distinguish from* **a minimal standard**.

OBJECTIVE, AFFECTIVE: one that describes changes in interest, attitude, and values, and the development of appreciations and adequate adjustment.

OBJECTIVE, COGNITIVE: one that deals with the recall or recognition of knowledge and the development of intellectual abilities and skills.

OBJECTIVE, ENABLING: a performance objective describing a skill or competency that is an essential element of a larger or more complex competency. *Synonymous with* **sub-objective, subordinate objective**.

OBJECTIVE, LEARNING: a general statement that describes what a learner must be able to do. The conditions for the performance and the criteria for evaluating the performance are not defined.

OBJECTIVE, MEASURABLE: an objective that describes (1) the performance expected of the student; (2) the conditions under which the performance is expected to occur; (3) the criterion for judging whether the performance is acceptable. In the following example the components are identified by the use of the following legend:

Conditions **Performance** *Standards*

Given a simulated situation in which there is heavy traffic on a roadway having three (3) marked 12 foot wide lanes, a duty-equipped police vehicle traveling at X mph, and a visual cue indicating a possible point of impact X feet away, and which lane, if any is free traffic **avoid the possible impact by changing lanes.** *The exercise shall be rated as passing if there are four consecutive lane changes, two to the right and two to the left, where: (a) the speed is X mph or faster (b) braking is not performed during a weight transfer, (c) the lane change is completed before reaching the point of possible impact, (d) the vehicle is brought to a stop X feet beyond the visual cue, (e) the vehicle did not go out of the lane markings at any time unless all other lanes were occupied, (f) the vehicle immediately resumes travel upon coming to a stop after each lane change.*

OBJECTIVE, PERFORMANCE: a written statement describing an intended outcome in terms of student performance. *Synonymous with* ***behavioral objective, instructional objectives***.

OBJECTIVE PSYCHOMOTOR: one that deals with a manipulative or motor skill.

OBJECTIVE, TERMINAL PERFORMANCE: an objective describing a skill or competence representing a final outcome of a course.

PANEL: a group of three to six persons having a purposeful conversation on an assigned topic with or without active participation by the audience; the panel is usually seated at a table in full view of the audience.

PERFORMANCE OBJECTIVE: *see* **objective, performance**.

POST TEST: a test used to measure the amount of learning as a result of training. It is identical or parallel to the pretest.

PREREQUISITE: required as a prior condition to something.

PRETEST: a test given in order to determine the status of the testee or group in regard to some skill, aptitude, or achievement, as a basis for judging the effectiveness of subsequent treatment.

PRINCIPLE: a generalization that provides a basis for reasoning or a guide for conduct or procedure. An explanation or prediction of why things happen. That is, principles concern predictions or interpretations based on theoretical or cause-effect relationships; a comprehensive and fundamental law, doctrine or assumption.

PROCEDURE: an ordered sequence of operations performed on a single object in a specific situation; the established manner of conducting a series of steps followed in a regular, orderly, definite way.

PROCESS: the action of continuously passing through each of a succession of acts, events, or developmental steps from a beginning to a contemplated end.

PROGRAM: all the courses in one field of study, such as business education or industrial trades, organized to fulfill the same general objectives and conducted along similar lines. *Distinguish from* **course**.

PSYCHOMOTOR: pertaining to muscular action which follows directly from a mental process; important in vocabulary proficiency, the performing arts, and sports.

PSYCHOMOTOR OBJECTIVE: *see* **objective, psychomotor**.

PSYCHOMOTOR SKILL: a muscular proficiency or dexterity believed to ensue from conscious mental activity. *see* **psychomotor**.

RANGE MASTER: the person in charge of a facility and staff where hands-on training is being provided, i.e., firearms range, driving range.

RANGE TECHNICIAN: an assistant instructor with the limited responsibility of providing hands-on instruction at a firearms or driving range. *Distinguish from* **instructor**.

REFRESHER TRAINING: ***see training, refresher***.

REGULATION: an authoritative rule or principle dealing with details of procedures, especially one intended to promote safety and efficiency.

RULE: an ordered sequence of operation, but can be performed on a variety of objects or in a variety of situations; a valid generalization.

SEMINAR: an instructional technique common in, but not limited to, higher education in which a group of students engaged in research or an advanced study meets under the general direction of one or more leaders for discussion of problems of mutual interest.

SKILL: (1) anything that the individual has learned to do with ease and precision; may be perceptual, motor, or intellectual processing; (2) manipulative proficiency in hand, finger, foot, and eye coordination (orthopedic).

SPECIALIZED TRAINING: *see* **training, specialized**.

STANDARD: an acknowledged measure of comparison for quantitative or qualitative value: the accepted level of attainment that must be met by all. *Distinguish from* **guideline**.

SUPERVISION TRAINING: *see* **training, supervision**.

SYMPOSIUM: an instructional technique in which two to five persons qualified to speak with authority on different phases of the same topic or on closely related topics present a series of related speeches. *Distinguish from* **panel**.

TAXONOMY: (1) the science, laws, or principles of classification; (2) the theory, principles, and process of classifying educational objectives in established categories.

TECHNIQUE: the way in which technical details are treated; the manner in which a person uses basic physical movements in a performance to achieve a desired aim; the use of a variety of skills and their integration.

TERMINAL PERFORMANCE OBJECTIVE: *see* **objective, terminal *performance***.

TEST: a group of questions or tasks to which a student is to respond, the purpose being to produce a quantitative representation of the pupil trait that it is designed to measure.

TEST, PERFORMANCE: any test intended to measure actual accomplishment rather than potential ability or aptitude.

TRAINING: (1) the special kind of teaching and instruction in which the goals are clearly determined, are usually readily demonstrated, and which call for a degree of mastery which requires student practice, teacher guidance, and appraisal of the student's improved performance capabilities; (2) a process by which a crew or other group of persons gain unity by virtue of its members learning to do things together (military education); (3) in a derogatory sense, a process to acquire skills or knowledge by rote, without reference to any greater framework of knowledge or comprehension.

TRAINING, ADVANCED: training given to personnel to qualify them for a higher recognition within a given classification.

TRAINING, BASIC: elementary training and instruction in the essential elements of a job, i.e., patrol officer, technician, supervisor.

TRAINING, FIELD: technical training conducted at an operational location using equipment and procedures normally employed in that action on the job.

TRAINING, IN-SERVICE: (1) all training, including basic recruit training, received after being hired; (2) all training after basic recruit training.

TRAINING, MANAGEMENT: training given to those whose function and responsibility is to plan, organize, direct, and control the work of others.

TRAINING, REFRESHER: training given a person after being inactive for a period of time, or training given to freshen knowledge, skills, and abilities infrequently used.

TRAINING, SPECIALIZED: training given to qualify a person in the maintenance or operation of special equipment, or in operational techniques and procedures not normally performed by line, supervisory, or management personnel, i.e., a sworn officer trained to be a crime scene technician or a supervisor of crime scene technicians who has to make technical decisions.

TRAINING, SUPERVISION: training given those whose function and responsibility is to evaluate current actions while in progress, assuring execution is taking place in accordance with plans and instructions and taking corrective action while the execution is taking place.

TRAINING, UPDATE: training given to a person to bring them up-to-date in a given field or subject.

UPDATE TRAINING: *see* **training, update**.

WORKSHOP: an instructional method in which persons with common interests and problems meet with appropriate specialists to acquire necessary information and develop solutions through group study; usually residential and of several days duration.

APPENDIX B:
Emergency Exemption Provisions

Alabama

Ala. Code §32-5A-7. Authorized emergency vehicles.

Alaska

Alaska Admin. Code tit. 13, §02.517. Authorized emergency vehicles.

Arizona

Ariz. Rev. Stat. Ann. §28-624. Authorized emergency vehicles.

Arkansas

Ark. Code Ann. §27-49-109. Drivers of authorized emergency vehicles.
Ark. Code Ann. §27-51-202. Restrictions not applicable to emergency vehicles.
Ark. Code Ann. §27-51-204. Maximum and minimum speed limits – Exceptions.
Ark. Code Ann. §27-51-1303. Stopping, standing, or parking outside of business or residence district.

California

Cal. Vehicle Code §21055. [Exemption of authorized emergency vehicles.]
Cal. Vehicle Code §21056. [Duty to drive with due regard.]
Cal. Vehicle Code §17004. [Immunity from liability for emergency calls.]
Cal. Vehicle Code §17004.7 [Standards for vehicular pursuit policies.]

Colorado

Colo. Rev. Stat. §42-4-108. Public officers to obey provisions – exceptions for emergency vehicles.

Connecticut

Conn. Gen. Stat. §14-283. Rights of emergency vehicles.

Delaware

Del. Code Ann. tit. 21, §4106. Authorized emergency vehicles.

District of Columbia

D.C. Code §1-1212. Governmental immunity for negligent operation of vehicles by District employees.
D.C. Code §1-1211(4)(5). Definitions—Emergency Run—Emergency vehicle.

Florida

Fla. Stat. §316.072. Obedience to and effect of traffic laws.

Georgia
Ga. Code Ann. §40-6-6. Authorized emergency vehicles.

Hawaii
Haw. Rev. Stat. §291C-26. Authorized emergency vehicles.

Idaho
Idaho Code §49-623. Authorized emergency or police vehicles.

Illinois
Ill. Rev. Stat. ch. 625, §11-205. Public officers and employees to obey Act – Exceptions.

Indiana
Ind. Code Ann. §9-21-1-8. Authorized driving procedures for person driving authorized emergency vehicle.

Iowa
Iowa Code §321.231. Authorized emergency vehicles and police bicycles.

Kansas
Kan. Stat. Ann. §8-1506. Authorized emergency vehicles; rights, duties and liability of drivers thereof.

Kentucky
Ky. Rev. Stat. Ann. §189.940. Exemptions from traffic regulations.

Louisiana
La. Rev. Stat. Ann. §32:24. Emergency vehicles; exceptions.

Maine
Me. Rev. Stat. Ann. tit. 29-A, §2054. Emergency and auxiliary lights; sirens; privileges.

Maryland
Md. Code Ann., Transp. §21-106. Emergency vehicles.

Massachusetts
Mass. Ann. Laws ch. 89, §7B. Regulation of Emergency Vehicles.

Michigan
Mich. Comp. Laws Ann. §257.603. (Mich. Stat. Ann. §9.2303.) Applicability of chapter to government vehicles; exemption of authorized emergency vehicles; conditions; exemption of police vehicles not sounding audible signal; exemption of persons, vehicles, and equipment working on surface of highway.

Minnesota

Minn. Stat. §169.03. Emergency vehicles; exemptions; application.

Mississippi

Miss. Code Ann. §63-3-205. Applicability of chapter to various public officers and employees.

Miss. Code Ann. §63-3-315. Obedience of official traffic-control devices by emergency vehicles.

Miss. Code Ann. §63-3-517. Applicability of speed restrictions to emergency vehicles; duties of drivers of emergency vehicles.

Missouri

Mo. Rev. Stat. 300.100. Authorized emergency vehicles.

Montana

Mont. Code Ann. §61-8-107. Police vehicles and authorized emergency vehicles.

Nebraska

Neb. Rev. Stat. §60-6,114. Authorized emergency vehicles; privileges; conditions.

Nevada

Nev. Rev. Stat. Ann. §484.261. Authorized emergency vehicles or official vehicle of regulatory agency.

New Hampshire

N.H. Rev. Stat. Ann. §265:8. Emergency Vehicles.

New Jersey

N.J. Stat. §39:4-91. Right of way of emergency vehicles; liability of drivers.

New Mexico

N.M. Stat. Ann. §66-7-6. Authorized emergency vehicles.

New York

N.Y. Veh. & Traf. §1104. Authorized emergency vehicles.

North Carolina

N.C. Gen. Stat. §20-145. When speed limit not applicable.

N.C. Gen. Stat. §20-156. Exceptions to the right-of-way rule.

North Dakota

N.D. Cent. Code §39-10-03. Class A authorized emergency vehicles.

Ohio

Ohio Rev. Code Ann. §4511.24. Emergency vehicles exempted from speed limitations.
Ohio Rev. Code Ann. §2744.02. Classifications of functions of political subdivisions; liability; exceptions.

Oklahoma

Okla. Stat. tit.47, §11-106. Authorized emergency vehicles.

Oregon

Or. Rev. Stat. §820.300. Exemptions from traffic laws.
Or. Rev. Stat. §820.320. Illegal operation of emergency vehicle or ambulance; penalty.

Pennsylvania

Pa. Cons. Stat. tit. 75, §3105. Drivers of emergency vehicles.

Rhode Island

R.I. Gen. Laws §31-12-6. Emergency vehicles – Times when entitled to special privileges.
R.I. Gen. Laws §31-12-7. Privileges allowed emergency vehicles.
R.I. Gen. Laws §31-12-8. Warning signals given by emergency vehicles.
R.I. Gen. Laws §31-12-9. Due care by emergency vehicles.

South Carolina

S.C. Code Ann. §56-5-760. Operation of authorized emergency vehicles.

South Dakota

S.D. Codified Laws §32-31-1. Circumstances under which emergency vehicle may disregard traffic regulations.
S.D. Codified Laws §32-31-2. Particular regulations which may be disregarded.
S.D. Codified Laws §32-31-3. Use of emergency signals required.
S.D. Codified Laws §32-31-4. Speed limits inapplicable under specified conditions.
S.D. Codified Laws §32-31-5. Duty of operator to use care – Liability for recklessness.

Tennessee

Tenn. Code Ann. §55-8-108. Authorized emergency vehicles.

Texas

Tex. Transp. Code tit. 7, §546.001. Permissible Conduct.
Tex. Transp. Code tit. 7, §546.002. When Conduct Premissible.
Tex. Transp. Code tit. 7, §546.003. Audible or Visual Signals Required.
Tex. Transp. Code tit. 7, §546.004. Exceptions to Signal Requirement.
Tex. Transp. Code tit. 7, §546.005. Duty of Care.

Utah

Utah Code Ann. §41-6-14. Emergency vehicles – Policy regarding vehicle pursuits – Applicability of traffic law to highway work vehicles – Exemptions.

Vermont

Vt. Stat. Ann. tit. 23, §1015. Authorized emergency vehicles.

Virginia

Va. Code Ann. §46.2-920. Emergency vehicles exempt from regulations in certain situations; exceptions and additional requirements.

Washington

Wash. Rev. Code Ann. §46.61.035. Authorized emergency vehicles.

West Virginia

W.Va. Code §17C-2-5. Authorized emergency vehicles.

Wisconsin

Wis. Stat. Ann. §346.03. Applicability of rules of the road to authorized emergency vehicles.

Wyoming

Wyo. Stat. §31-5-106. Authorized emergency vehicles.

APPENDIX C:
Police Liability for Fleeing Suspect's Collision With Innocent Bystanders

Courts in the following jurisdictions have recognized a cause of action for **negligent conduct** of a high-speed chase where the pursued vehicle strikes and injures an innocent third party: Alabama, Arizona, Arkansas, Connecticut, District of Columbia, Florida, Michigan, Mississippi, Nebraska, Oregon, Pennsylvania, Tennessee, Texas, Utah, and Washington.

Alabama
Seals v. City of Columbia, 575 So.2d 1061 (Ala. 1991).

Arizona
Estate of Aten v. City of Tucson, 169 Ariz. 147, 817 P.2d 951 (Ariz. App. 1991).

Arkansas
City of Caddo Valley v. George, 2000 Ark. LEXIS 29 (Ark. 2000).

Connecticut
Tetro v. Town of Stratford, 189 Conn. 601, 458 A.2d 5 (Conn. 1983).

District of Columbia
District of Columbia v. Walker, 689 A.2d 40 (D.C. 1997).

Florida
City of Pinellas Park v. Brown, 604 So.2d 1222 (Fla. 1992).

Michigan
Rogers v. City of Ann Arbor, 457 Mich. 125, 579 N.W.2d 840 (Mich. 1998).

Mississippi
Smith v. City of West Point, 475 So.2d 816 (Miss. 1985).

Nebraska
Lee v. City of Omaha, 209 Neb. 345, 307 N.W.2d 800 (Neb. 1981).

Oregon
Lowrimore v. Dimmitt, 310 Ore. 291, 797 P.2d 1027 (Or. 1990).

Pennsylvania
Jones v. Chieffo, 549 Pa. 46, 700 A.2d 417 (Pa. 1997).

Tennessee
Haynes v. Hamilton County, 883 S.W.2d 606 (Tenn. 1994).

Texas

Travis v. City of Mesquite, 830 S.W.2d 94 (Tex. 1992).

Utah

Day v. State of Utah By & Through Utah Dep't of Public Safety, 1999 Utah 46, 980 P.2d 1171 (Utah 1999).

Washington

Mason v. Bitton, 85 Wash. 2d 321, 534 P.2d 1360 (Wash. 1975).

Other states allow recovery for such a claim only if the officer is **reckless or grossly negligent**. Colorado, Illinois, Iowa, Maryland, New York, North Carolina, and West Virginia.

Colorado

Zapp v. Kukuris, 847 P.2d 150 (Colo. Ct. App. 1992).

Illinois

Breck v. Cortez, 141 Ill.App.3d 351, 490 N.E.2d 88 (Ill. App. Ct. 1986).

Iowa

Morris v. Leaf, 534 N.W.2d 388 (Iowa 1995).

Maryland

Boyer v. State, 323 Md. 558, 594 A.2d 121 (Md. 1991).

New York

Saarinen v. Kerr, 84 N.Y.2d 494, 644 N.E.2d 988 (1994).

North Carolina

Bullins v. Schmidt, 322 N.C. 580, 369 S.E.2d 601 (N.C. 1988).

West Virginia

Peak v. Ratliff, 185 W.Va. 548, 408 S.E.2d 300 (W.Va. 1991).

A few states have **specifically legislated** the standard for such claims: California and Georgia.

California

Cal. Vehicle Code §17004 (immunity for law enforcement officer from liability for emergency calls or pursuits); §17004.7. (immunity for agency with vehicular pursuit policy complying minimum standards).

Georgia

Ga. Code Ann. §40-6-6(d) (reckless disregard); *Pearson v. City of Atlanta*, 231 Ga. App. 96, 499 S.E.2d 89 (Ga. Ct. App. 1998).

Only a few states that have addressed the issue have **declined to recognize liability** for a such a claim: Kansas, Kentucky, Minnesota, Missouri, New Jersey, Ohio, Oklahoma, Wisconsin, and Wyoming.

Kansas

Thornton v. Shore, 233 Kan. 737, 666 P.2d 655 (Kan. 1983)(no duty owed to third parties injured in collisions with fleeing suspects).

Kentucky

Chambers v. Ideal Pure Milk Co., 245 S.W.2d 589 (Ky. Ct. App. 1952) (pursuing officers not liable for results of fleeing suspect's negligent speed).

Minnesota

Pletan v. Gaines, 494 N.W.2d 38 (Minn. 1992) (official immunity protects officer's decision to initiate or continue pursuit).

Missouri

Oberkramer v. City of Ellisville, 706 S.W.2d 440 (Mo. 1986)(allegations of negligence on part of pursuing officers must be specific enough to state claim); *Stanley v. City of Independence*, 995 S.W.2d 485 (1999)(question of whether officer's negligence was proximate cause of third parties injuries in collision with fleeing suspect is decided on facts of each case).

New Jersey

Tice v. Cramer, 133 N.J. 347, 627 A.2d 1090 (N.J. 1993) (pursuing officers protected by absolute immunity absent willful misconduct).

Ohio

Lewis v. Bland, 75 Ohio App.3d 453, 599 N.E.2d 814 (Ohio Ct. App. 1991)(pursuit not proximate cause of third parties injuries sustained in collision with fleeing suspect absent willful or wanton misconduct).

Oklahoma

Kelly v. City of Tulsa, 791 P.2d 826 (Okla. App. 1990) (pursuit of fleeing suspect not proximate cause unless extreme or outrageous conduct).

Wisconsin

Estate of Cavanaugh v. Andrade, 202 Wisc.2d 290, 550 N.W.2d 103 (Wisc. 1996) (official immunity protects officer's decision to initiate and continue pursuit).

Wyoming

DeWald v. State, 719 P.2d 643 (Wyo. 1986) (pursuit of fleeing suspect not proximate cause unless extreme or outrageous conduct).

States not specifically researched (and not appearing in *Haynes*/*Day*/law review article lists)**:**

Hawaii
Idaho
Indiana
Louisiana
Maine
Massachusetts
Montana
Nevada
New Hampshire
New Mexico
Rhode Island
South Carolina
South Dakota

States whose decisions cited in various lists or found in my own research do not involve pure "third party injured in collision with fleeing suspect" fact pattern:

Alaska

Hildebrandt V. City of Fairbanks, 863 P.2d 240 (Ala. 1993) (3rd party injured in collision with police vehicle in pursuit of fleeing suspect).

Delaware

Garden v. Sutton, 683 A.2d 1041 (Del. 1996)(3rd party struck police vehicle positioned to intercept fleeing suspect).

North Dakota

Jones v. Ahlberg, 489 N.W.2d 576 (N.D. 1992) (passenger in fleeing vehicle killed when vehicle collided with pursuing police car and rolled into ditch)

Virginia

Colby v. Boyden, 400 S.E.2d 184 (Va. 1991) (3rd party struck by police officer in pursuit).

Vermont

Morais v. Yee, 162 Vt. 366, 648 A.2d 405 (Vt. 1994) (fleeing suspect killed when lost control of motorcycle and crashed during pursuit)

APPENDIX D

PART I

SELECTION OF INSTRUCTIONAL METHODOLOGIES

AND LEARNING ACTIVITIES

Meaningful learning activities represent the "heart" of the curriculum. They are influential in shaping a learner's experience and thus education. Learning experiences, and not the content as such, are the means for achieving the objectives.

An instructor should have a wide range of methodologies available to assist the students in achieving the objectives. Any learning activities that are developed should allow the student to discover personal meaning in the content covered under each objective. Ingestion of information usually has little effect on a student's behavior; rather, it is the personal meaning of that information that shapes the student's experience and determines what is learned.

The methodologies and learning activities you use will be determined by five elements:

1. Nature of the content
2. Abilities of the instructor
3. Size of the class
4. Place of instruction
5. Level of the student's knowledge and motivation

Each of these elements should be considered before selecting specific methodologies and learning activities.

Nature of the Content

The objectives and accompanying content will set certain limits on an instructional approach. If the students are expected to perform a skill, then demonstration and practice are essential. If the required content is extensive or complex, group discussion may not be appropriate. The size of the class and the allotted time will influence the choice of method for presenting the content.

Abilities of the Instructors

Teaching methods vary in their requirements of instructors. Not all instructors are comfortable with all approaches. Some lack the skill; with others, it is their personality or personal preference. An instructor who prefers the direct feedback of student response may be uncomfortable teaching on a videotape. On the other hand, an instructor who does not want to be interrupted with questions may want the control a videotape provides.

An instructor should not be afraid to experiment with different instructional strategies. Knowledge of the demands of each, their advantages and limitations, and understanding the ways that the methods enhance learning will be of assistance in the selection of methods and preparation of learning activities. What is important is for an instructor to be competent in a number of methodologies and activities.

Size of the Class

Certain methods and activities lose their effectiveness as numbers in the class increase or decrease. Group discussions involving more than eight (8) persons are often not particularly effective. Role playing requires enough people to handle each role. Some scenarios could require more people than are available. Range or on-street activities should be limited to groups of 3 students and 1 instructor per vehicle.

Place of Instruction

Before a particular method or activity is chosen, consideration must be given to where the class is being held. If the seating consists of chairs bolted in one direction, such as in an auditorium, then group discussion becomes physically awkward. A demonstration requires that learners be sufficiently close to see clearly. Therefore arrangements need to be made to provide such access. If a particular method or activity is necessary, the facility must be compatible for its use.

The use of one method or activity for teaching a topic is not always the most effective choice. Group discussion or simulation can be combined with a question and answer session. Combining a variety of teaching methods provides more people the opportunity to absorb the material, whether they be a visual, auditory, or kinesthetic learner.

Any instructional session longer than 2 hours should use more than one method and learning activity. Changes in teaching strategy will keep the students alert, interested, and varied in their level of participation. An adult's attention span, while longer than a child's, is not unlimited. Learning will be enhanced by variations and regular breaks.

There is no one method or activity which is inherently better than the others. All have positive and negative factors. Choose the one(s) that best fit the content, length, students, and cost of equipment or supplies needed for effective instruction.

Suggested Instructional Methodologies

The most common types of instructional methods are listed here. To help in the selection of methods, a number of considerations are discussed for each method.

- Lecture. A verbal presentation made by one or more persons to a primarily passive audience.
  - " Advantages
    - # Can be used for any size audience, especially a large group.
    - # Convey a large amount of information in a short time.
    - # Allows complex information to be presented.
    - # Lays the groundwork for later discussion.
  - " Limitations
    - # Passive audience.
    - # Rigid in presentation.
    - # Clarification of points of confusion not immediate.
    - # Not individualized.
  - " Audience Size—Can be any size.
  - " Ways To Enhance Learning
    - # Survey audience in advance, if possible, as to needs and incorporate these into lecture.
    - # Distribute materials as a preclass assignment.
    - # Distribute content outline to reduce note-taking.
    - # Use examples from audience's frame of reference.
    - # Use audiovisuals to stress major points.

- # Add a question and answer period at the end.

- Demonstration – Classroom. An observable manipulation of objects used to display an event or set of events. Demonstrations are a good hands-on practice activity.

  " Advantages

    # Objective and concrete.

    # Focus on steps and procedures.

    # Ideal for teaching "skills."

    # Combination of theory and practice.

    # Problem oriented.

  " Limitations

    # Not suitable for all content.

    # Size of audience is limited.

    # Seating arrangement is important.

    # Preparation of equipment is necessary.

  " Audience Size

    Limited to the number who can be seated with a clear view of the demonstration. Semicircular seating arrangement may be better than the traditional rectangular one.

  " Ways To Enhance Learning

    # Make demonstration reality-based.

    # Use equipment that students will use on the job.

    # Demonstrate the skill and describe what is taking place.

    # Allow time for supervised practice.

- # Give students a list of steps prior to the demonstration.
- # Repeat main points more than once for emphasis.
- # Allow time for questions and answers.

- Demonstration – Range or On-Street. Observation of, or participation in, the demonstration of a desired skill. The student may be outside or inside the vehicle. Training is performed on a specially-designed driving layout or, for some objectives, on an actual public roadway.

  " Advantages

  - # Active and dynamic.
  - # Combination of theory and practical experience.
  - # Easier correlation between theory and real-world conditions.
  - # Opportunity to focus on a portion of a task.
  - # Increases opportunities for decision-making.
  - # Promotes the learning process and a practice format.
  - # Supplies honest and timely feedback.
  - # Increases class learning exposure.
  - # Longer retention of knowledge, skills, and behavior.
  - # Measurable performance with absolute results.
  - # Individual instruction.
  - # Modification of activity to meet individual needs or to be more challenging.

  " Limitations

  - # Limited group size.
  - # Time consuming.

- # More staff required to maintain acceptable instructor-to-student ratios.
- # Environmental factors (topography, weather, surrounding facilities) may limit the type of training.
- # Costly.
- # Higher degree of danger encountered.

" Audience Size

Demonstrations in a vehicle should be limited to an instructor and not more than three students. The number of students is flexible depending on the active and objective.

" Ways to Enhance Learning

- # Conduct theory or introduction sessions prior to the event.
- # Create a reality-based activity.
- # Avoid dramatics and entertainment; stay on the task.
- # Use diagrams or handouts to enhance a concept.
- # Encourage participation; allow time for discussion.
- # Allow experimentation when appropriate.
- # Conduct debriefing session to summarize events.

• Group Discussion. Develop through group process the participation of students in the exploration and exchange of ideas.

" Advantages

- # An active and motivating learning process.
- # Sharing of diverse viewpoints.
- # Helps students organize and present ideas.

- # Retention is longer than in passive learning situations.
- # Develops critical thinking.

" Limitations

- # Requires time for an instructor to develop group process skills.
- # May take longer to cover content.
- # Students need to have some prior understanding of content.
- # Not suitable for complex or technical content.
- # Easy to get into irrelevant discussion.

" Audience Size

Groups should have no more than 8 members to promote optimum participation. Larger groups restrict individual contributions. A leader for each group is needed.

" Ways to Enhance Learning

- # Provide preparatory material to avoid wasting time.
- # Keep discussion relevant to the topic.
- # Be positive.
- # Encourage student participation.

• Simulation. Replication or re-enactment of a real life situation or event. Simulations are a good hands-on practice activity.

" Advantages

- # Allows for learning in a non-threatening environment.
- # Allows students to develop at their own pace.
- # Allows students to experience reality-based occurrences.
- # Reduces danger to community members from inexperienced practitioners.

Works well for procedures and skills.

- Limitations
  - Time consuming to prepare.
  - Limits audience size.
  - Equipment and preparation may be costly.
  - Some simulations cannot be moved from place to place.
  - Commercially prepared simulations are limited.
- Audience size varies according to the number of students that can be accommodated by the equipment or simulation. Large groups can be handled by multiple sessions or a staggered starting time.
- Ways to Enhance Learning
  - Make the simulation as similar to the learners' experience as possible.
  - Keep the content problem-centered rather than subject-centered.
  - Allow students to suggest or select the type of situation or event.
  - Allow sufficient time for practice.

• Panels of Resource People. A small group of people who have expertise in a particular content area.

- Advantages
  - Builds empathetic understanding of uncommon and unfamiliar experiences.
  - Gives the students exposure to several areas of expertise and points of view.
  - Reduces the need for an instructor to have specialized knowledge in every content area.
  - Use of external "consultants" adds to students' acceptance of concepts they are unfamiliar with.

- Limitations
  - Can be expensive.
  - Time required to identify the best available resource people.
  - Scheduling resource people around their diverse schedules.
  - Time consuming to assemble group.
- Audience size has no real restrictions.
- Ways to Enhance Learning
  - Use students as resource people when possible.
  - Invite students to help plan for and decide on appropriate resource people.
  - Encourage the participation of resource people who are familiar with the type of students and information that needs to be presented.

• Question-Answer Session. An unstructured dialogue using questions from students.

- Advantages
  - Allows interchange of ideas between instructor and students.
  - Invokes an active response from students.
  - Meets specific needs of students.
  - Provide for sharing information among students.
- Limitations
  - Time consuming to achieve objectives.
  - Hard to achieve specific objective unless key questions are planted.
  - Students may need encouragement to ask questions.
  - May be difficult to have all students hear questions.

- " Audience size has no real restrictions.
- " Ways to Enhance Learning
  - # Allow sufficient time for all questions.
  - # If students are reluctant to start the questions, have some key questions planted in the group.
  - # Use this method as a follow-up to a more structured instruction strategy.
  - # If the group is too large, have students write questions on index cards.

• Role Playing. Acting out a problem or situation.

- " Advantages
  - # Students can observe concepts in action first-hand.
  - # Motivates students to attempt to place the learning in action.
  - # Emphasizes sequential behaviors.
  - # Allows for group feedback.
- " Limitations
  - # Time consuming to prepare.
  - # May not be enough time to utilize all learners in role play situations.
  - # Some students may be reluctant to participate.
- " Audience size can vary according to the number of students needed for each role situation. Large groups can be accommodated by the use of a variety of role plays.
- " Ways to Enhance Learning
  - # Make the role play as close to a given situation or problem as possible.
  - # Utilize as much equipment or materials as possible to accurately play out the problem or situation.

        # Keep the role play problem-centered, not student-centered.

        # Follow up the presentation with a discussion.

    " Role playing is a good hands-on practice activity.

- Case Study Scenario. Review, study, and discuss an incident or situation and make recommendations for a solution. Case studies are a good hands-on practice activity.

    " Advantages

        # Encourages critical thinking and analysis.

        # Develops skills of problem formulation and resolution.

        # Generates a variety of ideas and alternative viewpoints.

        # Allows students to evaluate the various solutions and determine the best course of action for real life situations.

    " Limitations

        # Can be time consuming to prepare.

        # Cannot be used when a large amount of materials needs to be covered.

        # Difficult to use with complex or technical information.

    " Audience size has no real restrictions.

    " Ways to Enhance Learning

        # Use real life incidents and situations familiar to the students.

        # Allow for sufficient time for students to review, analyze, discuss, and evaluate the various solutions.

        # When possible, generalize incidents to other similar situations.

        # Have the study reflect material already presented to the students and use the case study as an opportunity to have students apply their knowledge practically.

Teaching Aids

People can learn in different ways, but usually they learn best in one or two ways. Some need to hear the content, others need to see it or read it, and still others need to touch or manipulate objects.

Consequently, the students in the class may be composed of people with different learning styles. Lectures teach only the audio learner. Lectures using transparencies pick up the visual learner. While it may not be possible to involve all of the senses, the more senses involved, the more learning is likely to occur. The use of teaching aids gives the flexibility not found in a "one method" instructional style.

The term "teaching aid" is now being used for almost any instructional enhancement such as tapes, films, slides, video cassettes, DVDs, transparencies, flip charts, boards, PowerPoint, or models. It encompasses purchased materials as well as instructor-developed items. Plans for teaching aids need to be made as early as possible, to allow time for development, rental, or purchase. The most important consideration for the use of teaching aids is that they support and enhance the teaching-learning process. Five common types of teaching aids, with attention to description, advantages, disadvantages, costs, uses, and development by instructor are presented in the following section.

- Transparencies. Transparent sheets are usually made of acetate and projected on a screen or wall. Information is put on sheets by using special marker pens or a special type of hot copier.
    - " Advantages
        - # Simple to use and easy to make.
        - # Inexpensive.
        - # Reusable.
        - # The instructor faces the class.
        - # Suitable for all methods of instruction.
        - # Commercial ones available.
        - # Presentation rate controlled by instructor.
    - " Limitations

- # Loses definition in a large room or auditorium.
- # Needs an overhead projector.

" Cost

- # Overhead projector
- # Acetate sheets
- # Pens, stencils
- # Purchase of commercially prepared transparencies

" Uses

- # List steps in a procedure.
- # Illustrate points.
- # Display tables, charts, or graphs.
- # List discussion questions.

" Development by Instructor

- # Use darker color pens: black, green, blue for best results.
- # Leave 1-inch margin on all sides.
- # Print larger than normal.
- # Limit material on each sheet.
- # Experiment with overlays.
- # Use several colors for emphasis.
- # Need skill to produce multiple overlays.
- # Store acetate sheets in manila folders. To prevent the sheets from sticking together, place blank sheets of paper between them.

- Flip Charts, Posters, and Charts. Use heavy paper or cardboard, single or attached, to display information.
  - " Advantages
    - # Inexpensive
    - # Flexible
    - # Reusable
    - # Does not require special equipment except an easel for the flip chart.
  - " Limitations
    - # Difficult to store and transport (usually too large).
    - # Can be seen clearly by only a small group.
    - # Condition deteriorates rapidly by tearing and soiling.
  - " Cost
    - # Cardboard and paper are inexpensive.
    - # Any markers and colors can be used.
  - " Uses
    - # List steps in procedures.
    - # Illustrate points.
    - # Display charts, graphs, diagrams.
    - # List discussion questions.
    - # Summarizes.
  - " Development by Instructor
    - # Back thin paper sheets with cardboard.

        - Write, print, or draw larger than usual.
        - Have easel or other prop to hold posters or charts up and close to audience.
        - Use bright colors.
        - Limit information on each sheet.
        - Store carefully to prevent tearing and soiling.

- Films, Videotapes, DVDs, TV
    - Advantages
        - Convey information in an interesting and stimulating manner.
        - Provide easy repetition of content.
        - Suitable for all size audiences.
        - Can bring detail up close to audience.
    - Limitations
        - Expensive to buy or produce.
        - Often need to schedule weeks or months ahead of time.
        - Time required to preview many films to find the right one.
        - Best film may contain information that is contrary to law, policy, procedure and practices.
        - Darkened room usually required.
    - Cost
        - Rental fees can become costly.
        - Production skills and costs are considerable and beyond the capability of many organizations.

- Uses
  - Convey information.
  - Provide basis for discussion.
  - Demonstrate procedures.
  - Test knowledge.
- Development by Instructor (making your own films)
  - Take a production course.
  - Start with a small project.
- Points for use of films
  - Be sure the room is suitable for showing a film.
  - Do not just show the films; set the stage and give an overview before showing.
  - Have time for discussion and sharing of information after the showing.
  - If a skill is demonstrated in the film, have suitable equipment available for practice.

• Slides and Tapes, PowerPoint Presentations.

- Advantages
  - Sequence and speed controlled by the instructor.
  - Suitable for all sizes of audience.
  - Can bring detail up close to the audience.
  - Convey steps of a procedure.
  - Requires less sophisticated skills to make than a film.
  - May require a darkened room.

" Limitations

  # Needs expensive equipment to produce.

  # Can be costly to buy.

  # Some types cannot show motion.

  # PowerPoint requires the use of a projector, computer and in some cases a sound system.

" Cost

  # In-production costs are high.

  # Purchase costs will vary according to length and quality.

" Uses

  # Convey information.

  # Provide basis for discussion.

  # Demonstrate procedures.

  # Test knowledge.

  # Can show complete series or just certain segments

" Development by Instructor

  # Take a production course.

  # Start with a small project.

  # Take a PowerPoint "How To" class or follow an instructional CD.

" Points for use of slides

  # Be sure the room is suitable for slide projection.

  # Do not just show slides; set the stage, provide an overview before showing.

- # Have time for discussion and sharing information after the showing.
- # If skill is demonstrated in the slides, have suitable equipment available for practice.

- Models. An artificial representation of something, such as a model car.
  - " Advantages
    - # Provide realistic examples for practice or demonstration situations.
    - # Allows safe, non-threatening practice.
    - # Provide flexibility in scheduling.
    - # Is more accessible than a real item.
    - # Can be used in many instructional units.
  - " Limitations
    - # Quality will determine how realistic it is.
    - # May be too costly to design and develop.
  - " Cost
    - # Varies with technical quality and type of model.
    - # Reusable in different settings and units.
  - " Uses
    - # Illustrate material.
    - # Provide examples.
    - # Provide practice.
    - # Demonstrate procedure.

- Development
  - Most instructors purchase models, rather than make them, to obtain more realistic models.
  - Examine models before you purchase them.
  - Work with other instructors to see what models can be shared over several instructional units.

- Simulations. A simulation of the actual experience of operating an emergency vehicle.
  - Advantages
    - Provide realistic examples for practice or demonstration situations.
    - Allows safe, non-threatening practice.
    - No wear and tear on patrol-type vehicles.
    - Ease of instructor observation.
    - If automated, a playback of the student's decisions can be reviewed.
  - Limitations
    - Expensive to acquire.
    - Difficult to involve more than one student at a time.
    - May not be sophisticated enough to simulate reality.
    - May not have sufficient variety in scenarios for frequent use.
    - Some students may experience sickness thus limiting their use in a driving simulator.
  - Cost
    - Initial cost is high.
    - Maintenance and upgrade costs must be programmed.

- Uses
  - Teaches operator decision-making.
  - Demonstrate negative consequences of poor decision making.
- Development
  - Very difficult to develop: participation with a vendor may be advisable.
  - Examine models before considering one for purchase.
  - Work with other agencies or schools to see what models can be shared over several instructional units.

PART II

SAMPLE TEST QUESTIONS

Note: Asterisk (*) indicates correct answer

1. A law enforcement officer operating a vehicle in a non-emergency mode must:

   a. conform driving to the requirements of the state "authorized emergency vehicle" statute.

   b. conform driving to applicable agency policy on non-emergency driving and nothing else.

   c.* conform driving to the requirements of state traffic law applicable to the motoring public generally.

   d. conform driving to a standard of care which the officer subjectively views as reasonable under the circumstances.

   Refer to Objective 1.1

2. The violation of agency policy on non-emergency driving by an officer operating a vehicle in a non-emergency mode:

   a.* may be considered as evidence of the officer's negligence.

   b. does not constitute violation of state law and is therefore not admissible as evidence of the officer's negligence.

   c. does not rise to the level of violation of the state "authorized emergency vehicle" statute and is therefore not admissible as evidence of the officer's negligence.

   d. may be considered in a civil action against the officer only if the violation rises to the level of "willful misconduct".

   Refer to Objective 1.1

3. Under general negligence tort law principles, an officer operating a vehicle in a non-emergency mode:

   a. must operate emergency warning devices.

   b. owes no duty of care to the public generally unless the duty is created by statute, agency policy, or the officer's own act.

   c.* owes a duty of care to the public generally.

   d. owes no duty to the public generally or individually, as the police power is superior to rights of the public in law enforcement driving situations.

   Refer to Objective 1. 1

4. While on routine patrol, an officer turns his or her police vehicle in the wrong direction down a one-way street in order to quickly perform a building check. A private citizen driving in the proper direction cannot avoid colliding with the police vehicle because of an obstructed vision created by a lawfully parked car. The citizen is injured and sues the police officer. What is the likely outcome of the law suit?

   a. The police officer wins because he or she is the driver of an 'authorized emergency vehicle" and is protected from civil liability.

   b. The police officer wins because he or she owes no duty to the citizen under general negligence tort law principles.

   c.* The citizen wins because the officer is negligent due to his or her violation of state traffic law.

   d. The citizen wins because the officer has a duty to every member of the public individually.

   Refer to Objective 1. 1

5. Identify which of the following are reasons for driver training:

   a. Compliance with federal regulations

   b. Reduction of accidents

   c. Civil liability for negligent use of the vehicle

   d. All of the above

   e.* b and c

   Refer to Objective 2.1

6. Which of the following types of braking action would apply to most braking situations?

   a. Stab braking

   b. Hard, firm braking

   c. Locked wheels

   d.* Moderate, steady, even braking pressure

   Refer to Objectives 2.12 and 2.15

7. The most effective method to avoid a collision with another vehicle in your path is by:

   a. hard braking

   b. braking skid and steer around it

   c.* steer smoothly around the vehicle

   d. All of the above

   Refer to Objective 3.8

8. Which of the following is most important in the braking action of a vehicle?

   a.* Maintaining rolling friction of the wheels

   b. Having good tires

   c. Holding the steering wheel firmly

   d. Having proper tire pressure

   Refer to Objective 2.12

9. While conducting a straight-line backing movement, the following method should be used:

   a. Left hand is at the 12 o'clock position

   b. Look over your right shoulder to obtain a clear view to the rear

   c. Spend 10% of the time looking forward for front end swing

   d.* All of the above

   Refer to Objective 3.7

10. Which of the following should be considered in determining if the pursuit should be terminated?

    a. Nature of the suspected offense

    b. Weather and road conditions

    c. Danger to the community if the suspect is not captured

    d. Other means of apprehension

    e.* All of the above

    Refer to Objective 4.1

11. List the factors that influence perceptions and judgment during a driving situation.

    a.* Search

    b.* Identify

    c.* Predict

    d.* Decide

    e.* Execute

    Refer to Objective 2.6

12. Which of the following is a consideration while using the police radio in an emergency response?

    a. Voice control

    b. Clarity of information

    c. Control of emotions

    d.* All of the above

    Refer to Objective 3.2

13. To control a vehicle starting into a rear-wheel oversteer skid, you should:

    a. brake and steer to the left.

    b.* ease off the accelerator and steer the vehicle in the direction you want the front of the vehicle to go.

    c. steer to the left and accelerate slightly.

    d. steer to the right.

    Refer to Objective 2.18

14. When rear tires have less traction than front tires it is known to create:

    a. an understeer condition.

    b.* an oversteer condition.

    c. a load imbalance.

    d. None of the above

    Refer to Objective 3.4

15. Which of the following contribute to proper attitudes in law enforcement driving?

    a. Impatience, anger, depression

    b.* Maturity and emotional control

    c. Aggressiveness, over-confidence, preoccupation

    d. All of the above

    e. None of the above

    Refer to Objectives 2.3 and 2.4

16. Which answer is not one of the three components of driving?

    a. Awareness

    b.* Courtesy

    c. Space Management

    d. Collision Avoidance

    Refer to Objective 2.6

APPENDIX E

Practical Exercises

There are no speeds given for these exercises because there are too many variables. First, there are the differences in vehicle stability. Each manufacturer's vehicles will perform differently due to size, weight distribution, suspension system, and whether it is a front or rear wheel drive.

The exercises that follow in this appendix were developed based on pre-established space allocations and full size police package sedans currently in use around the nation. If other vehicles are utilized, consideration should be given to altering the exercise to avoid adversely impacting the intended outcome. Any alterations to existing exercises should be reviewed by qualified personnel to ensure sufficient space is allowed.

Appendix E*: Practical Exercise Listing*

1. Steering: Forward Serpentine
2. Steering: Shuffle
3. Steering: Evasive Steering
4. Steering: Lane Change
5. Steering: Baird's Judgment

6. Backing: T-Driveway
7. Backing: Reverse Serpentine
8. Backing: Dutton's Weave

9. Braking: Controlled Braking
10. Braking: Threshold Braking

11. Turning: 90E Turning - Straight Line Braking
12. Turning: Right-Side Road Turn
13. Turning: Left-Side Road Turn
14. Turning: U-Turn
15. Turning: Y-Turn

16. Recovery: Off-Road Recovery

17. Skid Control: Straight Line Skid Control
18. Skid Control: Figure 8 Skid Control
19. Skid Control: 90E Turn Skid Control
20. Skid Control: U Turn Skid Control
21. Skid Control: Locked Wheel Recovery Skid Control

22. Parking: Parallel Parking
23. Parking: Perpendicular Parking - Forward
24. Parking: Perpendicular Parking - Backing

25. Cumulative Skills: Assessment Courses A, B, C
26. Cumulative Skills: Course B
27. Cumulative Skills: Course C
28. Cumulative Skills: Course D

Steering Exercises

Forward Serpentine

Shuffle

Lane Change

Evasive Steering

Baird=s Judgment

T-Driveway

Forward Serpentine

Purpose:
To develop the basic skills of coordinating acceleration, timing of steering movements, and the use of the 9-3 hand position. It also develops the ability to judge the relationship of fixed objects to the vehicle.

To develop the basic skills of coordinating acceleration, timing of steering movements and the use of the 9-3 hand position. It also develops the ability to judge the relationship of fixed objects to the vehicle.

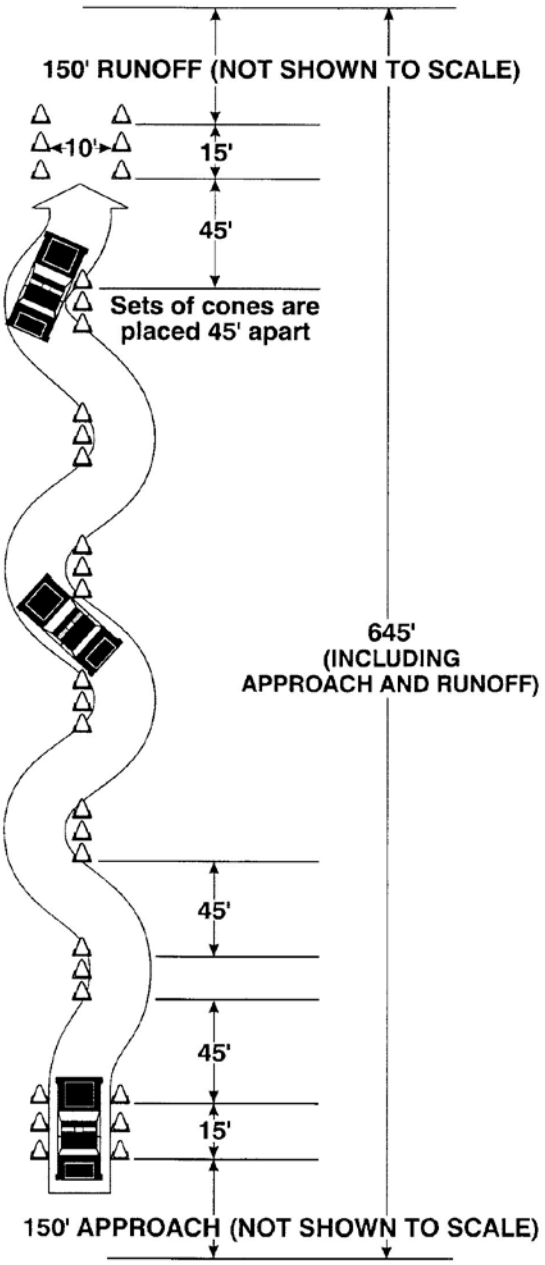
This exercise does not simulate a real world situation. It develops the skills for use in other exercises and gives the student the opportunity to become familiar with how the vehicle handles and to build confidence. It should be taught before exercises using the 9-3 hand position.

Procedure:

Instructor
- Explains purpose of exercise and key factors of the exercise
- Demonstrates exercise at moderate speed
- Demonstrates exercise at required speed

Student
1. Wears duty leather goods.
2. Assumes proper driving position; seat, mirrors, seat belt.
3. Enters course at speed determined by instructor.
4. Negotiates the course smoothly.
5. Keep steering movements constant and even.
6. Maintains 9-3 hand position.
7. Maintains constant speed throughout the course.
8. Does not use brakes.
9. Passes closely to the cones.
10. Exits the course at the direction of the instructor.
11. Increases speed for subsequent practices at the direction of the instructor.

Forward Serpentine Exercise



Exercise Requirements
645' x 70' including Approach and Runoff Requires 30 Traffic Cones

Forward Serpentine

Exercise Rating:

Student's Name _____ Date _____ Vehicle Make/Number _____

Practice No. _____ Qualification Attempt No. _____

		1	2	3	4
A.	Entered course correctly.....	☐	☐	☐	☐
B.	Maintained required speed.....	☐	☐	☐	☐
C.	9-3 hand position (Going Forward).....	☐	☐	☐	☐
D.	Controlled acceleration.....	☐	☐	☐	☐
E.	Steering control.....	☐	☐	☐	☐
F.	Accelerator, steering coordination.....	☐	☐	☐	☐
G.	Smooth acceleration.....	☐	☐	☐	☐
H.	Foot movement.....	☐	☐	☐	☐
I.	Use of brakes.....	☐	☐	☐	☐

Number of cones hit _____

Reaction time was adequate. ☐ YES ☐ NO

Vehicle remained under control at all times. ☐ YES ☐ NO

Describe negative actions or attitudes _____

_____

Failed to complete exercise because _____

_____

All requirements were met. ☐ YES ☐ NO

General Remarks:

Instructor's Signature _____ Date _____

I have seen the completed form and have been given an explanation of my performance and rating.

Student's Signature _____ Date _____

Shuffle

Purpose:
To develop the basic skills of coordinating acceleration, timing of steering movements, and the use of the shuffle hand position. It also develops the ability to judge the relationship of fixed objects to the vehicle.

To develop the basic skills of coordinating acceleration, timing of steering movements and the use of the shuffle hand position. It also develops the ability to judge the relationship of fixed objects to the vehicle.

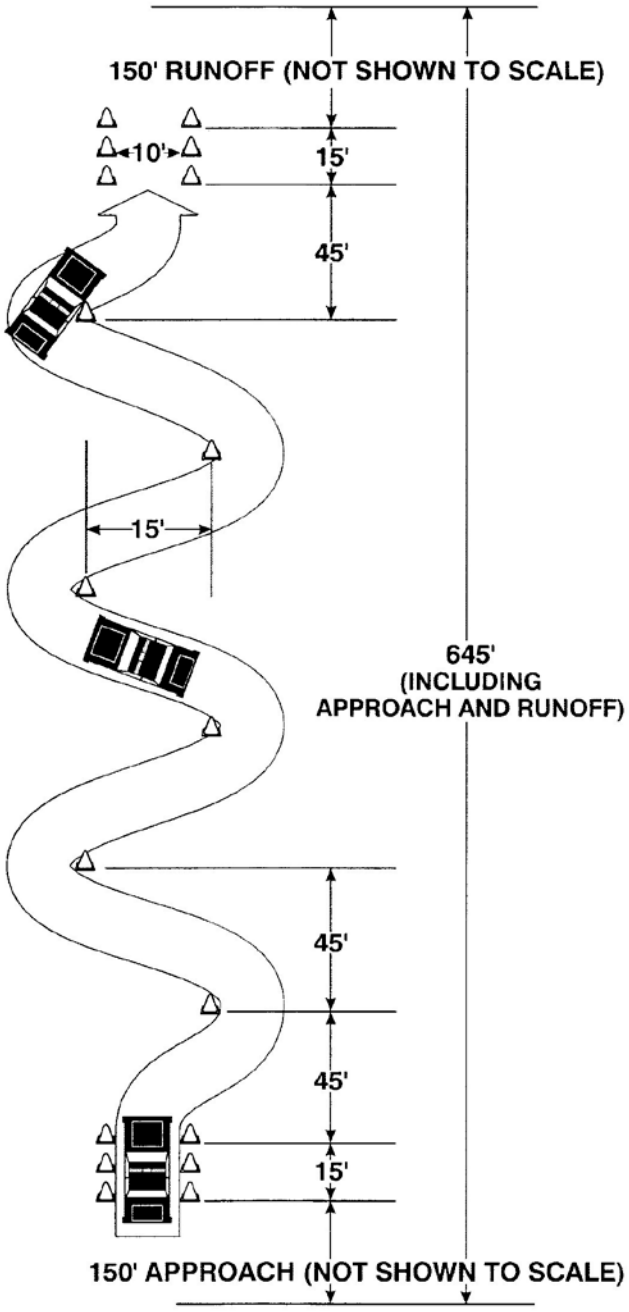
This exercise does not simulate a real world situation. It develops the skills for use in other exercises and gives the student the opportunity to become familiar with how the vehicle handles and to build confidence. This exercise is a variation of the serpentine except that the curves are more exaggerated.

Procedure:

Instructor
- Explains purpose of exercise and key factors of the exercise
- Demonstrates exercise at moderate speed
- Demonstrates exercise at required speed

Student
1. Wears duty leather goods.
2. Assumes proper driving position; seat, mirrors, seat belt.
3. Enters course at speed determined by instructor.
4. Negotiates the course smoothly.
5. Keep steering movements constant and even.
6. Maintains shuffle hand position.
7. Maintains constant speed throughout the course.
8. Does not use brakes.
9. Passes closely to the cones.
10. Exits the course at the direction of the instructor.
11. Increases speed for subsequent practices at the direction of the instructor.

Shuffle



Exercise Requirements

645' x 70' including Approach and Runoff

Requires 30 Traffic Cones

Shuffle

Exercise Rating:

Student's Name _____ Date _____ Vehicle Make/Number _____

Practice No. _____ Qualification Attempt No.

		1	2	3	4
A.	Entered course correctly.....	☐	☐	☐	☐
B.	Maintained required speed.....	☐	☐	☐	☐
C.	Shuffle hand position (Going Forward).....	☐	☐	☐	☐
D.	Controlled acceleration.....	☐	☐	☐	☐
E.	Steering control.....	☐	☐	☐	☐
F.	Accelerator, steering coordination.....	☐	☐	☐	☐
G.	Smooth acceleration.....	☐	☐	☐	☐
H.	Foot movement.....	☐	☐	☐	☐
I.	Use of brakes.....	☐	☐	☐	☐

Number of cones hit _____

Reaction time was adequate. ☐ YES ☐ NO

Vehicle remained under control at all times. ☐ YES ☐ NO

Describe negative actions or attitudes _____

_____

Failed to complete exercise because _____

_____

All requirements were met. ☐ YES ☐ NO

General Remarks:

Instructor's Signature _____ Date _____

I have seen the completed form and have been given an explanation of my performance and rating.

Student's Signature _____ Date _____

Evasive Steering

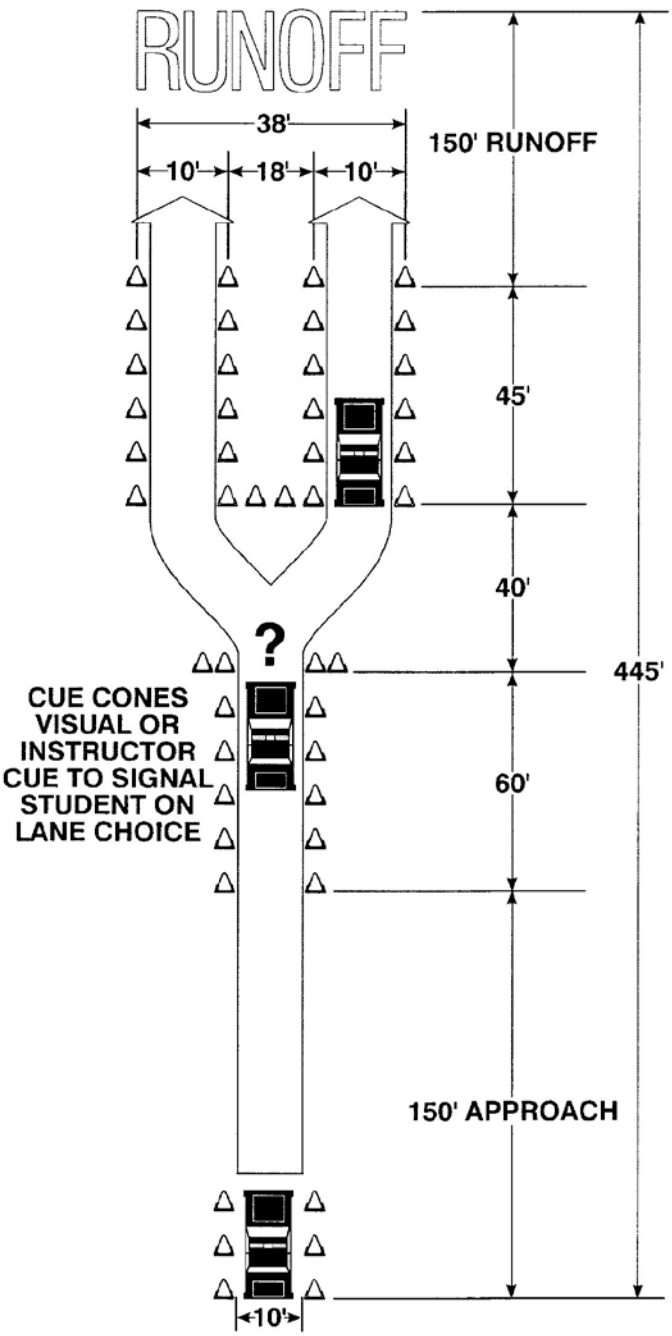
Purpose:
This exercise simulates being confronted with a sudden obstacle: pedestrian, stopped vehicle, etc. The purpose of this exercise is to make the driver cognizant of the alternating to braking steering and to experience the feel of the vehicle's maneuverability and stability. The driver also becomes aware of personal capabilities and limitations.

Procedure:

Instructor
- Explains purpose of exercise and key factors of the exercise
- Demonstrates exercise at moderate speed
- Demonstrates exercise at required speed
- Cues student on which lane to use

Student
1. Wears duty leather goods.
2. Assumes proper driving position; seat, mirrors, seat belt.
3. Enters course at speed determined by instructor.
4. Negotiates the course smoothly.
5. Keep steering movements constant and even.
6. Maintains 9-3 hand position.
7. Maintains constant speed throughout the course.
8. Does not use brakes.
9. Passes closely to the cones.
10. Counter steers into exit lane.
11. Exits the course at the direction of the instructor.
12. Increases speed for subsequent practices at the direction of the instructor.

Evasive Steering



Exercise Requirements
445' x 60' including Approach and Runoff Requires 46 Traffic Cones Optional: Visual cueing device

Evasive Steering

Exercise Rating:

Student's Name _____ Date _____ Vehicle Make/Number _____

Practice No. _____ Qualification Attempt No.

		1	2	3	4
A.	Assumed proper driving position.....	☐	☐	☐	☐
B.	Entered course correctly.....	☐	☐	☐	☐
C.	Maintained required speed.....	☐	☐	☐	☐
D.	Controlled acceleration.....	☐	☐	☐	☐
E.	9-3 hand position.....	☐	☐	☐	☐
F.	Accelerator, steering coordination.....	☐	☐	☐	☐
G.	Steering control/timing.....	☐	☐	☐	☐
H.	Counter steering.....	☐	☐	☐	☐
I.	Foot movement.....	☐	☐	☐	☐
J.	Use of brakes.....	☐	☐	☐	☐

Number of cones hit _____

Reaction time was adequate. ☐ YES ☐ NO

Vehicle remained under control at all times. ☐ YES ☐ NO

Describe negative actions or attitudes _____

_____

Failed to complete exercise because _____

_____

All requirements were met. ☐ YES ☐ NO

General Remarks:

Instructor's Signature _____ Date _____

I have seen the completed form and have been given an explanation of my performance and rating.

Student's Signature _____ Date _____

Lane Change

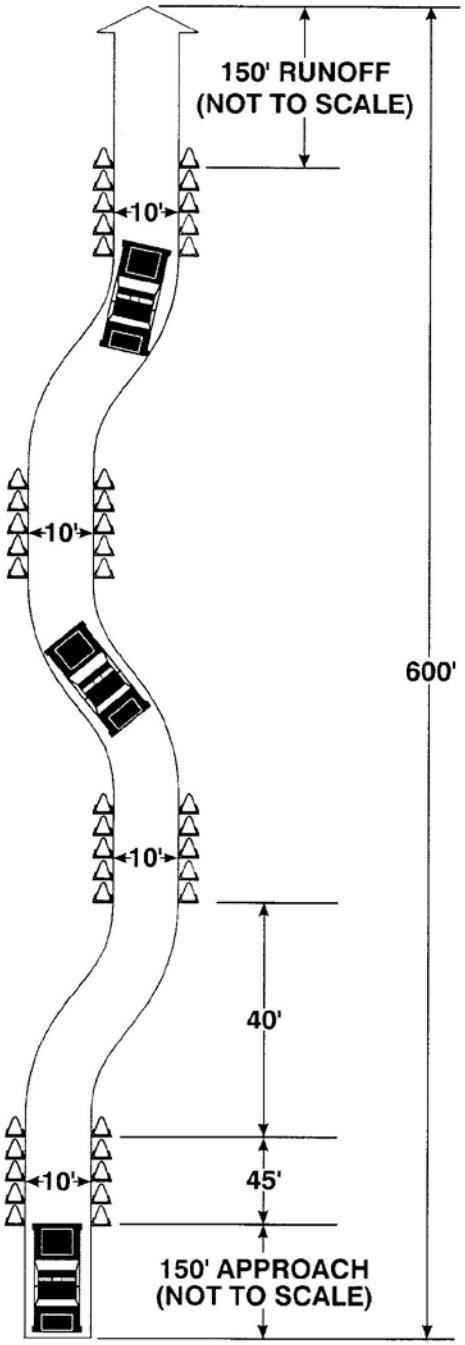
Purpose:
To develop confidence in controlling the vehicle and to experience vehicle stability. The exercise assists in developing coordination of steering and acceleration as well as the recognition of the relationship of fixed objects with respect to the vehicle.

Procedure:

Instructor
- Explains purpose of exercise and key factors of the exercise
- Demonstrates exercise at moderate speed
- Demonstrates exercise at required speed

Student
1. Wears duty leather goods.
2. Assumes proper driving position; seat, mirrors, seat belt.
3. Enters course at speed determined by instructor.
4. Negotiates the course smoothly.
5. Keep steering movements constant and even.
6. Maintains 9-3 hand position.
7. Maintains constant speed throughout the course.
8. Does not use brakes.
9. Passes closely to the cones.
10. Exits the course at the direction of the instructor.
11. Increases speed for subsequent practices at the direction of the instructor.

Lane Change



Exercise Requirements

600' x 80' including Approach and Runoff

Requires 40 Traffic Cones

Lane Change

Exercise Rating:

Student's Name _____ Date _____ Vehicle Make/Number _____

Practice No. _____ Qualification Attempt No.

		1	2	3	4
A.	Entered course correctly	☐	☐	☐	☐
B.	Maintained required speed	☐	☐	☐	☐
C.	9-3 hand position	☐	☐	☐	☐
D.	Controlled acceleration	☐	☐	☐	☐
E.	Steering control	☐	☐	☐	☐
F.	Counter steering	☐	☐	☐	☐
G.	Accelerator, steering coordination	☐	☐	☐	☐
H.	Checked mirrors	☐	☐	☐	☐
I.	Turned head	☐	☐	☐	☐
J.	Smooth acceleration	☐	☐	☐	☐
K.	Foot movement	☐	☐	☐	☐
L.	Use of brakes	☐	☐	☐	☐
M.	Cover brake pedal	☐	☐	☐	☐

Number of cones hit _____
Reaction time was adequate. ☐ YES ☐ NO
Vehicle remained under control at all times. ☐ YES ☐ NO
Describe negative actions or attitudes _____
_____

Failed to complete exercise because _____
_____
All requirements were met. ☐ YES ☐ NO

General Remarks:

Instructor's Signature _____ Date _____

I have seen the completed form and have been given an explanation of my performance and rating.

Student's Signature _____ Date _____

Baird's Judgment

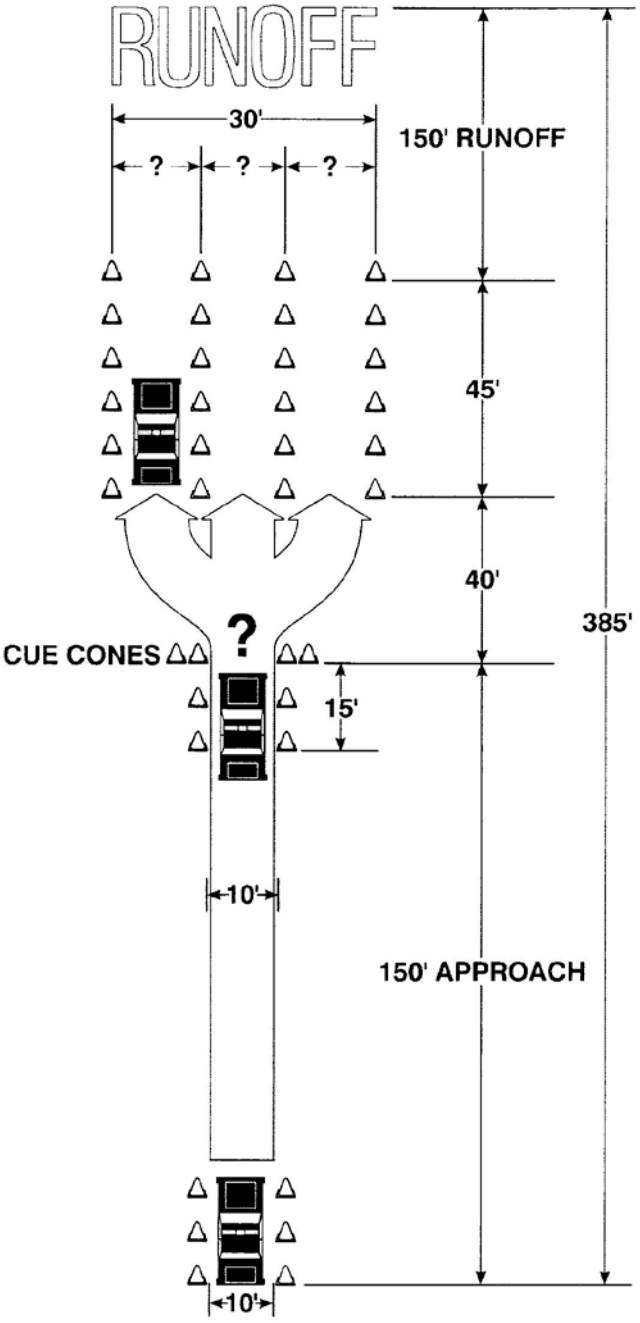
Purpose:
To develop skill in judging clearances. This exercise will illustrate that even small differences in gap size can be visually detected.

Procedure:

Instructor
- Explains purpose of exercise and key factors of the exercise
- Demonstrates exercise at moderate speed
- Demonstrates exercise at required speed
- Before each run, one of the two center cones in each row is moved about 6 inches to the right or left. Moving the cone will leave only one of the three gates sufficiently "open" for the law enforcement vehicle to clear.

Student
1. Wears duty leather goods.
2. Assumes proper driving position; seat, mirrors, seat belt.
3. Enters course at speed determined by instructor.
4. Negotiates the course smoothly.
5. Keep steering movements constant and even.
6. Maintains 9-3 hand position.
7. Maintains constant speed throughout the course.
8. Does not use brakes.
9. Passes closely to the cones.
10. Counter steers to largest opening.
11. Steers so that vehicle passes through largest gate in each row of cones.
12. Exits the course at the direction of the instructor.
13. Increases speed for subsequent practices at the direction of the instructor.

Baird's Judgment



Exercise Requirements
385' x 60' including Approach and Runoff Requires 80 Traffic Cones

Baird's Judgment

Exercise Rating:

Student's Name _____ Date _____ Vehicle Make/Number _____

Practice No. _____ Qualification Attempt No. _____

		1	2	3	4
A.	Entered course correctly	☐	☐	☐	☐
B.	Maintained required speed	☐	☐	☐	☐
C.	9-3 hand position	☐	☐	☐	☐
D.	Controlled acceleration	☐	☐	☐	☐
E.	Steering control	☐	☐	☐	☐
F.	Counter steering	☐	☐	☐	☐
G.	Accelerator, steering coordination	☐	☐	☐	☐
H.	Checked mirrors	☐	☐	☐	☐
I.	Turned head	☐	☐	☐	☐
J.	Foot movement	☐	☐	☐	☐
K.	Use of brakes	☐	☐	☐	☐
L.	Cover brake pedal	☐	☐	☐	☐

Number of cones hit _____

Reaction time was adequate. ☐ YES ☐ NO

Vehicle remained under control at all times. ☐ YES ☐ NO

Describe negative actions or attitudes _____

_____

Failed to complete exercise because _____

_____

All requirements were met. ☐ YES ☐ NO

General Remarks:

Instructor's Signature _____ Date _____

I have seen the completed form and have been given an explanation of my performance and rating.

Student's Signature _____ Date _____

T-Driveway

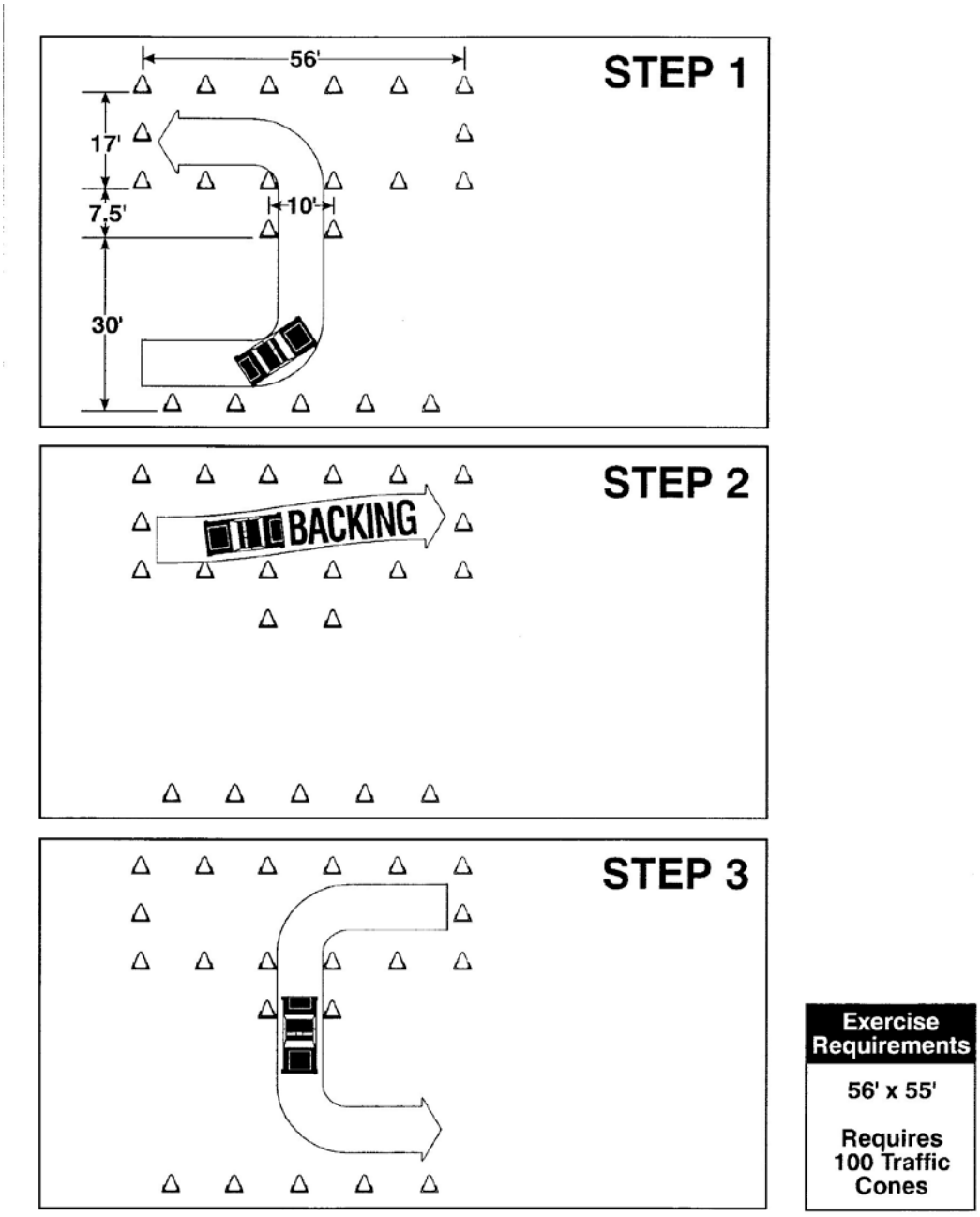
Purpose:
To develop backing and roadway positioning skills, and to develop perceptual and judgment skills while maneuvering in a limited space.

Procedure:

Instructor
- Explains purpose of exercise and key factors of the exercise
- Demonstrates exercise at moderate speed
- Demonstrates exercise at required speed

Student
1. Wears duty leather goods.
2. Assumes proper driving position; seat, mirrors, seat belt.
3. Enters course at speed determined by instructor.
4. Negotiates the course smoothly.
5. Keep steering movements constant and even.
6. Maintains 9-3 hand position.
7. Uses palm method only in backing.
8. Does not use brakes.
9. Passes closely to the cones.
10. Exits the course at the direction of the instructor.
11. Increases speed for subsequent practices at the direction of the instructor.

T-Driveway



Exercise Requirements
56' x 55'
Requires 100 Traffic Cones

T-Driveway

Exercise Rating:

Student's Name _____ Date _____ Vehicle Make/Number _____

Practice No. _____ Qualification Attempt No.

		1	2	3	4
A.	Entered course correctly.....	☐	☐	☐	☐
B.	Maintained required speed.....	☐	☐	☐	☐
C.	Shuffle hand position (Going Forward).....	☐	☐	☐	☐
D.	Controlled acceleration.....	☐	☐	☐	☐
E.	Steering control.....	☐	☐	☐	☐
F.	Accelerator, steering coordination.....	☐	☐	☐	☐
G.	Smooth acceleration.....	☐	☐	☐	☐
H.	Foot movement.....	☐	☐	☐	☐
I.	Use of brakes.....	☐	☐	☐	☐

Number of cones hit _____

Reaction time was adequate. ☐ YES ☐ NO

Vehicle remained under control at all times. ☐ YES ☐ NO

Describe negative actions or attitudes _____

_____

Failed to complete exercise because _____

_____

All requirements were met. ☐ YES ☐ NO

General Remarks:

Instructor's Signature _____ Date _____

I have seen the completed form and have been given an explanation of my performance and rating.

Student's Signature _____ Date _____

Backing Exercises

Reverse Serpentine

Dutton's Weave

Reverse Serpentine

Purpose:
To develop the basic skills of coordinating acceleration, timing of steering movements, and the use of the palm hand position. It also develops the ability to judge the relationship of fixed objects to the vehicle and to control front end swing.

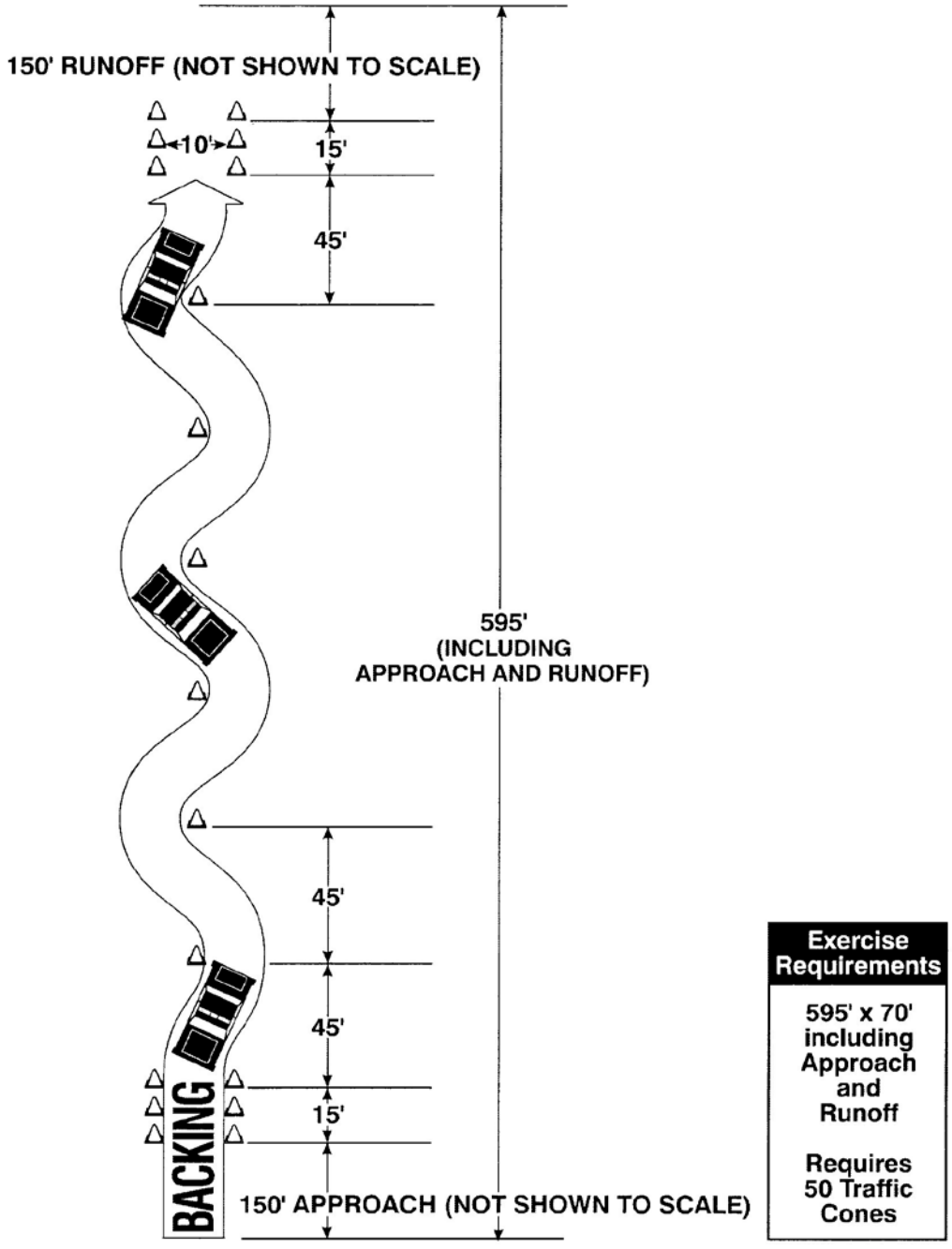
This exercise does not simulate a real world situation. It develops the skills for use in other exercises and gives the student the opportunity to become familiar with how the vehicle handles and to build confidence. It should be taught before teaching any backing exercises.

Procedure:

Instructor
- Explains purpose of exercise and key factors of the exercise
- Demonstrates exercise at moderate speed
- Demonstrates exercise at required speed

Student
1. Wears duty leather goods.
2. Assumes proper driving position; seat, mirrors, seat belt.
3. Enters course at speed determined by instructor.
4. Negotiates the course smoothly.
5. Keep steering movements constant and even.
6. Maintains shuffle hand movement.
7. Maintains constant speed throughout the course.
8. Does not use brakes.
9. Passes closely to the cones.
10. Exits the course at the direction of the instructor.
11. Increases speed for subsequent practices at the direction of the instructor.

Reverse Serpentine



Reverse Serpentine

Exercise Rating:

Student's Name _____ Date _____ Vehicle Make/Number _____

Practice No. _____ Qualification Attempt No. _____

		1	2	3	4
A.	Entered course correctly.....	☐	☐	☐	☐
B.	Maintained required speed.....	☐	☐	☐	☐
C.	12 o'clock hand position (Backing).....	☐	☐	☐	☐
D.	Turn in seat to look back.....	☐	☐	☐	☐
E.	Check mirrors.....	☐	☐	☐	☐
F.	Controlled acceleration.....	☐	☐	☐	☐
G.	Steering control.....	☐	☐	☐	☐
H.	Accelerator, steering coordination.....	☐	☐	☐	☐
I.	Smooth acceleration.....	☐	☐	☐	☐
J.	Foot movement.....	☐	☐	☐	☐
K.	Use of brakes.....	☐	☐	☐	☐

Number of cones hit _____

Reaction time was adequate. ☐ YES ☐ NO

Vehicle remained under control at all times. ☐ YES ☐ NO

Describe negative actions or attitudes _____

_____

Failed to complete exercise because _____

_____

All requirements were met. ☐ YES ☐ NO

General Remarks:

Instructor's Signature _____ Date _____

I have seen the completed form and have been given an explanation of my performance and rating.

Student's Signature _____ Date _____

Dutton's Weave

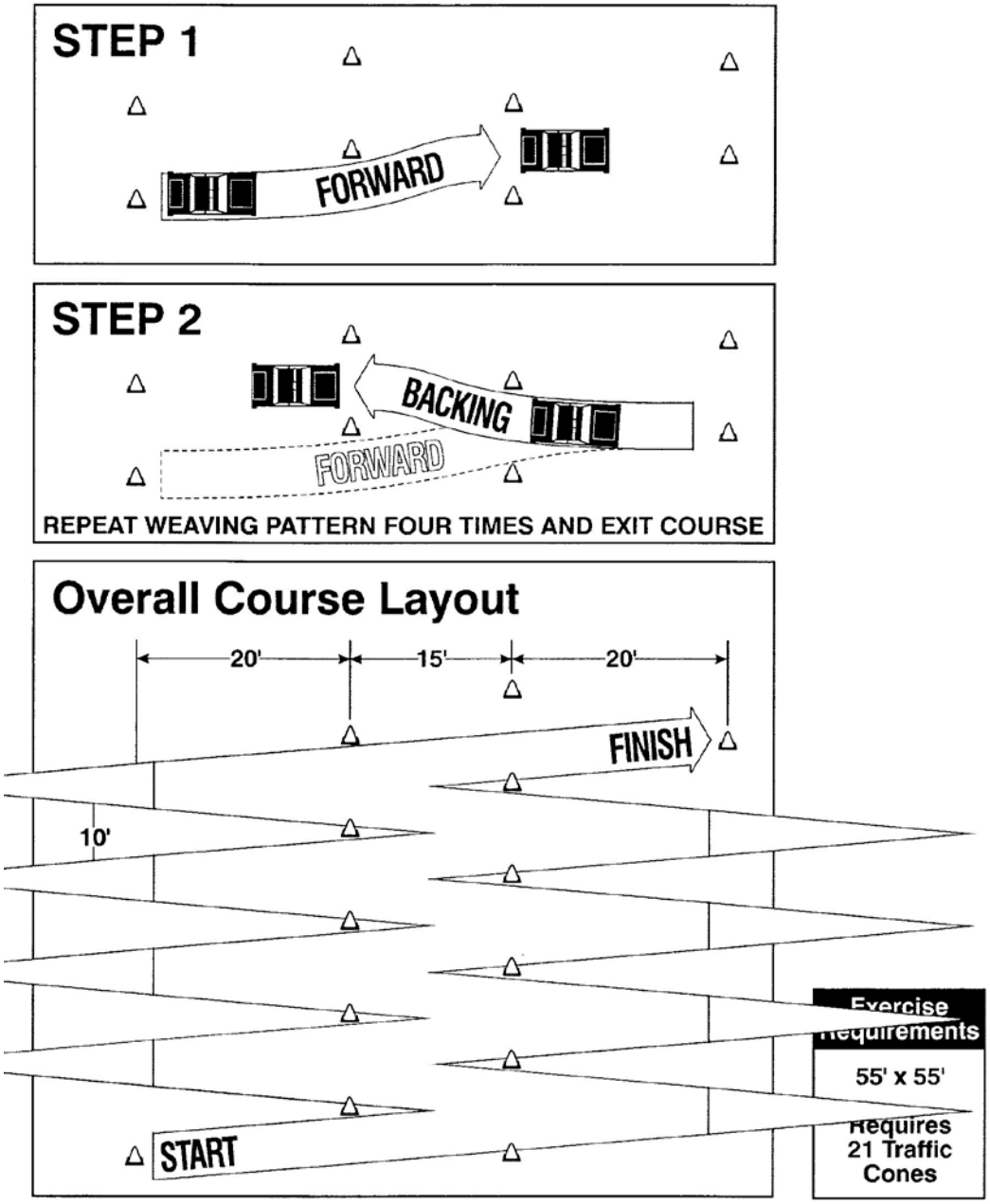
Purpose:
To develop precise forward and backward control of the vehicle in cramped quarters, at low speed. To develop skill in backing a vehicle using mirrors to judge rear and side clearance.

Procedure:

Instructor
- Explains purpose of exercise and key factors of the exercise
- Demonstrates exercise at moderate speed
- Demonstrates exercise at required speed
- With improvement, increase speed for subsequent practices

Student
1. Wears duty leather goods.
2. Assumes proper driving position; seat, mirrors, seat belt.
3. Enters course at speed determined by instructor.
4. The vehicle is driven alternately forward and backward in the pattern indicated on the drawing.
5. The vehicle should stop approximately 1 foot from the outer row of cones before changing directions.
6. Negotiates the course smoothly.
7. Keep steering movements constant and even.
8. Maintains 9-3 hand position.
9. Maintains palm position during backing.
10. Maintains constant speed throughout the course.
11. Does not use brakes.
12. Passes closely to the cones.
13. Exits the course at the direction of the instructor.
14. Maximum time is 60 seconds.

Dutton's Weave



Dutton's Weave

Exercise Rating:

Student's Name _____ Date _____ Vehicle Make/Number _____

Practice No. _____ Qualification Attempt No.

		1	2	3	4
A.	Entered course correctly.....	☐	☐	☐	☐
B.	Maintained required speed.....	☐	☐	☐	☐
C.	Shuffle hand position (Going Forward).....	☐	☐	☐	☐
D.	Controlled acceleration.....	☐	☐	☐	☐
E.	Steering control.....	☐	☐	☐	☐
F.	Accelerator, steering coordination.....	☐	☐	☐	☐
G.	Smooth acceleration.....	☐	☐	☐	☐
H.	Foot movement.....	☐	☐	☐	☐
I.	Use of brakes.....	☐	☐	☐	☐

Number of cones hit _____

Reaction time was adequate. ☐ YES ☐ NO

Vehicle remained under control at all times. ☐ YES ☐ NO

Describe negative actions or attitudes _____

_____

Failed to complete exercise because _____

_____

All requirements were met. ☐ YES ☐ NO

General Remarks:

Instructor's Signature _____ Date _____

I have seen the completed form and have been given an explanation of my performance and rating.

Student's Signature _____ Date _____

Braking Exercises

Controlled Braking

Threshold Braking

Controlled Braking

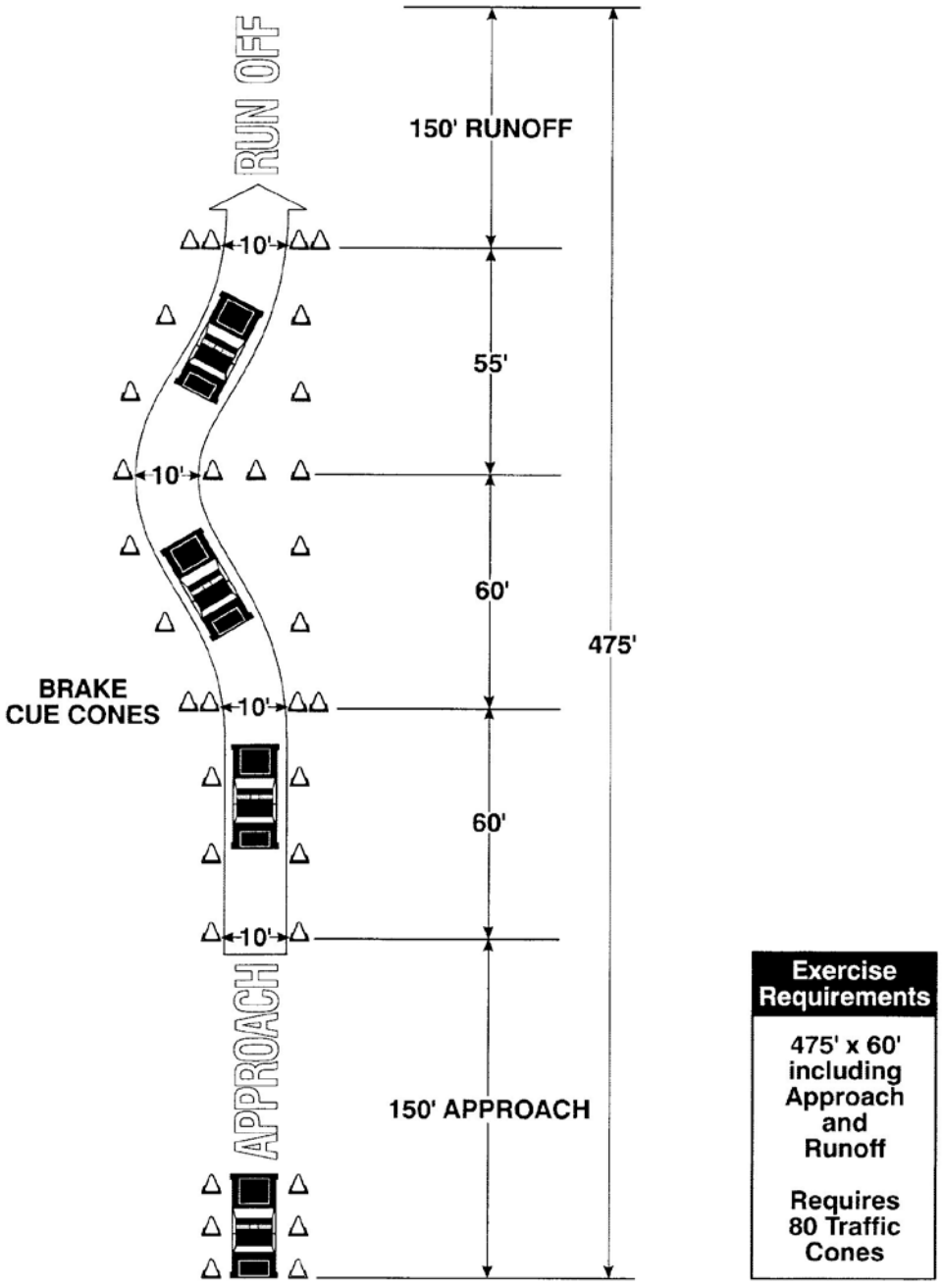
Purpose:
To develop skill in achieving and maintaining maximum braking pressure while controlling the direction of the vehicle.

Procedure:

Instructor
- Explains purpose of exercise and key factors of the exercise
- Demonstrates exercise at moderate speed
- Demonstrates exercise at required speed
- Cues driver when front of the vehicle is even with the cue cone

Student
1. Wears duty leather goods.
2. Assumes proper driving position; seat, mirrors, seat belt.
3. Enters course at speed determined by instructor.
4. Negotiates the course smoothly.
5. Maintains 9-3 hand position.
6. Exits the course at the direction of the instructor.
7. Increases speed for subsequent practices at the direction of the instructor.

Controlled Braking



Controlled Braking

Exercise Rating:

Student's Name _____ Date _____ Vehicle Make/Number _____

Practice No. _____ Qualification Attempt No. _____

		1	2	3	4
A.	Entered course correctly.....	☐	☐	☐	☐
B.	Maintained required speed.....	☐	☐	☐	☐
C.	9-3 hand position (Going Forward).....	☐	☐	☐	☐
D.	Controlled acceleration.....	☐	☐	☐	☐
E.	Steering control.....	☐	☐	☐	☐
F.	Accelerator, steering coordination.....	☐	☐	☐	☐
G.	Smooth acceleration.....	☐	☐	☐	☐
H.	Foot movement.....	☐	☐	☐	☐
I.	Use of brakes.....	☐	☐	☐	☐

Number of cones hit _____

Reaction time was adequate. ☐ YES ☐ NO

Vehicle remained under control at all times. ☐ YES ☐ NO

Describe negative actions or attitudes _____

_____

Failed to complete exercise because _____

_____

All requirements were met. ☐ YES ☐ NO

General Remarks:

Instructor's Signature _____ Date _____

I have seen the completed form and have been given an explanation of my performance and rating.

Student's Signature _____ Date _____

Threshold Braking

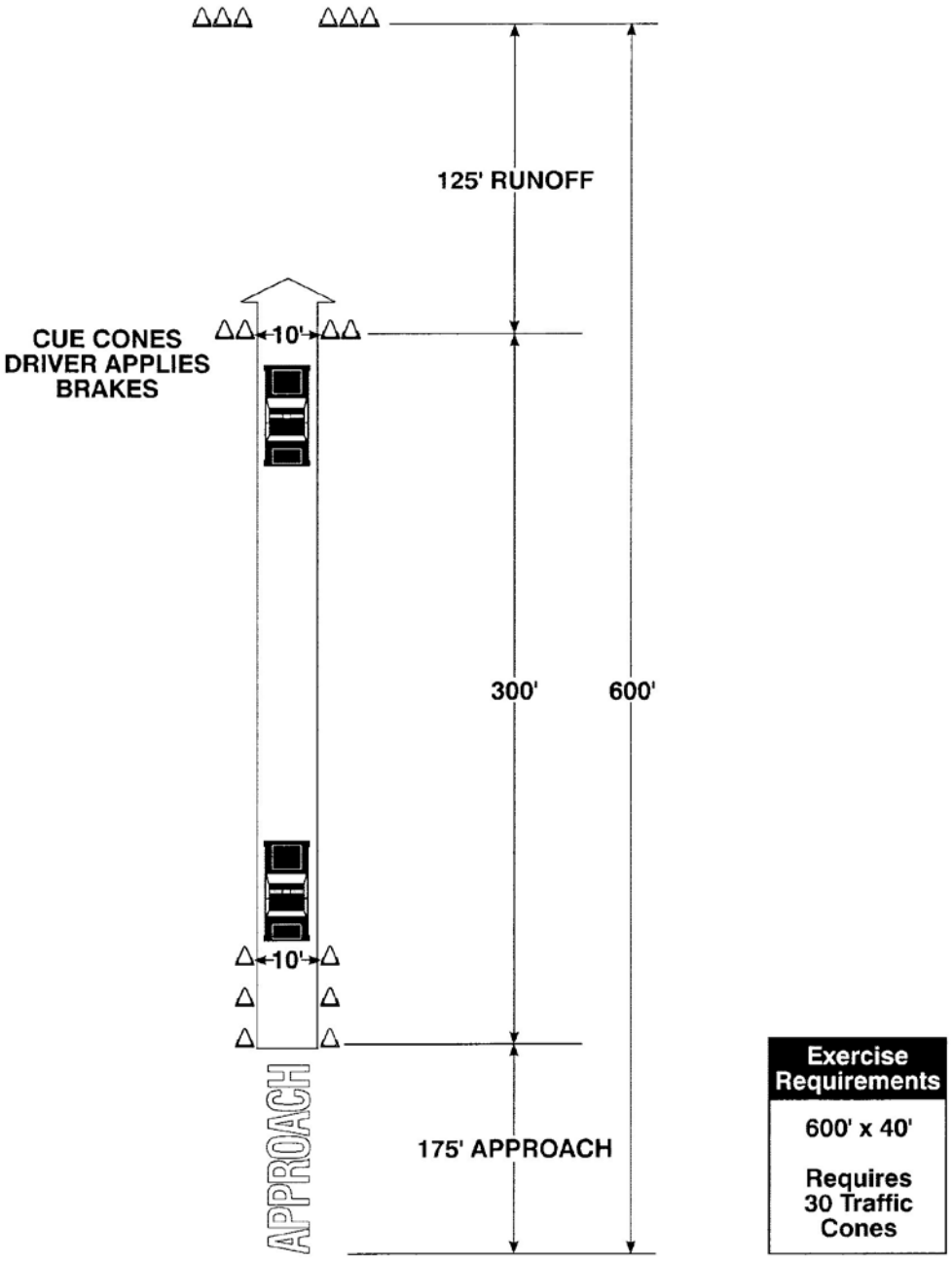
Purpose:
To develop skill in achieving and maintaining maximum braking pressure.

Procedure:

Instructor
- Explains purpose of exercise and key factors of the exercise
- Demonstrates exercise at moderate speed
- Demonstrates exercise at required speed
- Cues driver when front of the vehicle is even with the cue cone

Student
1. Wears duty leather goods.
2. Assumes proper driving position; seat, mirrors, seat belt.
3. Enters course at speed determined by instructor.
4. Negotiates the course smoothly.
5. Maintains 9-3 hand position.
6. Exits the course at the direction of the instructor.
7. Increases speed for subsequent practices at the direction of the instructor.

Threshold Braking



Threshold Braking

Exercise Rating:

Student's Name _____ Date _____ Vehicle Make/Number _____

Practice No. _____ Qualification Attempt No. _____

		1	2	3	4
A.	Entered course correctly.....	☐	☐	☐	☐
B.	Maintained required speed.....	☐	☐	☐	☐
C.	9-3 hand position (Going Forward).....	☐	☐	☐	☐
D.	Controlled acceleration.....	☐	☐	☐	☐
E.	Steering control.....	☐	☐	☐	☐
F.	Accelerator, steering coordination.....	☐	☐	☐	☐
G.	Smooth acceleration.....	☐	☐	☐	☐
H.	Foot movement.....	☐	☐	☐	☐
I.	Use of brakes.....	☐	☐	☐	☐

Number of cones hit _____

Reaction time was adequate. ☐ YES ☐ NO

Vehicle remained under control at all times. ☐ YES ☐ NO

Describe negative actions or attitudes _____

_____

Failed to complete exercise because _____

_____

All requirements were met. ☐ YES ☐ NO

General Remarks:

Instructor's Signature _____ Date _____

I have seen the completed form and have been given an explanation of my performance and rating.

Student's Signature _____ Date _____

Turning Exercises

90 Degree - Straight Line Braking

Right-Side Road Turn

Left-Side Road Turn

U-Turn

Y-Turn

90 Degree - Straight Line Braking

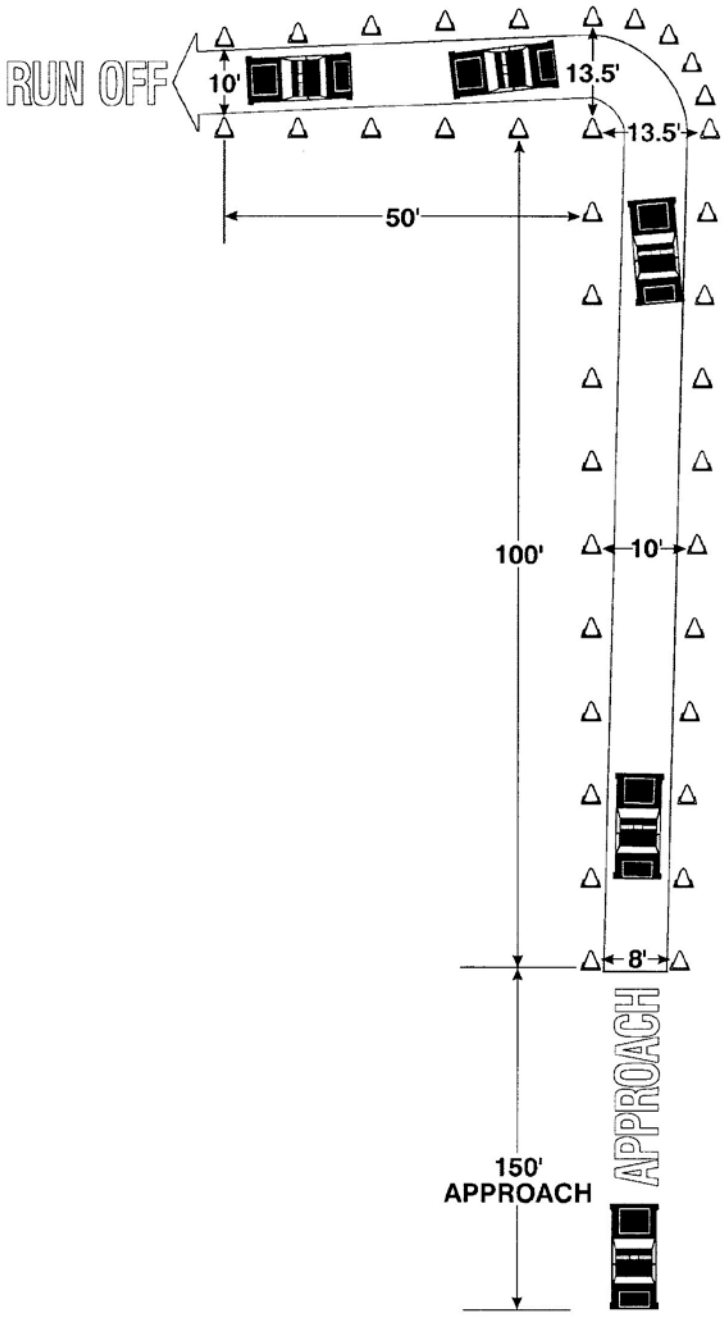
Purpose:
To make the driver cognizant of personal and vehicle limitations and combine braking and steering skills.

Procedure:

Instructor
- Explains purpose of exercise and key factors of the exercise
- Demonstrates exercise at moderate speed
- Demonstrates exercise at required speed

Student
1. Wears duty leather goods.
2. Assumes proper driving position; seat, mirrors, seat belt.
3. Enters course at speed determined by instructor.
4. Negotiates the course smoothly.
5. Keeps steering movements constant and even.
6. Maintains 9-3 hand position.
7. Uses palm position for backing.
8. Turns around and looks back.
9. Maintains constant speed throughout the course.
10. Passes closely to the cones.
11. Exits the course at the direction of the instructor.
12. Increases speed for subsequent practices at the direction of the instructor.

90 Degree - Straight Line Braking



Exercise Requirements
264' x 214'
Requires 100 Traffic Cones

90 Degree - Straight Line Braking

Exercise Rating:

Student's Name _____ Date _____ Vehicle Make/Number _____

Practice No. _____ Qualification Attempt No.

		1	2	3	4
A.	Entered course correctly.....	☐	☐	☐	☐
B.	Maintained required speed.....	☐	☐	☐	☐
C.	9-3 hand position (Going Forward).....	☐	☐	☐	☐
D.	Controlled acceleration.....	☐	☐	☐	☐
E.	Steering control.....	☐	☐	☐	☐
F.	Accelerator, steering coordination.....	☐	☐	☐	☐
G.	Smooth acceleration.....	☐	☐	☐	☐
H.	Foot movement.....	☐	☐	☐	☐
I.	Use of brakes.....	☐	☐	☐	☐
J.	Signaled intention.....	☐	☐	☐	☐
K.	Checked mirror.....	☐	☐	☐	☐
L.	Turned head.....	☐	☐	☐	☐

Number of cones hit _____

Reaction time was adequate. ☐ YES ☐ NO

Vehicle remained under control at all times. ☐ YES ☐ NO

Describe negative actions or attitudes _____

_____

Failed to complete exercise because _____

_____

All requirements were met. ☐ YES ☐ NO

General Remarks:

Instructor's Signature _____ Date _____

I have seen the completed form and have been given an explanation of my performance and rating.

Student's Signature _____ Date _____

Right-Side Road Turn

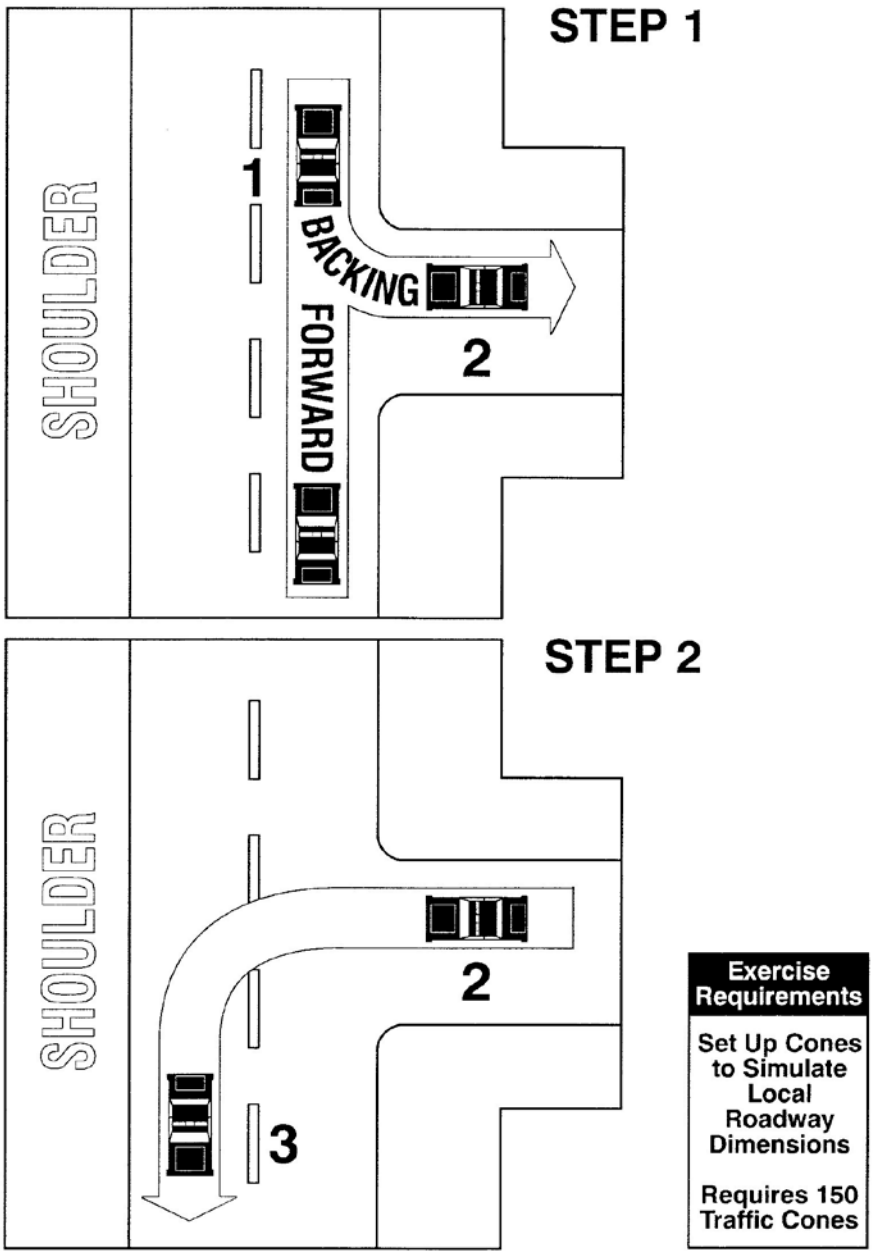
Purpose:
To develop the skill of coordinating turning, braking, signaling, and making traffic observations.

Procedure:

Instructor
- Explains purpose of exercise and key factors of the exercise
- Demonstrates exercise at moderate speed
- Demonstrates exercise at required speed

Student
1. Wears duty leather goods.
2. Assumes proper driving position; seat, mirrors, seat belt.
3. Enters course at speed determined by instructor.
4. Selects side road, checks rear traffic, and signals for a turn at least 100 feet in advance.
5. Keeps close to the right edge of road and brings vehicle to a stop approximately 10 feet past the side road.
6. Allows traffic from the rear to pass.
7. Looks over the right shoulder and rechecks traffic.
8. Backs into the side road on the right.
9. Checks traffic in both directions, signals for left turn and re-enters the roadway.
10. Should be completed in 13 to 18 seconds.
11. Negotiates the course smoothly.
12. Keeps steering movements constant and even.
13. Maintains 9-3 hand position.
14. Exits the course at the direction of the instructor.
15. Increases speed for subsequent practices at the direction of the instructor.

Right-Side Road Turn



Right-Side Road Turn

Exercise Rating:

Student's Name _____ Date _____ Vehicle Make/Number _____

Practice No. _____ Qualification Attempt No. _____

		1	2	3	4
A.	Entered course correctly.....	☐	☐	☐	☐
B.	Maintained required speed.....	☐	☐	☐	☐
C.	9-3 hand position (Going Forward).....	☐	☐	☐	☐
D.	Controlled acceleration.....	☐	☐	☐	☐
E.	Steering control.....	☐	☐	☐	☐
F.	Accelerator, steering coordination.....	☐	☐	☐	☐
G.	Smooth acceleration.....	☐	☐	☐	☐
H.	Foot movement.....	☐	☐	☐	☐
I.	Use of brakes.....	☐	☐	☐	☐
J.	Signaled intention.....	☐	☐	☐	☐
K.	Checked mirror.....	☐	☐	☐	☐
L.	Turned head.....	☐	☐	☐	☐

Number of cones hit _____

Reaction time was adequate. ☐ YES ☐ NO

Vehicle remained under control at all times. ☐ YES ☐ NO

Describe negative actions or attitudes _____

_____

Failed to complete exercise because _____

_____

All requirements were met. ☐ YES ☐ NO

General Remarks:

Instructor's Signature _____ Date _____

I have seen the completed form and have been given an explanation of my performance and rating.

Student's Signature _____ Date _____

Left-Side Road Turn

Procedure:

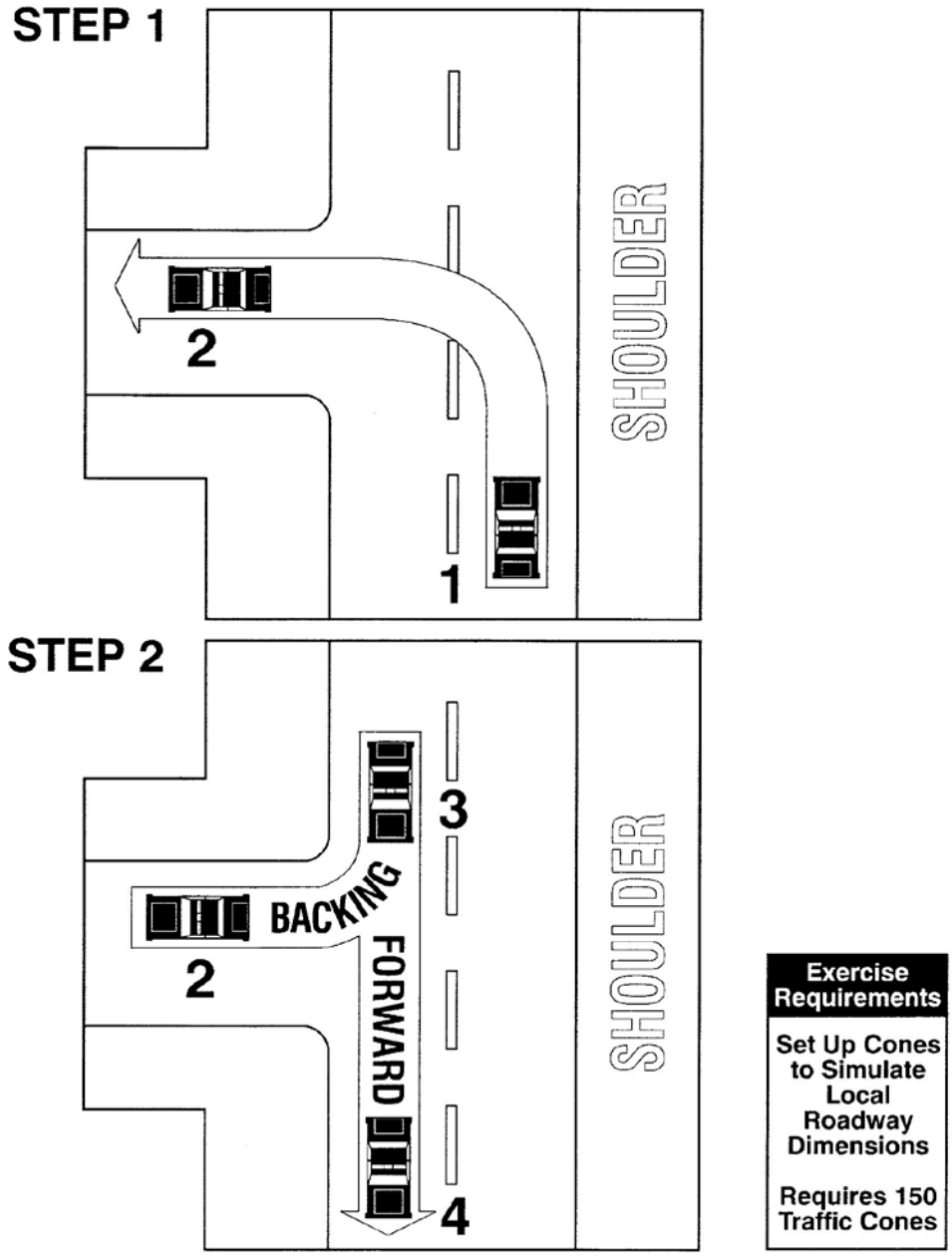
Instructor

- Explains purpose of exercise and key factors of the exercise
- Demonstrates exercise at moderate speed
- Demonstrates exercise at required speed

Student

1. Wears duty leather goods.
2. Assumes proper driving position; seat, mirrors, seat belt.
3. Enters course at speed determined by instructor.
4. Selects side road, checks rear traffic, and signals for a turn at least 100 feet in advance.
5. Keeps to the right of the center line and stops approximately 20 feet from roadway.
6. Looks over right shoulder and backs to the edge of the shoulder, pauses to check traffic.
7. Checks traffic and proceeds ahead.
8. Should be completed in 13 to 18 seconds.
9. Negotiates the course smoothly.
10. Keeps steering movements constant and even.
11. Maintains 9-3 hand position.
12. Exits the course at the direction of the instructor.
13. Increases speed for subsequent practices at the direction of the instructor.

Left-Side Road Turn



Left-Side Road Turn

Exercise Rating:

Student's Name _____ Date _____ Vehicle Make/Number _____

Practice No. _____ Qualification Attempt No.

		1	2	3	4
A.	Entered course correctly.....	☐	☐	☐	☐
B.	Maintained required speed.....	☐	☐	☐	☐
C.	9-3 hand position (Going Forward).....	☐	☐	☐	☐
D.	Controlled acceleration.....	☐	☐	☐	☐
E.	Steering control.....	☐	☐	☐	☐
F.	Accelerator, steering coordination.....	☐	☐	☐	☐
G.	Smooth acceleration.....	☐	☐	☐	☐
H.	Foot movement.....	☐	☐	☐	☐
I.	Use of brakes.....	☐	☐	☐	☐
J.	Signaled intention.....	☐	☐	☐	☐
K.	Checked mirror.....	☐	☐	☐	☐
L.	Turned head.....	☐	☐	☐	☐

Number of cones hit _____

Reaction time was adequate. ☐ YES ☐ NO

Vehicle remained under control at all times. ☐ YES ☐ NO

Describe negative actions or attitudes _____

_____

Failed to complete exercise because _____

_____

All requirements were met. ☐ YES ☐ NO

General Remarks:

Instructor's Signature _____ Date _____

I have seen the completed form and have been given an explanation of my performance and rating.

Student's Signature _____ Date _____

U-Turn

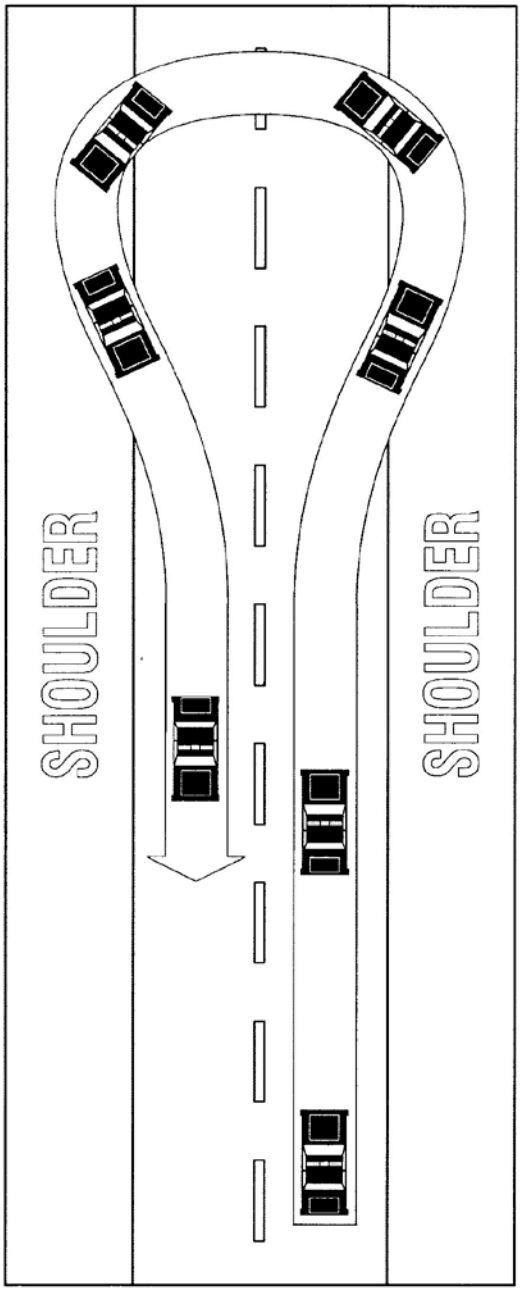
Purpose:
To develop the coordination of acceleration, turning, judgment of road width, and signaling.

Procedure:

Instructor
- Explains purpose of exercise and key factors of the exercise
- Demonstrates exercise at moderate speed
- Demonstrates exercise at required speed

Student
1. Wears duty leather goods.
2. Assumes proper driving position; seat, mirrors, seat belt.
3. Enters course at speed determined by instructor.
4. Signals for a right turn at least 100 feet in advance.
5. Turns onto the right shoulder, and steers sharply to the left.
6. Pauses momentarily to check for oncoming traffic.
7. Follows through with the counter-clockwise turn.
8. With practice, should be completed in 10 to 14 seconds.
9. Avoids situations with considerable cross traffic or pedestrians.
10. Considerably safer when a minimum number of traffic lanes are crossed.
11. Negotiates the course smoothly.
12. Keeps steering movements constant and even.
13. Maintains 9-3 hand position.
14. Exits the course at the direction of the instructor.
15. Increases speed for subsequent practices at the direction of the instructor.

U-Turn



U-Turn

Exercise Rating:

Student's Name _____ Date _____ Vehicle Make/Number _____

Practice No. _____ Qualification Attempt No.

		1	2	3	4
A.	Entered course correctly.....	☐	☐	☐	☐
B.	Maintained required speed.....	☐	☐	☐	☐
C.	9-3 hand position (Going Forward).....	☐	☐	☐	☐
D.	Controlled acceleration.....	☐	☐	☐	☐
E.	Steering control.....	☐	☐	☐	☐
F.	Accelerator, steering coordination.....	☐	☐	☐	☐
G.	Smooth acceleration.....	☐	☐	☐	☐
H.	Foot movement.....	☐	☐	☐	☐
I.	Use of brakes.....	☐	☐	☐	☐
J.	Signaled intention.....	☐	☐	☐	☐
K.	Checked mirror.....	☐	☐	☐	☐
L.	Turned head.....	☐	☐	☐	☐

Number of cones hit _____

Reaction time was adequate. ☐ YES ☐ NO

Vehicle remained under control at all times. ☐ YES ☐ NO

Describe negative actions or attitudes _____

_____

Failed to complete exercise because _____

_____

All requirements were met. ☐ YES ☐ NO

General Remarks:

Instructor's Signature _____ Date _____

I have seen the completed form and have been given an explanation of my performance and rating.

Student's Signature _____ Date _____

U-Turn

Purpose:
To develop the coordination of acceleration, turning, judgment of road width, and signaling.

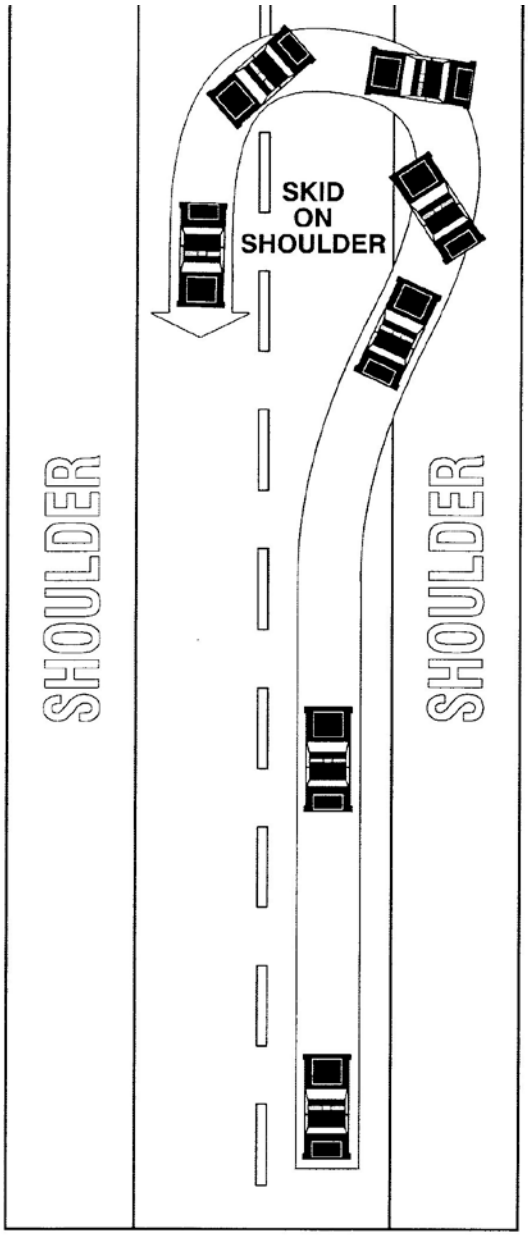
This exercise can not be used with a front wheel drive vehicle.

Procedure:

Instructor
- Explains purpose of exercise and key factors of the exercise
- Demonstrates exercise at moderate speed
- Demonstrates exercise at required speed

Student
1. Wears duty leather goods.
2. Assumes proper driving position; seat, mirrors, seat belt.
3. Enters course at speed determined by instructor.
4. Must have all four wheels off of the pavement.
5. Vehicle should come to a stop momentarily.
6. Front wheels should be turned as far left as possible.
7. Accelerates vehicle until the rear end slides around to required position.
8. Should be used if an immediate response is required.
9. Completes in 5 to 8 seconds.
10. Negotiates the course smoothly.
11. Keeps steering movements constant and even.
12. Maintains 9-3 hand position.
13. Exits the course at the direction of the instructor.
14. Increases speed for subsequent practices at the direction of the instructor.

U-Turn



U-Turn

Exercise Rating:

Student's Name _____ Date _____ Vehicle Make/Number _____

Practice No. _____ Qualification Attempt No.

		1	2	3	4
A.	Entered course correctly	☐	☐	☐	☐
B.	Maintained required speed	☐	☐	☐	☐
C.	9-3 hand position (Going Forward)	☐	☐	☐	☐
D.	Controlled acceleration	☐	☐	☐	☐
E.	Steering control	☐	☐	☐	☐
F.	Accelerator, steering coordination	☐	☐	☐	☐
G.	Smooth acceleration	☐	☐	☐	☐
H.	Foot movement	☐	☐	☐	☐
I.	Use of brakes	☐	☐	☐	☐
J.	Signaled intention	☐	☐	☐	☐
K.	Checked mirror	☐	☐	☐	☐
L.	Turned head	☐	☐	☐	☐

Number of cones hit _____

Reaction time was adequate. ☐ YES ☐ NO

Vehicle remained under control at all times. ☐ YES ☐ NO

Describe negative actions or attitudes _____

_____

Failed to complete exercise because _____

_____

All requirements were met. ☐ YES ☐ NO

General Remarks:

Instructor's Signature _____ Date _____

I have seen the completed form and have been given an explanation of my performance and rating.

Student's Signature _____ Date _____

Y-Turn

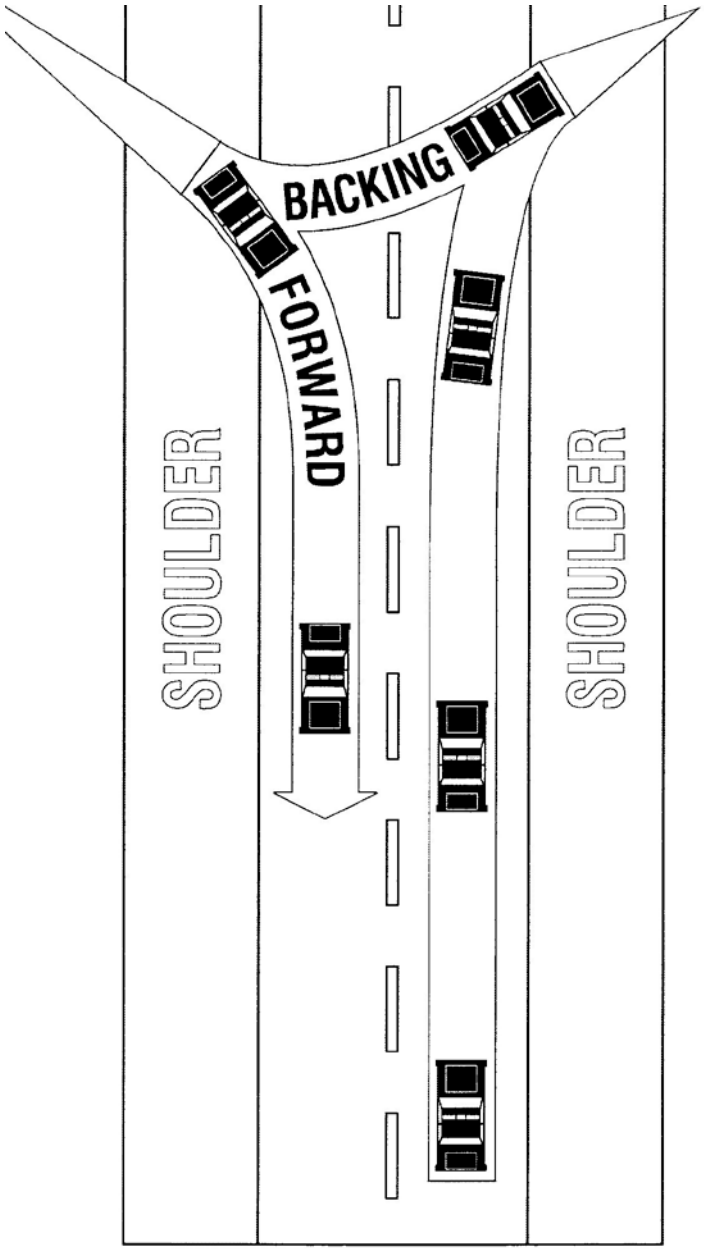
Purpose:
To develop the coordination of acceleration, turning, judgment of road width, and signaling.

Procedure:

Instructor
- Explains purpose of exercise and key factors of the exercise
- Demonstrates exercise at moderate speed
- Demonstrates exercise at required speed

Student
1. Wears duty leather goods.
2. Assumes proper driving position; seat, mirrors, seat belt.
3. Enters course at speed determined by instructor.
4. Checks rear traffic and signals for a stop at least 100 feet in advance.
5. Brings vehicle to a stop at approximately a 15 degree angle from the center of the road.
6. Begins backing turning the wheel slowly for the first five feet.
7. Steers counter-clockwise until rear wheels barely hit the shoulder.
8. Moves forward into the right lane.
9. Completes in 13 to 18 seconds.
10. Negotiates the course smoothly.
11. Keeps steering movements constant and even.
12. Maintains 9-3 hand position.
13. Exits the course at the direction of the instructor.
14. Increases speed for subsequent practices at the direction of the instructor.

Y-Turn



Y-Turn

Exercise Rating:

Student's Name _____ Date _____ Vehicle Make/Number _____

Practice No. _____ Qualification Attempt No.

		1	2	3	4
A.	Entered course correctly	☐	☐	☐	☐
B.	Maintained required speed	☐	☐	☐	☐
C.	9-3 hand position (Going Forward)	☐	☐	☐	☐
D.	Controlled acceleration	☐	☐	☐	☐
E.	Steering control	☐	☐	☐	☐
F.	Accelerator, steering coordination	☐	☐	☐	☐
G.	Smooth acceleration	☐	☐	☐	☐
H.	Foot movement	☐	☐	☐	☐
I.	Use of brakes	☐	☐	☐	☐
J.	Signaled intention	☐	☐	☐	☐
K.	Checked mirror	☐	☐	☐	☐
L.	Turned head	☐	☐	☐	☐

Number of cones hit _____
Reaction time was adequate. ☐ YES ☐ NO
Vehicle remained under control at all times. ☐ YES ☐ NO
Describe negative actions or attitudes _____
_____

Failed to complete exercise because _____
_____
All requirements were met. ☐ YES ☐ NO

General Remarks:

Instructor's Signature _____ Date _____

I have seen the completed form and have been given an explanation of my performance and rating.

Student's Signature _____ Date _____

Recovery Exercise

Off-Road Recovery

Off-Road Recovery

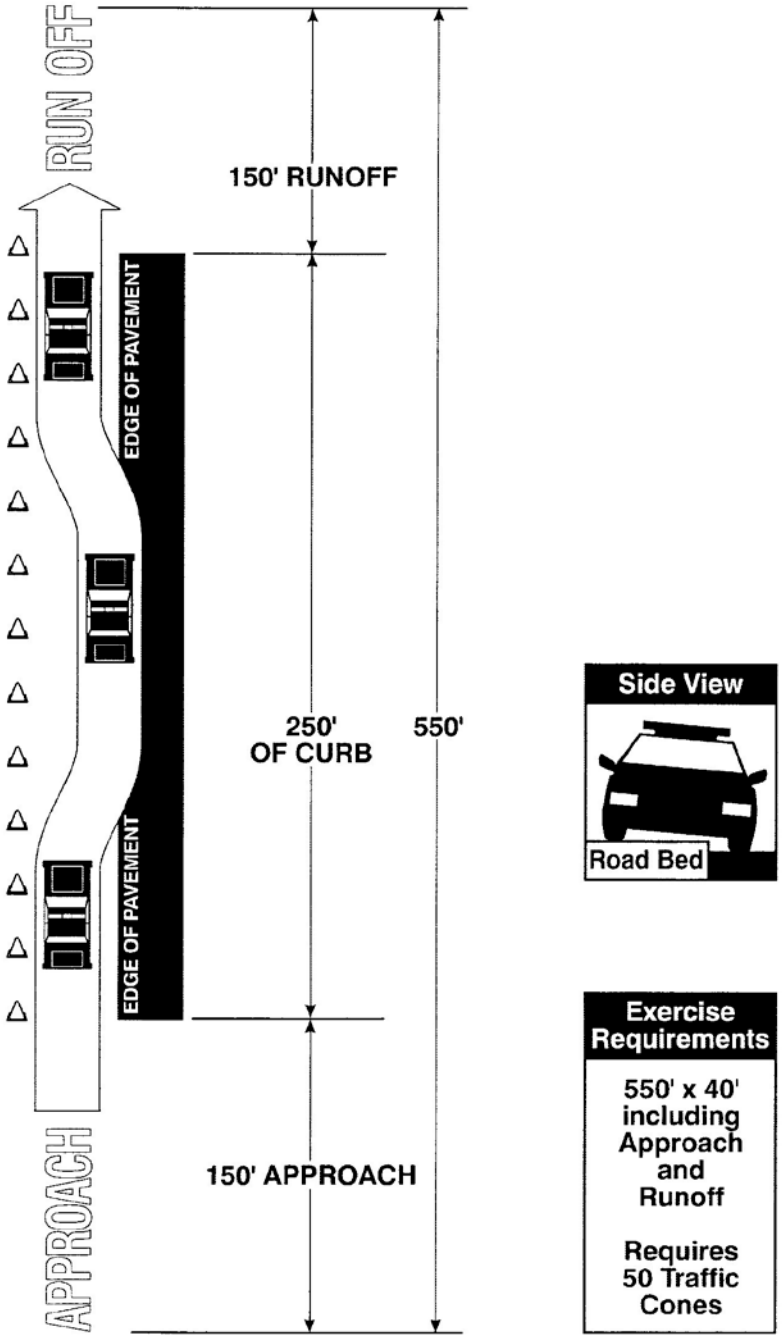
Purpose:
To develop skill in making an off-road recovery at operating speed over a raised roadbed.

Procedure:

Instructor
- Explains purpose of exercise and key factors of the exercise
- Demonstrates exercise at moderate speed
- Demonstrates exercise at required speed

Student
1. Wears duty leather goods.
2. Assumes proper driving position; seat, mirrors, seat belt.
3. Enters course at speed determined by instructor.
4. Slows down and returns to the road at your discretion.
5. Drops two wheels off pavement.
6. Vehicle is positioned relative to the curb so that there is room for the front wheels to turn.
7. Student turns the steering wheel 30 to 45 degrees to bring the car back onto the road.
8. On hearing or feeling the front tire strike the curb, countersteers to maintain lane position.
9. After completing a pas, turns the vehicle around and makes a pass with the opposite side of the vehicle off the road edge.
10. Negotiates the course smoothly.
11. Keeps steering movements constant and even.
12. Maintains 9-3 hand position.
13. Exits the course at the direction of the instructor.
14. Increases speed for subsequent practices at the direction of the instructor.

Off-Road Recovery



Off-Road Recovery

Exercise Rating:

Student's Name _____ Date _____ Vehicle Make/Number _____

Practice No. _____ Qualification Attempt No. _____

		1	2	3	4
A.	Entered course correctly.....	☐	☐	☐	☐
B.	Maintained required speed.....	☐	☐	☐	☐
C.	9-3 hand position (Going Forward).....	☐	☐	☐	☐
D.	Controlled acceleration.....	☐	☐	☐	☐
E.	Steering control.....	☐	☐	☐	☐
F.	Accelerator, steering coordination.....	☐	☐	☐	☐
G.	Smooth acceleration.....	☐	☐	☐	☐
H.	Foot movement.....	☐	☐	☐	☐
I.	Use of brakes.....	☐	☐	☐	☐

Number of cones hit _____

Reaction time was adequate. ☐ YES ☐ NO

Vehicle remained under control at all times. ☐ YES ☐ NO

Describe negative actions or attitudes _____

_____

Failed to complete exercise because _____

_____

All requirements were met. ☐ YES ☐ NO

General Remarks:

Instructor's Signature _____ Date _____

I have seen the completed form and have been given an explanation of my performance and rating.

Student's Signature _____ Date _____

Skid Control Exercises

Straight Line

Figure 8

90 Degree Turn

U-Turn

Locked Wheel Recovery

Straight Line Skid Control

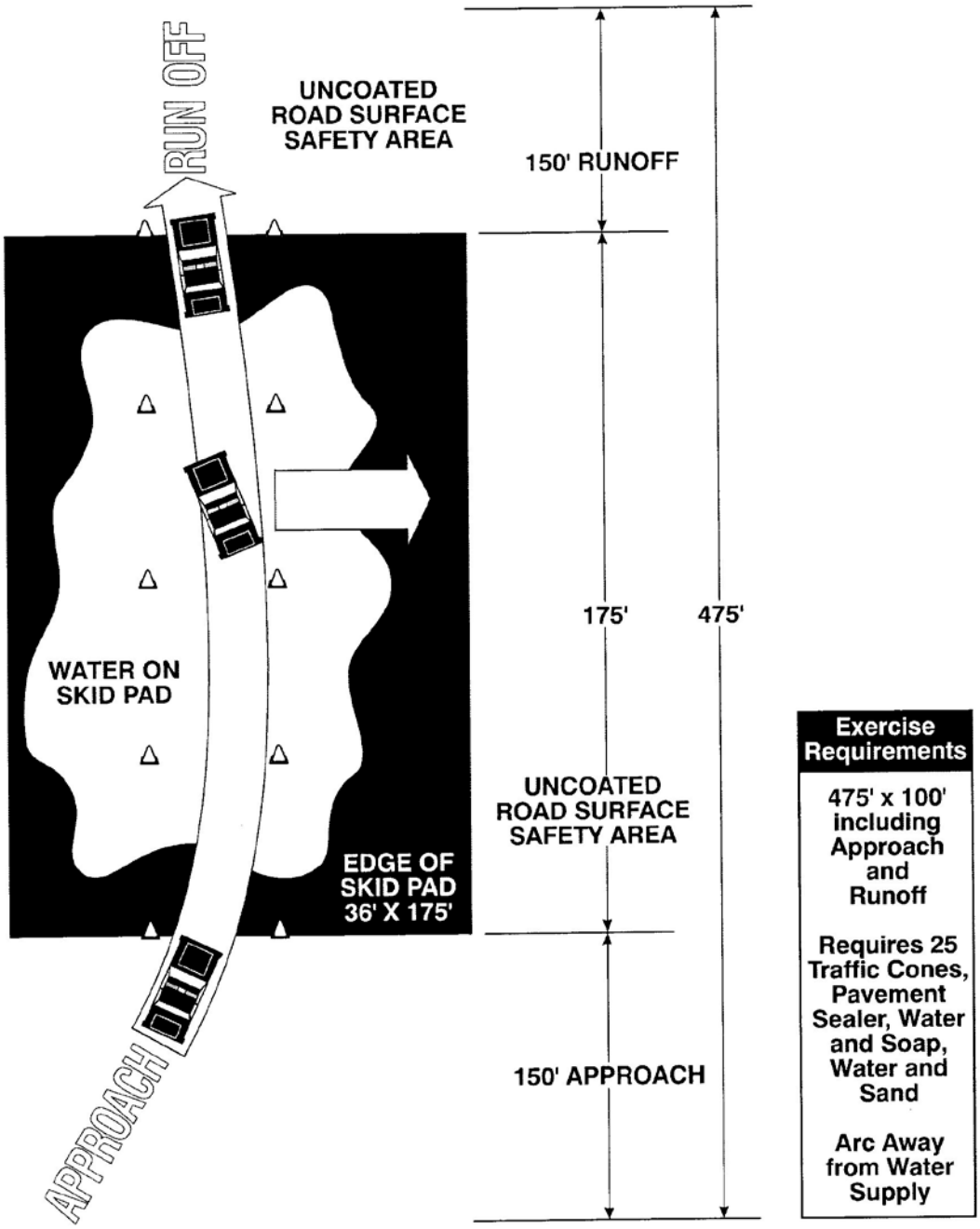
Purpose:
To develop confidence in coordinating steering and deceleration control as a means of controlling a skid.

Procedure:

Instructor
- Explains purpose of exercise and key factors of the exercise
- Demonstrates exercise at moderate speed
- Demonstrates exercise at required speed

Student
1. Wears duty leather goods.
2. Assumes proper driving position; seat, mirrors, seat belt.
3. Enters course at speed determined by instructor.
4. Steers to keep the front of the vehicle pointed in the direction you want to go.
5. Eases off the throttle.
6. Does not use brake.
7. Be prepared for secondary skids.
8. Negotiates the course smoothly.
9. Keeps steering movements constant and even.
10. Maintains 9-3 hand position.
11. Exits the course at the direction of the instructor.
12. Increases speed for subsequent practices at the direction of the instructor.

Straight Line Skid Control



Straight Line Skid Control

Exercise Rating:

Student's Name _____ Date _____ Vehicle Make/Number _____

Practice No. _____ Qualification Attempt No.

		1	2	3	4
A.	Hand-over-hand method	☐	☐	☐	☐
B.	Controlled acceleration	☐	☐	☐	☐
C.	Maintained required speed	☐	☐	☐	☐
D.	Steer in direction of skid	☐	☐	☐	☐
E.	Steering control	☐	☐	☐	☐
F.	Counter steering	☐	☐	☐	☐
G.	Accelerator, steering coordination	☐	☐	☐	☐
H.	Checked mirrors	☐	☐	☐	☐
I.	Turned head	☐	☐	☐	☐
J.	Foot movement	☐	☐	☐	☐
K.	Controlled use of brakes	☐	☐	☐	☐
L.	Cover brake pedal	☐	☐	☐	☐

Number of cones hit _____

Reaction time was adequate. ☐ YES ☐ NO

Vehicle remained under control at all times. ☐ YES ☐ NO

Describe negative actions or attitudes _____

_____

Failed to complete exercise because _____

_____

All requirements were met. ☐ YES ☐ NO

General Remarks:

Instructor's Signature _____ Date _____

I have seen the completed form and have been given an explanation of my performance and rating.

Student's Signature _____ Date _____

Figure 8 Skid Control

Purpose:
To develop skill in recovering from a skid, learning the handling characteristics of the vehicle and developing the driver's confidence in being able to regain control of a skidding vehicle.

Procedure:

Instructor
- Explains purpose of exercise and key factors of the exercise
- Demonstrates exercise at moderate speed
- Demonstrates exercise at required speed
- Clarifies any questions the student has
- One car on the exercise at a time
- Has the student wear duty leather goods *(optional)*

Student
1. Assumes proper driving position; seat, mirrors, seat belt.
2. Enters course at speed determined by instructor.
3. Begins exercise at 9-3 hand position.
4. Enters skid pad and begins a left or right turn, around the traffic cones.
5. Eases the accelerator pressure at the onset of a skid.
6. Makes transition from 9-3 to hand-over-hand method.
7. Does not brake.
8. Turns the steering wheel in the desired direction of travel.
9. Prepares for a secondary skid as the vehicle approaches the point of stabilization or desired direction of travel.
10. Steers and countersteers until vehicle is stable and traveling in desired direction.
11. Provides timely steering inputs.

Scaling:
Approximately 100' x 50' is required. Requires a minimum of 50 traffic cones. Figure 8 is established using 12' turning radius.

Commentary:
This is not a timed exercise. Entry speed is determined by conditions.

Figure 8 Skid Control

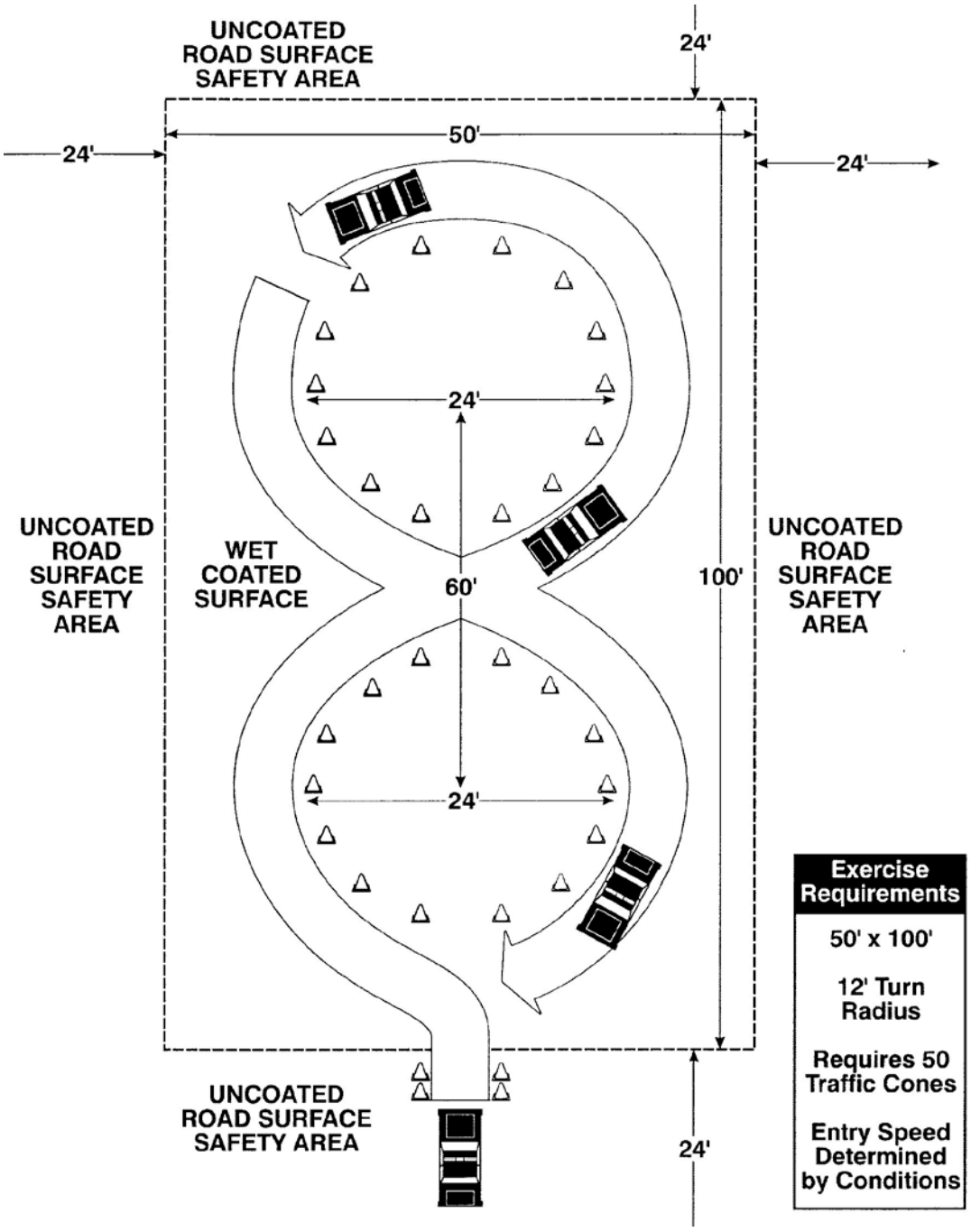


Figure 8 Skid Control

Exercise Rating:

Student's Name _____ Date _____ Vehicle Make/Number _____

Practice No. _____ Qualification Attempt No. _____

		1	2	3	4
A.	Assumed proper driving position.....	☐	☐	☐	☐
B.	Entered exercise correctly.....	☐	☐	☐	☐
C.	9-3 hand position.....	☐	☐	☐	☐
D.	Transition to hand-over-hand method.....	☐	☐	☐	☐
E.	Did not under-steer or over-steer.....	☐	☐	☐	☐
F.	Timely steering movement.....	☐	☐	☐	☐
G.	Prepared for counter steering.....	☐	☐	☐	☐
H.	Counter steered properly.....	☐	☐	☐	☐
I.	Accelerator control.....	☐	☐	☐	☐
J.	Did not apply brake.....	☐	☐	☐	☐
K.	Exited course at direction of instructor.....	☐	☐	☐	☐

Number of cones hit _____

Reaction time was adequate. ☐ YES ☐ NO

Vehicle remained under control at all times. ☐ YES ☐ NO

Describe negative actions or attitudes _____

_____

Failed to complete exercise because _____

_____

All requirements were met. ☐ YES ☐ NO

General Remarks:

Instructor's Signature _____ Date _____

I have seen the completed form and have been given an explanation of my performance and rating.

Student's Signature _____ Date _____

90 Degree Turn Skid Control

Purpose:
The exercise simulates a skid occurring when a driver attempts to corner a curve too fast or too sharply. The purposes of the exercise are to have the student recognize the dangers of acceleration in a sharp or high-speed curve, to develop skill in recovering from a skid, to learn the handling characteristics of the vehicle, and to develop the driver's confidence in being able to regain control of a skidding vehicle.

Procedure:

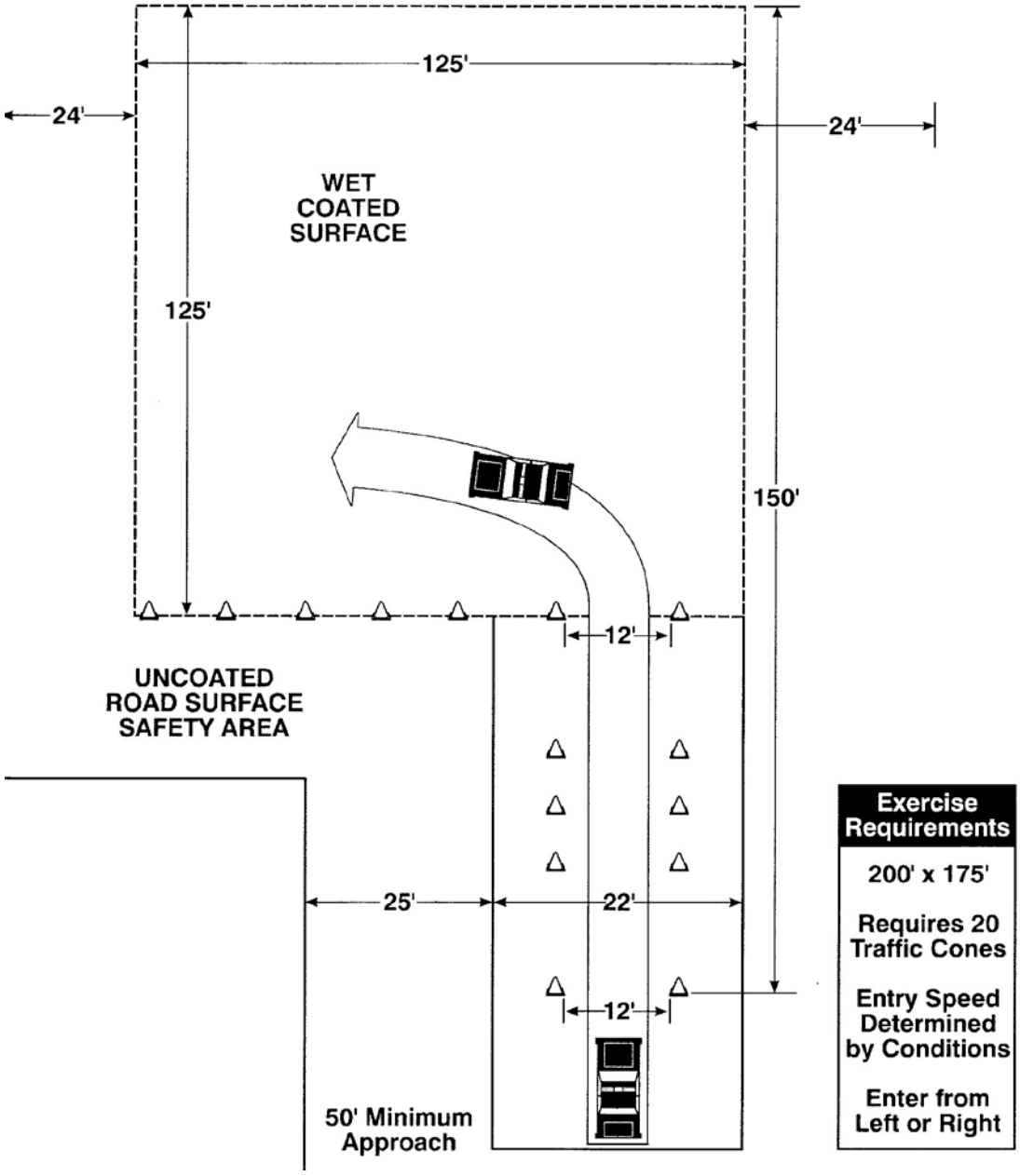
Instructor
- Explains purpose of exercise and key factors of the exercise
- Demonstrates exercise at moderate speed
- Demonstrates exercise at required speed
- Clarifies any questions the student has
- One car on the exercise at a time
- Has the student wear duty leather goods *(optional)*

Student
1. Assumes proper driving position; seat, mirrors, seat belt.
2. Enters exercise at speed determined by instructor.
3. Begins exercise at 9-3 hand position.
4. Enters skid pad and begins a left turn at the traffic cones.
5. Eases the accelerator pressure at the onset of a skid.
6. Makes transition from 9-3 to hand-over-hand method.
7. Does not brake.
8. Turns the steering wheel in the desired direction of travel.
9. Prepares for a secondary skid as the vehicle approaches the point of stabilization or desired direction of travel.
10. Steers and countersteers until vehicle is stable and traveling in desired direction.

Scaling:
Approximately 200' x 175' minimum area required. Requires 20 traffic cones.

Commentary:
This is not a timed exercise. Entry speed is determined by conditions. Students should be allowed to enter from the left or right.

90 Degree Turn Skid Control



90 Degree Turn Skid Control

Exercise Rating:

Student's Name _____ Date _____ Vehicle Make/Number _____

Practice No. _____ Qualification Attempt No.

		1	2	3	4
A.	Assumed proper driving position.....	☐	☐	☐	☐
B.	Entered exercise correctly.....	☐	☐	☐	☐
C.	9-3 hand position.....	☐	☐	☐	☐
D.	Transition to hand-over-hand method.....	☐	☐	☐	☐
E.	Did not under-steer or over-steer.....	☐	☐	☐	☐
F.	Timely steering movement.....	☐	☐	☐	☐
G.	Prepared for counter steering.....	☐	☐	☐	☐
H.	Counter steered properly.....	☐	☐	☐	☐
I.	Accelerator control.....	☐	☐	☐	☐
J.	Did not apply brake.....	☐	☐	☐	☐
K.	Exited course at direction of instructor.....	☐	☐	☐	☐

Number of cones hit _____

Reaction time was adequate. ☐ YES ☐ NO

Vehicle remained under control at all times. ☐ YES ☐ NO

Describe negative actions or attitudes _____

_____

Failed to complete exercise because _____

_____

All requirements were met. ☐ YES ☐ NO

General Remarks:

Instructor's Signature _____ Date _____

I have seen the completed form and have been given an explanation of my performance and rating.

Student's Signature _____ Date _____

U-Turn Skid Control

Purpose:
The exercise simulates a skid occurring when a driver attempts to corner a curve too fast or too sharply. The purposes are to have the student recognize the dangers of acceleration in a sharp or high-speed turn, to develop skill in recovering from a skid, to learn the handling characteristics of the vehicle, and to develop the driver's confidence in being able to regain control of a skidding vehicle.

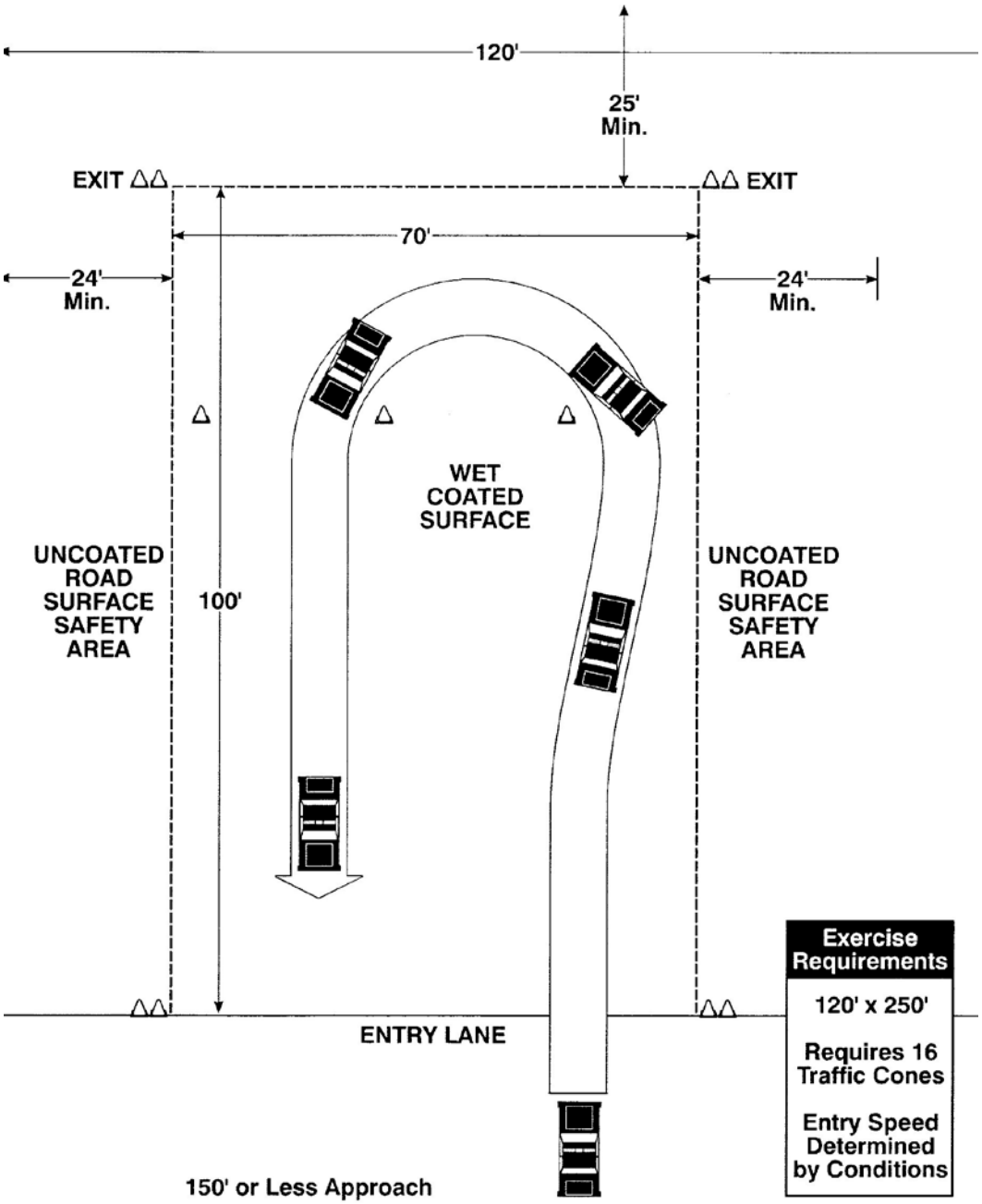
Procedure:

Instructor
- Explains purpose of exercise and key factors of the exercise
- Demonstrates exercise at moderate speed
- Demonstrates exercise at required speed
- Clarifies any questions the student has
- One car on the exercise at a time
- Has the student wear duty leather goods *(optional)*

Student
1. Assumes proper driving position; seat, mirrors, seat belt.
2. Enters exercise at speed determined by instructor.
3. Begins exercise at 9-3 hand position.
4. Enters skid pad and begins a left or right U-turn at the traffic cones.
5. Eases the accelerator pressure at the onset of a skid.
6. Makes transition from 9-3 to hand-over-hand method.
7. Does not brake.
8. Turns the steering wheel in the desired direction of travel.
9. Prepares for a secondary skid as the vehicle approaches the point of stabilization or desired direction of travel.
10. Steers and countersteers until vehicle is stable and traveling in desired direction.
11. Provides timely steering inputs.

Scaling:
Requires approximately 120' x 250'. Requires 16 traffic cones.

U-Turn Skid Control



U-Turn Skid Control

Exercise Rating:

Student's Name _____ Date _____ Vehicle Make/Number _____

Practice No. _____ Qualification Attempt No.

		1	2	3	4
A.	Assumed proper driving position.....	☐	☐	☐	☐
B.	Entered exercise correctly.....	☐	☐	☐	☐
C.	9-3 hand position.....	☐	☐	☐	☐
D.	Transition to hand-over-hand method.....	☐	☐	☐	☐
E.	Did not under-steer or over-steer.....	☐	☐	☐	☐
F.	Timely steering movement.....	☐	☐	☐	☐
G.	Prepared for counter steering.....	☐	☐	☐	☐
H.	Counter steered properly.....	☐	☐	☐	☐
I.	Accelerator control.....	☐	☐	☐	☐
J.	Did not apply brake.....	☐	☐	☐	☐
K.	Exited course at direction of instructor.....	☐	☐	☐	☐

Number of cones hit _____

Reaction time was adequate. ☐ YES ☐ NO

Vehicle remained under control at all times. ☐ YES ☐ NO

Describe negative actions or attitudes _____

_____

Failed to complete exercise because _____

_____

All requirements were met. ☐ YES ☐ NO

General Remarks:

Instructor's Signature _____ Date _____

I have seen the completed form and have been given an explanation of my performance and rating.

Student's Signature _____ Date _____

Locked Wheel Recovery Skid Control

Purpose:
To simulate the loss of steering due to one or more wheels being locked up. To have the student experience how much control of the vehicle can be regained, even on a slippery surface, when a brake lock-up is released.

Procedure:

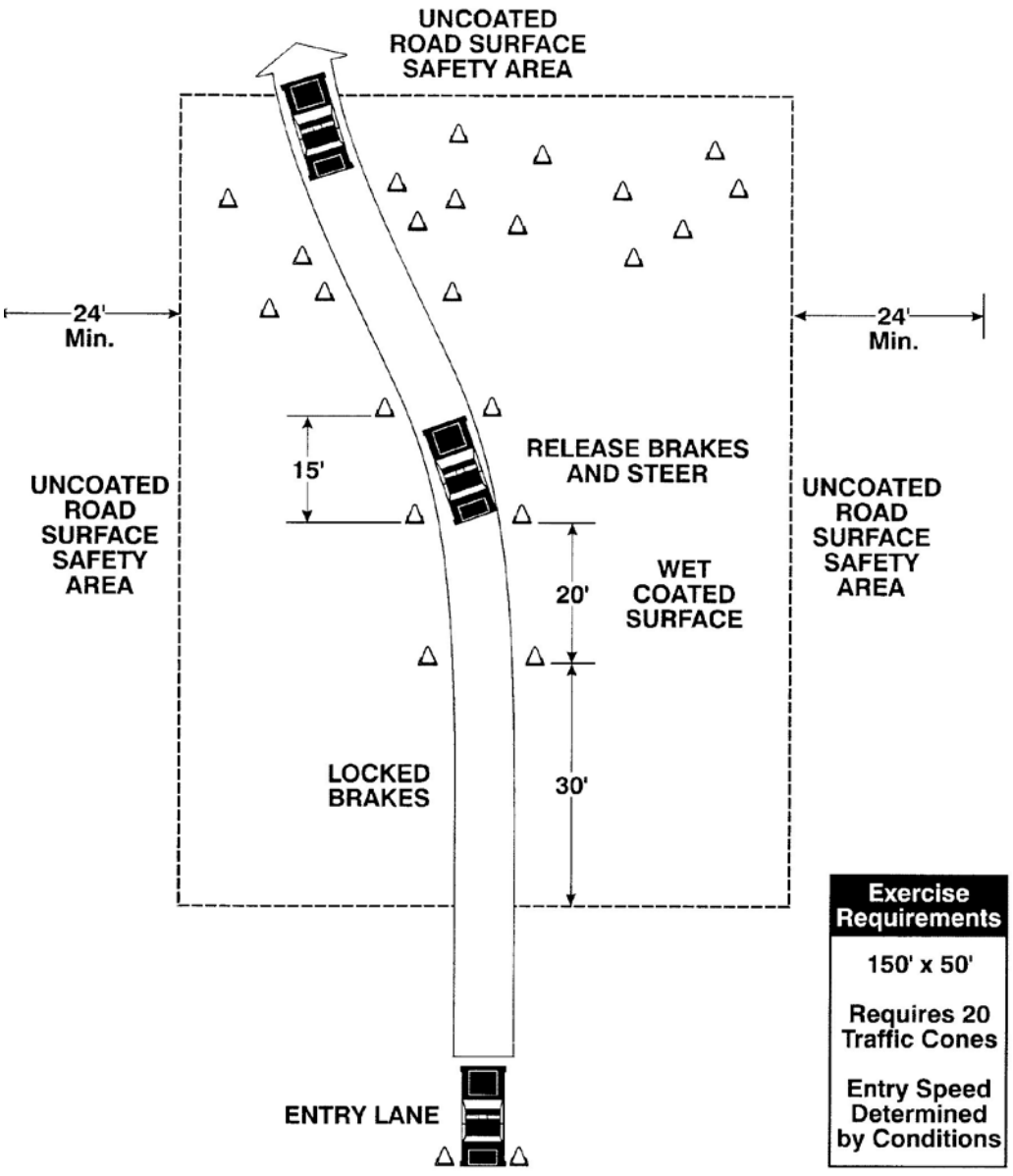
Instructor
- Explains purpose of exercise and key factors of the exercise
- Demonstrates exercise at moderate speed
- Demonstrates exercise at required speed
- Clarifies any questions the student has
- One car on the exercise at a time
- Has the student wear duty leather goods *(optional)*

Student
1. Assumes proper driving position; seat, mirrors, seat belt.
2. Enters exercise at speed determined by instructor.
3. Begins exercise at 9-3 hand position.
4. Enters skid pad and locks up brakes *(optional)*.
5. Eases the accelerator pressure at the onset of a skid.
6. Makes transition from 9-3 to hand-over-hand method.
7. Does not brake.
8. Turns the steering wheel in the desired direction of travel.
9. Prepares for a secondary skid as the vehicle approaches the point of stabilization or desired direction of travel.
10. Steers and countersteers until vehicle is stable and traveling in desired direction.
11. Provides timely steering inputs.

Scaling:
Approximately 150' x 50' minimum area required. Requires 20 traffic cones.

Commentary:
This is not a timed exercise. Entry speed is determined by conditions.

Locked Wheel Recovery Skid Control



Locked Wheel Recovery Skid Control

Exercise Rating:

Student's Name _____ Date _____ Vehicle Make/Number _____

Practice No. _____ Qualification Attempt No.

		1	2	3	4
A.	Assumed proper driving position.....	☐	☐	☐	☐
B.	Entered exercise correctly.....	☐	☐	☐	☐
C.	9-3 hand position.....	☐	☐	☐	☐
D.	Transition to hand-over-hand method.....	☐	☐	☐	☐
E.	Did not under-steer or over-steer.....	☐	☐	☐	☐
F.	Timely steering movement.....	☐	☐	☐	☐
G.	Prepared for counter steering.....	☐	☐	☐	☐
H.	Counter steered properly.....	☐	☐	☐	☐
I.	Accelerator control.....	☐	☐	☐	☐
J.	Did not apply brake.....	☐	☐	☐	☐
K.	Exited course at direction of instructor.....	☐	☐	☐	☐

Number of cones hit _____

Reaction time was adequate. ☐ YES ☐ NO

Vehicle remained under control at all times. ☐ YES ☐ NO

Describe negative actions or attitudes _____

_____

Failed to complete exercise because _____

_____

All requirements were met. ☐ YES ☐ NO

General Remarks:

Instructor's Signature _____ Date _____

I have seen the completed form and have been given an explanation of my performance and rating.

Student's Signature _____ Date _____

Parking Exercises

Parallel Parking

Perpendicular - Forward

Perpendicular - Backing

Parallel Parking

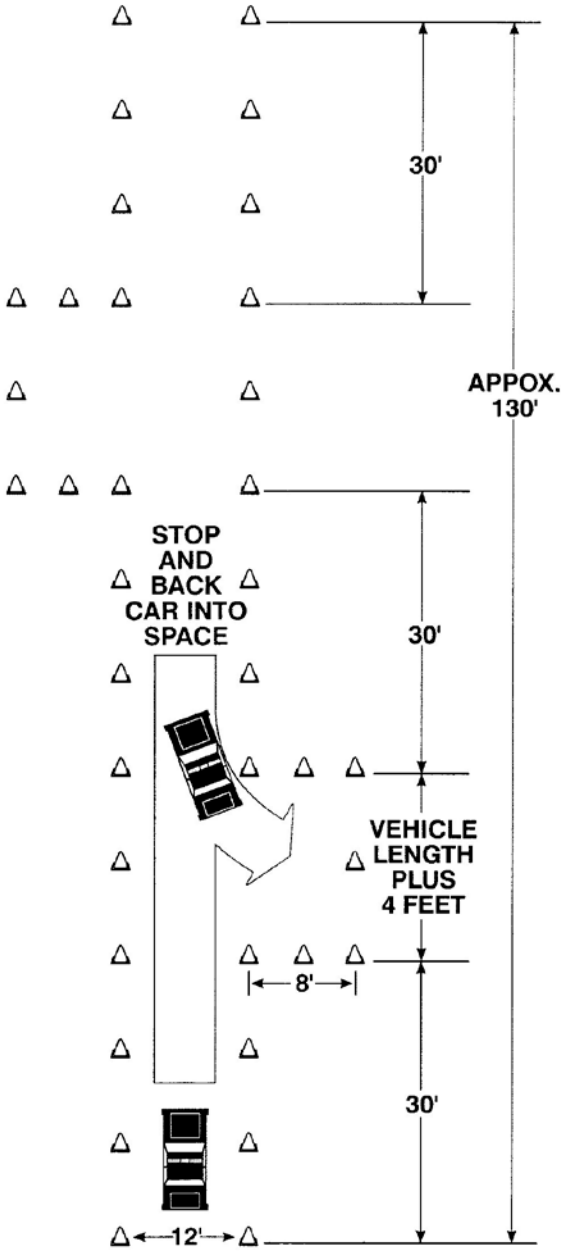
Purpose:
To develop the skills necessary to parallel park a law enforcement vehicle through the recognition of vehicle tracking (front end swing), the turning radius of a vehicle, proper steering techniques when backing up, and the relationship of the vehicle to fixed objects.

Procedure:

Instructor
- Explains purpose of exercise and key factors of the exercise
- Demonstrates exercise at moderate speed
- Demonstrates exercise at required speed

Student
1. Wears duty leather goods.
2. Assumes proper driving position; seat, mirrors, seat belt.
3. Enters course at speed determined by instructor.
4. Drives forward using the 9-3 steering method.
5. Signals intention.
6. Aligns passenger side of vehicle parallel to the right cone approximately three feet from the cones.
7. Stops when rear bumper is even to far outside line of cones in parking space.
8. Turns steering wheel to right to maximum input.
9. Puts gear selector in reverse.
10. Lets vehicle idle backwards.
11. Straightens front wheels as vehicle is turning into parking space and at approximately 45 degree angle.
12. Allows vehicle to continue backwards until the front bumper of vehicle being parked is aligned with the far outside of cones.
13. Stops vehicle, turns steering wheel to maximum input to left.
14. Allows vehicle to continue backwards.
15. Stops when vehicle is parallel to outside cones.
16. Turns wheels straight or maximum input to right.
17. Makes final adjustments.
18. Uses only one sequence of movements.
19. Stops, finally, no more than 12 inches from curb.
20. Exits course at direction of instructor.
21. Increases speed for subsequent practices at the direction of the instructor.

Parallel Parking



Exercise Requirements

Set Up Cones to Simulate Local Roadway and Parking Spaces

Option:
Use Vehicles to Create Parking Spaces

Parallel Parking

Exercise Rating:

Student's Name _____ Date _____ Vehicle Make/Number _____

Practice No. _____ Qualification Attempt No. _____

		1	2	3	4
A.	Controlled acceleration.....	☐	☐	☐	☐
B.	Coordination of steering and braking.....	☐	☐	☐	☐
C.	Foot movement.....	☐	☐	☐	☐

Number of cones hit _____

Gave signal of intention.	☐ YES	☐ NO
Reaction time was adequate.	☐ YES	☐ NO
Vehicle remained under control at all times.	☐ YES	☐ NO
Task was completed in one sequence of movements.	☐ YES	☐ NO
Vehicle was 12 inches or less from curb.	☐ YES	☐ NO
Exercise was completed in X# seconds or less.	☐ YES	☐ NO

Describe negative actions or attitudes _____
_____

Failed to complete exercise because _____
_____

All requirements were met. ☐ YES ☐ NO

General Remarks:

Instructor's Signature _____ Date _____

I have seen the completed form and have been given an explanation of my performance and rating.

Student's Signature _____ Date _____

Perpendicular Parking (Forward)

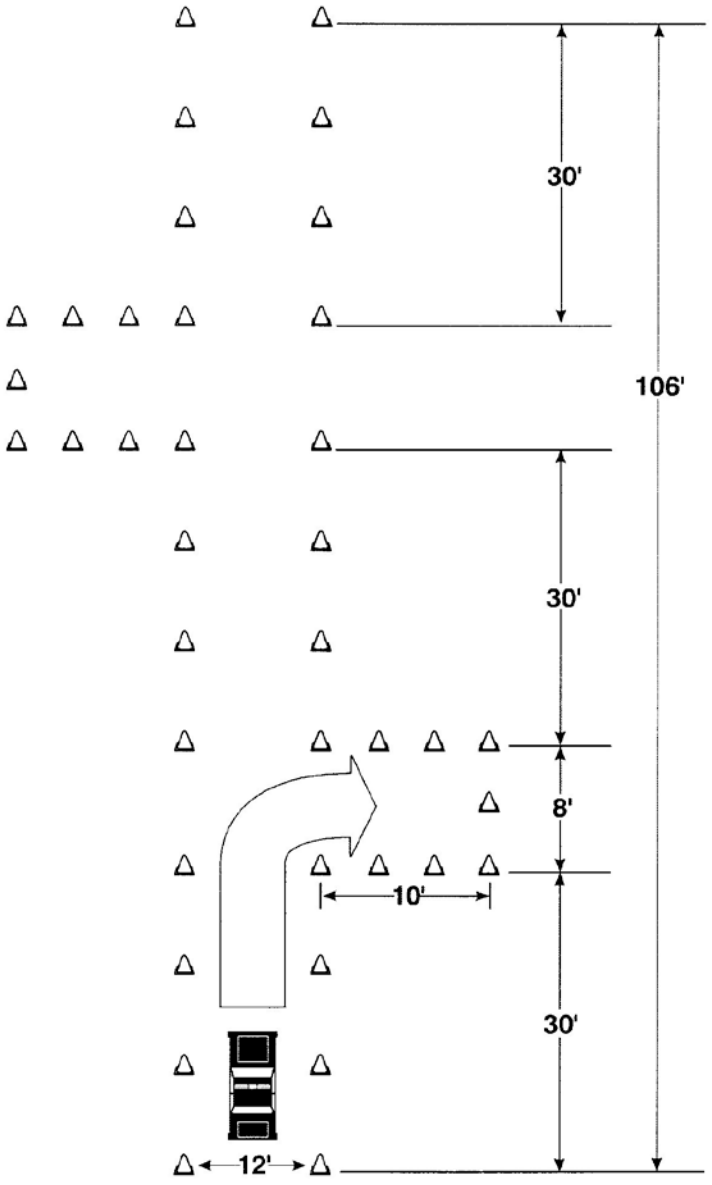
Purpose:
To develop recognition of the turning radius of a vehicle, accelerator and steering control, hand over hand or shuffle steering and the relationship of a vehicle to a fixed object.

Procedure:

Instructor
- Explains purpose of exercise and key factors of the exercise
- Demonstrates exercise at moderate speed
- Demonstrates exercise at required speed

Student
1. Wears duty leather goods.
2. Assumes proper driving position; seat, mirrors, seat belt.
3. Enters course at speed determined by instructor.
4. Drives forward using the 9-3 steering method.
5. Using hand-over-hand or shuffle steering, turns into designated parking space.
6. Centers vehicle in parking space.
7. Exiting parking space, sound horn.
8. Drive selector in reverse.
9. Backs out, turning steering wheel to the desired direction selected.
10. Makes final adjustments and drives forward.
11. Exits course at direction of instructor.
21. Increases speed for subsequent practices at the direction of the instructor.

Perpendicular Parking (Forward)



Exercise Requirements

Set Up Cones to Simulate Local Roadway and Parking Spaces

Option:

Use Vehicles to Create Parking Spaces

Perpendicular Parking (Forward)

Exercise Rating:

Student's Name _____ Date _____ Vehicle Make/Number _____

Practice No. _____ Qualification Attempt No. _____

		1	2	3	4
A.	Controlled acceleration.....	☐	☐	☐	☐
B.	Coordination of steering and braking.....	☐	☐	☐	☐
C.	Foot movement.....	☐	☐	☐	☐

Number of cones hit _____

Gave signal of intention.	☐ YES	☐ NO
Reaction time was adequate.	☐ YES	☐ NO
Vehicle remained under control at all times.	☐ YES	☐ NO
Task was completed in one sequence of movements.	☐ YES	☐ NO
Vehicle was 12 inches or less from curb.	☐ YES	☐ NO
Exercise was completed in X# seconds or less.	☐ YES	☐ NO

Describe negative actions or attitudes _____
_____

Failed to complete exercise because _____
_____

All requirements were met. ☐ YES ☐ NO

General Remarks:

Instructor's Signature _____ Date _____

I have seen the completed form and have been given an explanation of my performance and rating.

Student's Signature _____ Date _____

Perpendicular Parking (Backing In)

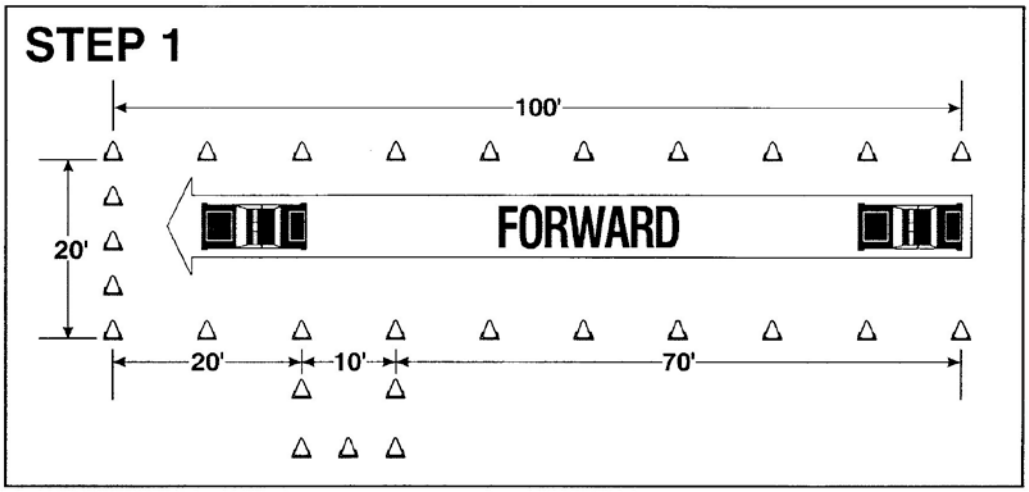
Purpose:
To develop skill in backing a vehicle into a stall controlling front end swing and recognizing the relationship of the vehicle to fixed objects.

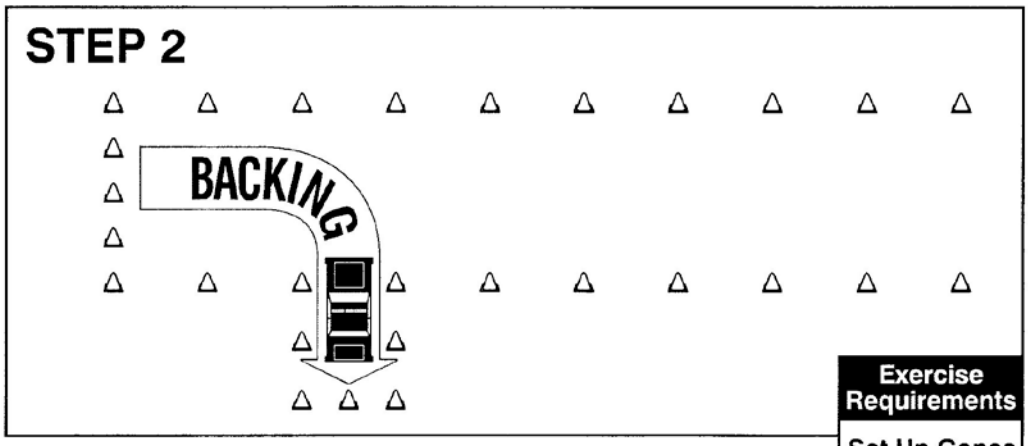
Procedure:

Instructor
- Explains purpose of exercise and key factors of the exercise
- Demonstrates exercise at moderate speed
- Demonstrates exercise at required speed

Student
1. Wears duty leather goods.
2. Assumes proper driving position; seat, mirrors, seat belt.
3. Enters course at speed determined by instructor.
4. The vehicle is driven beyond the stall, which is perpendicular to the road.
5. The vehicle is backed into the center of the stall.
6. Drives forward using the 9-3 steering method.
7. Using hand-over-hand or shuffle steering, turns into designated parking space.
8. Centers vehicle in parking space.
9. Drives out, turning steering wheel to the desired direction selected.
10. Makes final adjustments and drives forward.
11. Exits course at direction of instructor.
21. Increases speed for subsequent practices at the direction of the instructor.

Perpendicular Parking (Backing In)





Exercise Requirements

Set Up Cones to Simulate Local Roadway and Parking Spaces

Option:

Use Vehicles to Create Parking Spaces

Perpendicular Parking (Backing In)

Exercise Rating:

Student's Name _____ Date _____ Vehicle Make/Number _____

Practice No. _____ Qualification Attempt No. _____

		1	2	3	4
A.	Controlled acceleration.....	☐	☐	☐	☐
B.	Coordination of steering and braking.....	☐	☐	☐	☐
C.	Foot movement.....	☐	☐	☐	☐

Number of cones hit _____

Gave signal of intention.	☐ YES	☐ NO
Reaction time was adequate.	☐ YES	☐ NO
Vehicle remained under control at all times.	☐ YES	☐ NO
Task was completed in one sequence of movements.	☐ YES	☐ NO
Vehicle was 12 inches or less from curb.	☐ YES	☐ NO
Exercise was completed in X# seconds or less.	☐ YES	☐ NO

Describe negative actions or attitudes _____
_____

Failed to complete exercise because _____
_____

All requirements were met. ☐ YES ☐ NO

General Remarks:

Instructor's Signature _____ Date _____

I have seen the completed form and have been given an explanation of my performance and rating.

Student's Signature _____ Date _____

Cumulative Skills Acquisition Courses

Cumulative Skills Assessment Course A

Cumulative Skills Assessment Course B

Cumulative Skills Assessment Course C

Cumulative Skills Assessment Course A

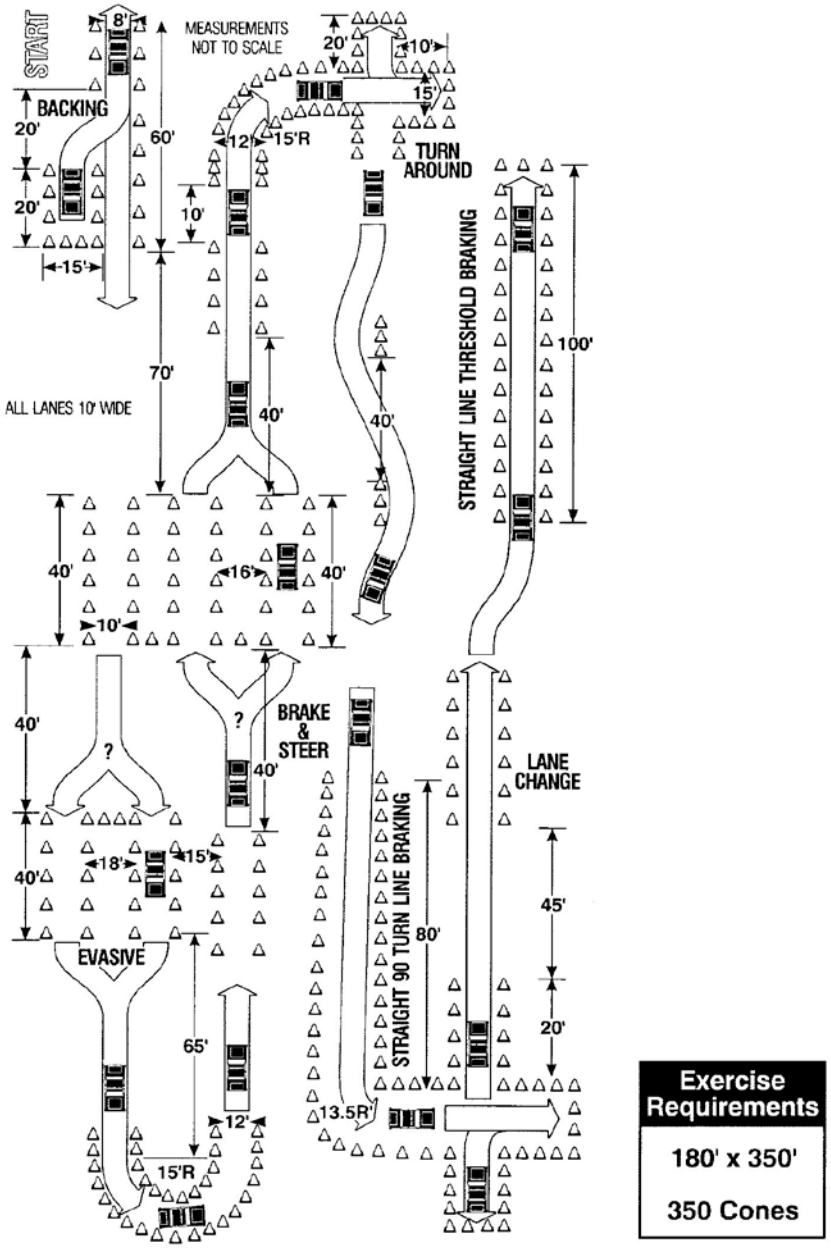
Purpose:
To develop within the student the confidence to apply the learned accident avoidance, vehicle dynamics, and vehicle turnaround exercises during a simulated emergency run. The student is to complete the Cumulative Skills Assessment Course in a controlled manner, by applying all the techniques taught in the Precision Driving Program.

Procedure:

Instructor
- Explains purpose of exercise and key factors of the exercise
- Demonstrates exercise at moderate speed
- Demonstrates exercise at required speed
- Uses radio equipment. *(Optional)*
- Uses flashlight. *(Optional)*
- Has student wear leather duty goods. *(Optional)*

Student
1. Demonstrates knowledge of proper radio communication.
2. Demonstrates knowledge of the Motor Vehicle Code (AEV exemptions).
3. Demonstrates knowledge of the classroom lecture material.
4. Demonstrates knowledge of vehicle dynamics.
5. Demonstrates knowledge of the accident avoidance exercises.
6. Demonstrates knowledge of the vehicle turnaround exercises.
7. Successfully completes the course within the time limit.
8. Successfully completes the course without touching or knocking down a cone.
9. Successfully completes the course with 100% techniques.

Cumulative Skills Assessment Course A



Cumulative Skills Assessment Course A

Evaluation:

_____

Student's Name Date Vehicle Make/Number

Initial Qualification □ YES□ NO Requalification Attempt Number_____

A check indicates a failure.

BACKING

12 o'clock hand position..... ☐
Viewed out back window..... ☐
Palm steering..... ☐
Turn in one movement..... ☐
Smooth acceleration..... ☐

EVASIVE

9-3 hand position..... ☐
Controlled acceleration..... ☐
3-point steering..... ☐
Accelerator/steering coordination. ☐
Steer into proper lane..... ☐
Use of brakes..... ☐

TURN

9-3 hand position..... ☐
Controlled acceleration..... ☐
Threshold braking..... ☐
Hand-over-hand steering..... ☐
Accelerator/steering coordination. ☐
Accelerator control..... ☐

BRAKE AND STEER

9-3 hand position..... ☐
Controlled acceleration..... ☐
Braking/steering coordination.... ☐
3-point steering..... ☐
Threshold braking..... ☐
Evade into proper lane..... ☐

TURNAROUND

9-3 hand position..... ☐
Braking/steering coordination..... ☐
12 o'clock position..... ☐
View out back window..... ☐
Accelerator/steering coordination. ☐
Palm steering..... ☐
Turn in one movement..... ☐
Hand-over-hand steering..... ☐

SERPENTINE

9-3 hand position..... ☐
Controlled acceleration..... ☐
Accelerator/steering coordination. ☐
Use of brakes..... ☐

90 DEGREE LEFT TURN

9-3 hand position..... ☐
Controlled acceleration..... ☐
Accelerator/steering coordination. ☐
Threshold braking..... ☐
Hand-over-hand steering..... ☐

TURNAROUND

9-3 hand position..... ☐
Braking/steering coordination..... ☐
12 o'clock position..... ☐
View out back window..... ☐
Accelerator/steering coordination. ☐
Palm steering..... ☐
Turn in one movement..... ☐
Hand-over-hand steering..... ☐

LANE CHANGE

9-3 hand position..... ☐
Controlled acceleration..... ☐
3-point steering..... ☐
Accelerator/steering coordination. ☐
Use of brakes..... ☐

BRAKING

9-3 hand position..... ☐
Braking/steering coordination..... ☐
Smooth acceleration..... ☐
Threshold braking..... ☐
Controlled stopping..... ☐

Number of cones knocked down or touched _____
Reaction time adequate..... ☐
Vehicle remained under control at all times..... ☐

Remarks *(e.g. Failed to complete course because of negative actions or attitudes.)*

The student has passed 2 of the 3 evaluation runs. I have informed the student of his/her progress.

Instructor's Signature _____ Date _____

Reviewer's Signature _____ Date _____

Cumulative Skills Assessment Course B

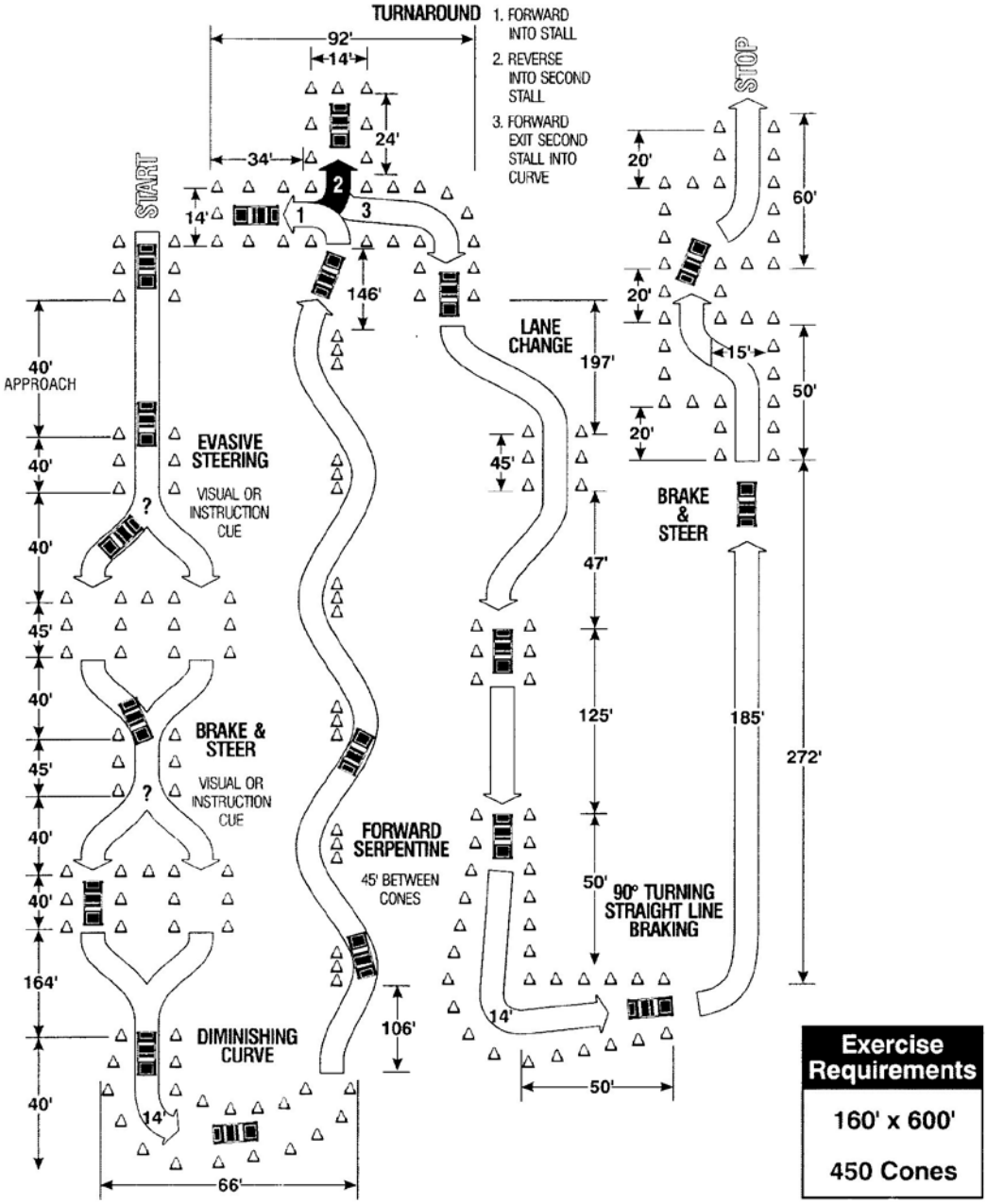
Purpose:
To develop within the student the confidence to apply the learned accident avoidance, vehicle dynamics, and vehicle turnaround exercises during a simulated emergency run. The student is to complete the Cumulative Skills Assessment Course in a controlled manner, by applying all the techniques taught in the Precision Driving Program.

Procedure:

Instructor
- Explains purpose of exercise and key factors of the exercise
- Demonstrates exercise at moderate speed
- Demonstrates exercise at required speed
- Uses radio equipment. *(Optional)*
- Uses flashlight. *(Optional)*
- Has student wear leather duty goods. *(Optional)*

Student
1. Demonstrates knowledge of proper radio communication.
2. Demonstrates knowledge of the Motor Vehicle Code (AEV exemptions).
3. Demonstrates knowledge of the classroom lecture material.
4. Demonstrates knowledge of vehicle dynamics.
5. Demonstrates knowledge of the accident avoidance exercises.
6. Demonstrates knowledge of the vehicle turnaround exercises.
7. Successfully completes the course within the time limit.
8. Successfully completes the course without touching or knocking down a cone.
9. Successfully completes the course with 100% techniques.

Cumulative Skills Assessment Course B



Cumulative Skills Assessment Course B

Evaluation:

Student's Name Date Vehicle Make/Number

Initial Qualification □ YES□ NO Requalification Attempt Number_____

A check indicates a failure.

EVASIVE

9-3 hand position..... ☐
Controlled acceleration..... ☐
3-point steering..... ☐
Accelerator/steering coordination. ☐
Steer into proper lane..... ☐
Use of brakes..... ☐

BRAKE AND STEER

9-3 hand position..... ☐
Controlled acceleration..... ☐
Braking/steering coordination.... ☐
3-point steering..... ☐
Threshold braking..... ☐
Evade into proper lane..... ☐

DECREASING RADIUS

9-3 hand position..... ☐
Controlled acceleration..... ☐
Threshold braking..... ☐
Hand-over-hand steering..... ☐
Accelerator/steering coordination. ☐
Accelerator Control..... ☐

SERPENTINE

9-3 hand position..... ☐
Controlled acceleration..... ☐
Accelerator/steering coordination. ☐
Use of brakes..... ☐

TURNAROUND

9-3 hand position..... ☐
Braking/steering coordination..... ☐
12 o'clock position..... ☐
View out back window..... ☐
Accelerator/steering coordination. ☐
Palm steering..... ☐
Turn in one movement..... ☐
Hand-over-hand steering..... ☐

LANE CHANGE

9-3 hand position..... ☐
Controlled acceleration..... ☐
3-point steering..... ☐
Accelerator/steering coordination. ☐
Use of brakes..... ☐

90 DEGREE LEFT TURN

9-3 hand position..... ☐
Controlled acceleration..... ☐
Accelerator/steering coordination. ☐
Threshold braking..... ☐
Hand-over-hand steering..... ☐

BRAKE AND STEER

9-3 hand position..... ☐
Controlled acceleration..... ☐
Braking/steering coordination.... ☐
3-point steering..... ☐
Threshold braking..... ☐

Number of cones knocked down or touched _____

Reaction time adequate..... ☐

Vehicle remained under control at all times..... ☐

Remarks *(e.g. Failed to complete course because of negative actions or attitudes.)*

The student has passed 2 of the 3 evaluation runs. I have informed the student of his/her progress.

Instructor's Signature _____ Date _____

Reviewer's Signature _____ Date _____

Cumulative Skills Assessment Course C

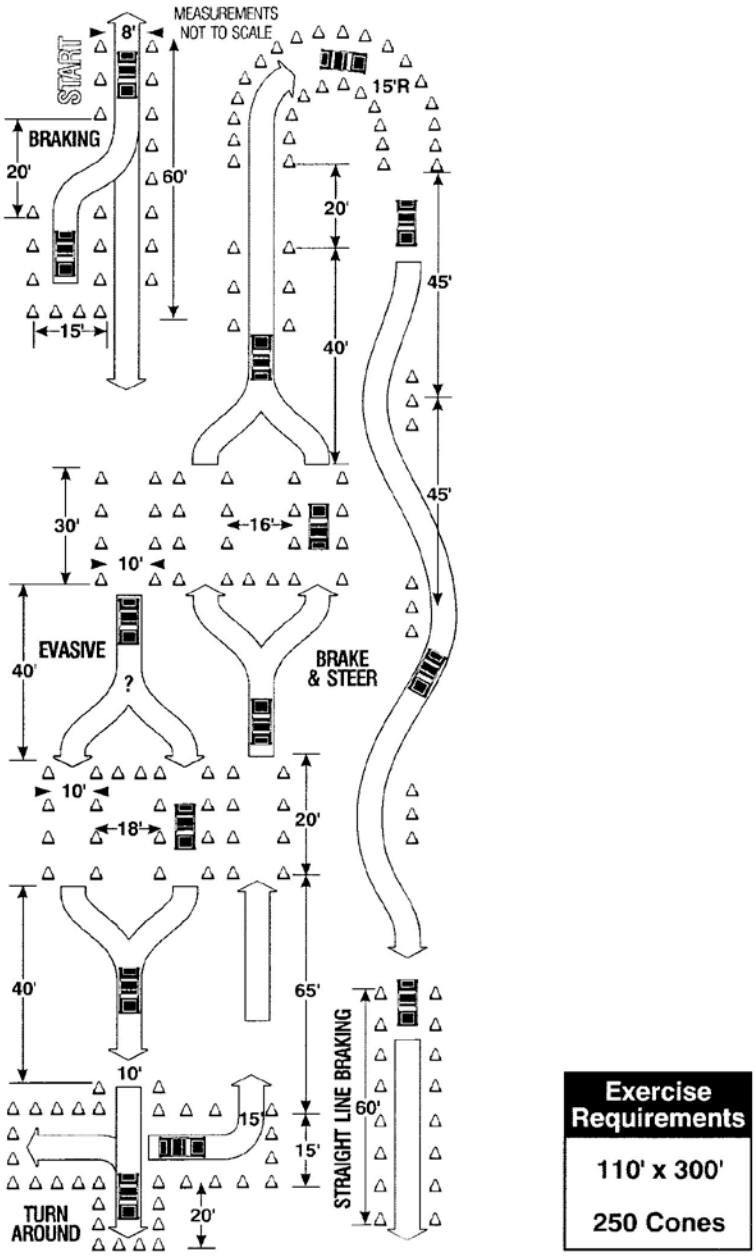
Purpose:
To develop within the student the confidence to apply the learned accident avoidance, vehicle dynamics, and vehicle turnaround exercises during a simulated emergency run. The student is to complete the Cumulative Skills Assessment Course in a controlled manner, by applying all the techniques taught in the Precision Driving Program.

Procedure:

Instructor
- Explains purpose of exercise and key factors of the exercise
- Demonstrates exercise at moderate speed
- Demonstrates exercise at required speed
- Uses radio equipment. *(Optional)*
- Uses flashlight. *(Optional)*
- Has student wear leather duty goods. *(Optional)*

Student
1. Demonstrates knowledge of proper radio communication.
2. Demonstrates knowledge of the Motor Vehicle Code (AEV exemptions).
3. Demonstrates knowledge of the classroom lecture material.
4. Demonstrates knowledge of vehicle dynamics.
5. Demonstrates knowledge of the accident avoidance exercises.
6. Demonstrates knowledge of the vehicle turnaround exercises.
7. Successfully completes the course within the time limit.
8. Successfully completes the course without touching or knocking down a cone.
9. Successfully completes the course with 100% techniques.

Cumulative Skills Assessment Course C



Cumulative Skills Assessment Course C

Evaluation:

Student's Name Date Vehicle Make/Number

Initial Qualification □ YES□ NO Requalification Attempt Number_____

A check indicates a failure.

BACKING

12 o'clock position..... ☐
View out back window..... ☐
Palm steering..... ☐
Turn in one movement..... ☐
Smooth acceleration..... ☐

EVASIVE

9-3 hand position..... ☐
Controlled acceleration..... ☐
3-point steering..... ☐
Accelerator/steering coordination. ☐
Steer into proper lane..... ☐
Use of brakes..... ☐
Hand-over-hand steering..... ☐
Accelerator/steering coordination. ☐
Accelerator Control..... ☐

TURNAROUND

9-3 hand position..... ☐
Braking/steering coordination..... ☐
12 o'clock position..... ☐
View out back window..... ☐
Accelerator/steering coordination. ☐
Palm steering..... ☐
Turn in one movement..... ☐
Hand-over-hand steering..... ☐

TURN

9-3 hand position..... ☐
Controlled acceleration..... ☐
Threshold braking..... ☐

SERPENTINE

9-3 hand position..... ☐
Controlled acceleration..... ☐
Accelerator/steering coordination. ☐
Use of brakes..... ☐

BRAKING

9-3 hand position..... ☐
Braking/steering coordination..... ☐
Smooth acceleration..... ☐
Threshold braking..... ☐
Controlled stopping ..... ☐

Number of cones knocked down or touched _____
Reaction time adequate..... ☐
Vehicle remained under control at all times..... ☐

Remarks *(e.g. Failed to complete course because of negative actions or attitudes.)*

The student has passed 2 of the 3 evaluation runs. I have informed the student of his/her progress.

Instructor's Signature _____ Date _____
Reviewer's Signature _____ Date _____

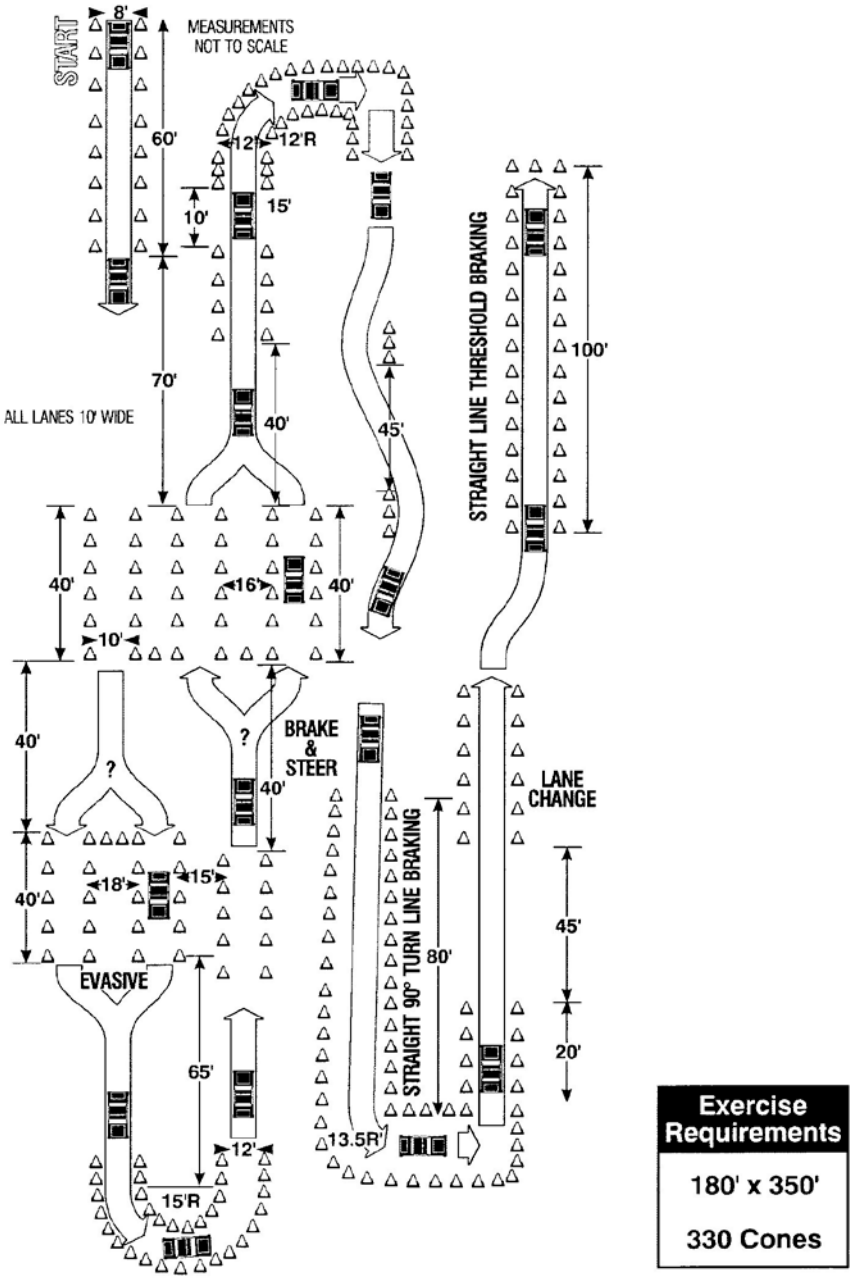
Cumulative Skills Pursuit Courses

Cumulative Skills Pursuit Course A

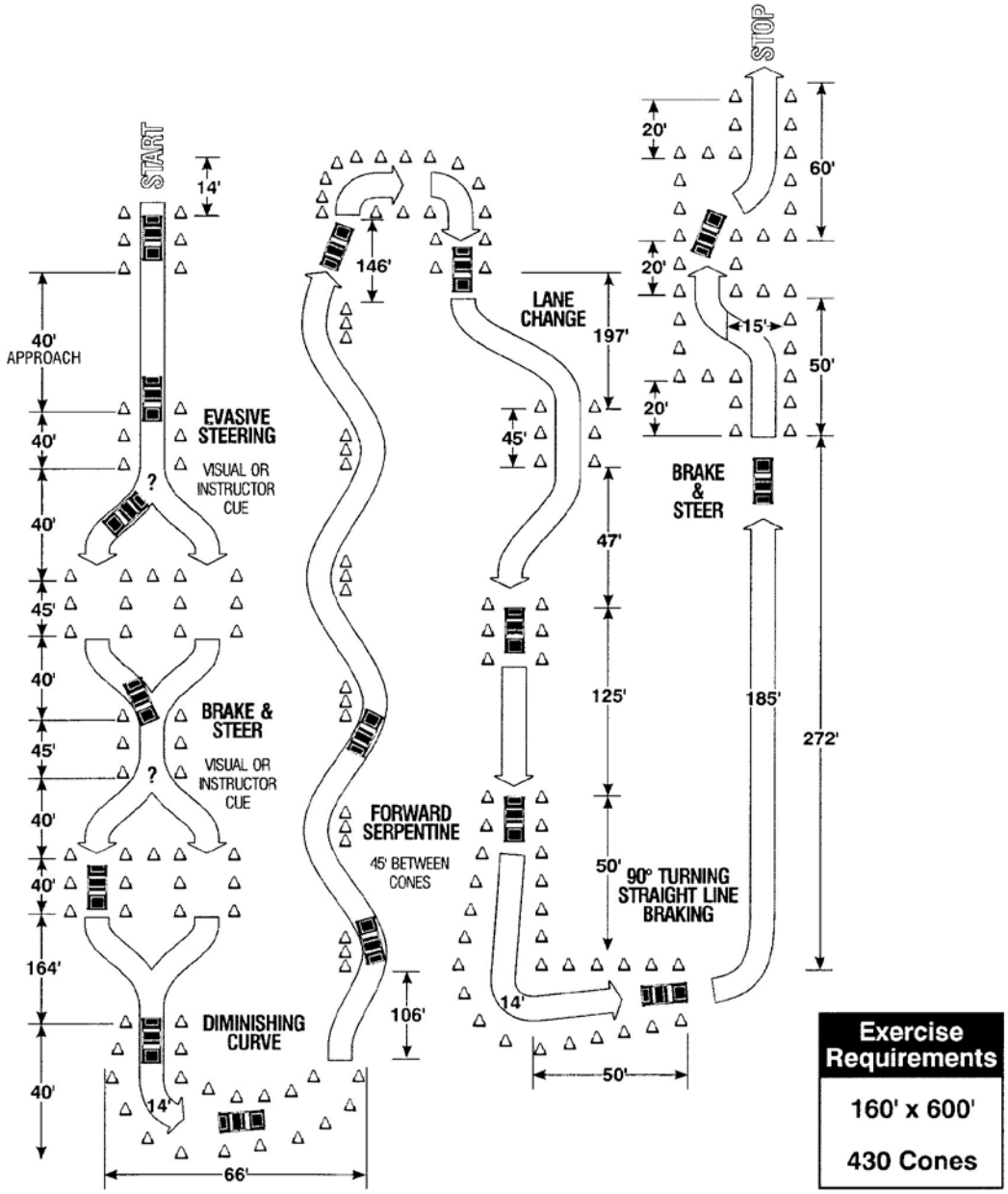
Cumulative Skills Pursuit Course B

Cumulative Skills Pursuit Course C

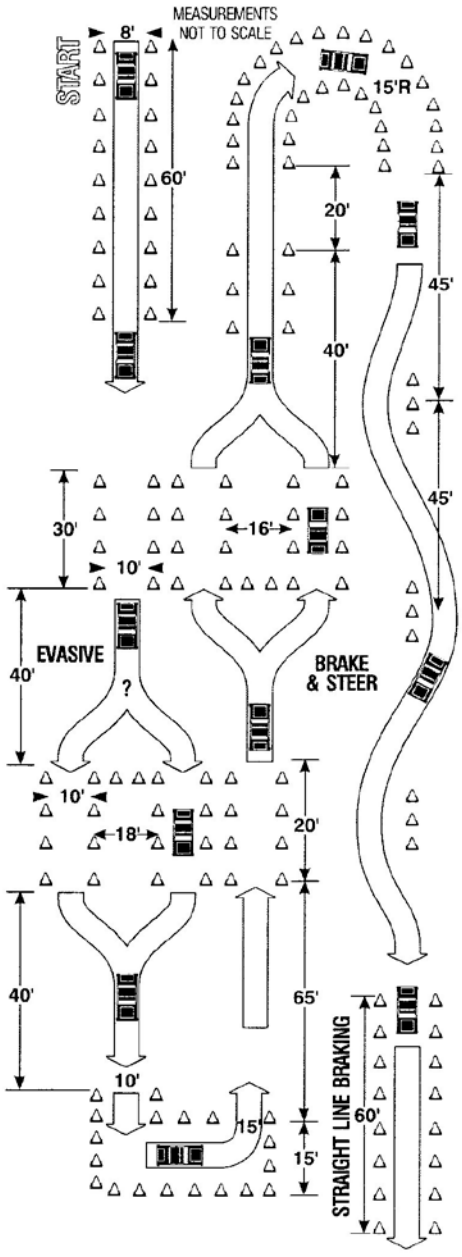
Cumulative Skills Pursuit Course A



Cumulative Skills Pursuit Course B



Cumulative Skills Pursuit Course C



Exercise Requirements
110' x 300'
235 Cones

Legal Resource Materials

Documents
State and federal court decisions. (See cases cited herein and periodic legal supplements to this text.)

Agency policies for driving in a non-emergency, emergency, and pursuit-response.

Articles
Auten, James, "Law Enforcement Driving, Part IV: Policy Development" *Law and Order*, 33(8): 15-16, August 1985.

"Research on Police Pursuits: Applications for Law Enforcement" Geoffrey P. Alpert and Roger G. Dunham; 7 American Journal of Police 123, 1988.

"Questioning Police Pursuits in Urban Areas" Geoffrey P. Alpert; 15 Journal of Police Science and Administration 298, 1987.

Publications
Black's Law Dictionary, Fifth Edition, 1979, West Publishing Company, St. Paul, MN.

Civil Liability and the Police, Publication No. 202, The Traffic Institute, Northwestern University, P.O. Box 1409, Evanston, IL 60204

This publication is designed to give law enforcement officers, police legal advisors, prosecutors, judges, and other attorneys a discussion of the civil liability aspects of police work. It is intended to serve as a text in training courses, as well as a handy reference work. In addition to the usual liability issues of interest to law enforcement officers and agencies, a section deals with the emerging rights of police officers as plaintiffs.

Legal Consequences of Police Failure to Wear Seat Belts, James P. Manak Publication No. SN 7833, 1983 Edition, The Traffic Institute, Northwestern University, P.O. Box 1409, Evanston, IL 60204

This booklet describes the liability ramifications of police personnel failing to wear seat belts, and of police-employing agencies failing to adopt and enforce regulations requiring the use of seat belts. The conclusion of the research in the booklet is that the non-use of seatbelts by police personnel can have serious legal consequences to agency and officer alike.

Police Civil Liability, Isidore Silver, Matthew Bender and Company, 1986 (Looseleaf with updates).

APPENDIX F

RESOURCE MATERIALS

This resource appendix contains a selection of potential resources.

It is not the purpose, or intention of the Task Force to promote selected materials. The intent is to offer a representation of available materials, compiled through research and survey, which will enhance the presentation of the curriculum as well as act as a foundation for future additions and revisions to this resource guide.

General Articles & Publications

Drive Right, Scott, Foresman, and Co., Glenview, IL 60025.

Psychology on the Road, David Shinar, John Wiley & Sons, 605 Third Avenue, New York, NY 10158; phone (212) 850-6418.

Vehicle performance and safe handling along with crash safety have been constantly improved; roadway safety has similarly been increased; but driver capability has remained fairly constant. This has brought about an increasing awareness of the human factors in highway safety. This book discusses the growing interaction of psychologists and engineers as applied to safe driving. Shinar documents the complex behaviors that result from the driver's capabilities and limitations. Coverage includes driving research methodology, individual differences among drivers, the driver as an information processor, human factors in traffic accidents, implications for safety, and the pedestrian. This book offers the traffic engineer an opportunity to better appreciate the role of human behavior of the driver. An excellent treatment for students having an interest in human factors, engineering, civil engineering, industrial engineering, traffic safety, and driver education, it is well documented and has an extensive list of references. A stimulus for continued study of the complexities and inconsistencies of the driving process, this is an excellent book for all college libraries.

Sportsmanlike Driving, American Automobile Association (AAA), Falls Church, VA 22047.

Tomorrow's Driver, Houghton Mifflin, Boston, MA 02108.

Vision and Highway Safety, Merrill J. Allen, Chilton Book Company, Chilton Way, Radnor, PA 19089; phone (215) 964-4729.

Teaching Aids

The following companies offer classroom and in-vehicle materials for enhancement of the teaching process:

American Automobile Association (AAA)
Traffic Safety Department
29900 Telestar Court
Suite 100
Falls Church, VA 22042
(703) 222-2060

Cecil Zaun Sales, Inc.
1380 Garfield Avenue
San Marino, CA 91108
(213) 682-2634

Die-A-Matic
650 N. State
York, PA 17403
(717) 845-3647

Kroepke Kontrols
104 Hawkins Street
Bronx, NY 10464
(212) 885-1547

Safety Industries, Inc.
P.O. Box 1137
McGill, NV 89318
(800) 334-2211

Stromberg-Hydramite Corporation
5239 State Highway 199
Carey, OH 43316
(419) 396-6078

Multi-Media

Loss Control T-A
Hartford Insurance Group
Hartford Plaza
Hartford, CT 06115
(203) 547-5000

Emergency Vehicle Response

Offers courses directed at emergency vehicle trainers, who may customize them to address specific needs. There are separate courses for police officers, fire fighters, and ambulance drivers. They cover common hazards such as route selection, lights and siren, intersections, passing, high speed, and expressway use. Each program is 2½ hours in length and includes 2 multi-media slide shows.

General Resource Vendors

ALERT International
Association of Professional Law Enforcement Emergency
Response Trainer
PO Box 1068
Kimberly, ID 83341
(208) 731-8054

International Association of
Accident Reconstructionist Specialists (IAARS)
781 Ballard Avenue
Vadnais Heights, MN 55110
(or member within your state)

National Association of Traffic
Accident Reconstructionist Investigators (NATARI)
1063 Kemper Drive
Warminister, PA 18974 (215) 343-1919

Journal of Traffic Safety Education (magazine)
25 Shelbourne Place
San Mateo, CA 94402

National Public Services (publications)
Research Institute (NPSRI)
8201 Corporate Drive
Landover, MD 20785 (301) 731-9891

Society Of Automotive Engineers
400 Commonwealth Drive
Allendale, PA 15096
(412) 776-4841
(or contact the local chapter)

U.S. Department of Transportation (publications)
National Highway Traffic Safety and Administration (NHTSA)
400 Seventh Street, S.W.
Washington, DC 20590
(202) 366-4913

Simulation Resources

California Commission on Peace Officer Standards and training (simulator)
1610 Alhambra Boulevard
Sacramento, CA 98516
(916) 739-3864

Evans and Sutherland (simulators)
Simulation Division
P.O. Box 8700
5800 Arapeen Drive
Salt Lake City, UT 84109
(801) 582-5847

Doron Precision Systems, Inc. (simulators)
P.O. Box 400 Binghamton, NY 13902
(607) 772-1610

General Motors Traffic Safety (blow-out simulators)
General Motors Proving Grounds
Milford, MI 48042-2001
(313) 685-6028

New Hampshire Police Standards & Training Council (roll-over simulator)
17 Fan Road
Concord, NH 03301
(603) 271-2133

Simulator Systems International Corp. (simulators)
P.O. Box 1018
Catoosa, OK 74015
(918) 437-0799

Legal Resource Materials

Publications

Black's Law Dictionary, Fifth Edition, 1979, West Publishing Company, St. Paul, MN.
Police Civil Liability, Isidore Silver, Alfred Knupf and Company 1987

Driving Systems

Driver Behavior Institute (zone control and reference point materials, slides)
390 Maple Avenue
Cheshire, CT 06410
(203) 272-9391

National Safety Council (defensive driving materials, slides)
444 North Michigan Avenue
Chicago, IL 60611
(312) 527-4800
(or the state affiliate)

Safety Enterprises (materials, slides)
1010 South Summit
Bloomington, IL 61701
(309) 828-0906
(I.P.D.E.)

Safe Performance Associates (materials, slides)
3250 U.S. Highway 19 North
P.O. Box 6399
Clearwater, FL 34618
(800) 327-6781
(S.I.P.D.E.)

Smith System (Smith System materials, film)
P.O. Box 81224
San Diego, CA
(619) 222-6949

University Programs

ALABAMA
University of Montevallo
Traffic Safety Center
Montevallo, AL 35115

CALIFORNIA
California State University
Driver and Traffic Safety Dept.
5151 State University Drive
Los Angeles, CA 90032

CONNECTICUT
Southern Connecticut State University
Department of Safety and Education
501 Crescent Street
New Haven, CT 06515

FLORIDA
University of North Florida
Institute of Police Traffic Management
4567 St. Johns Bluff Road, S.
Jacksonville, FL 32216

ILLINOIS
Illinois State University
Industrial Technology
Normal, IL 61761

Northwestern University
The Traffic Institute
P. O. Box 1409
Evanston, IL 60204

Southern Illinois University
Safety Center
Carbondale, IL 62901

INDIANA
Indiana
Indiana University
HPER Building
Bloomington, IN 47405

Indiana State University
Driver and Traffic Safety
Vigo County Fairgrounds
Tarra Haute, IN 47809

KENTUCKY
Eastern Kentucky University
Traffic Safety Institute
College of Law Enforcement
Richmond, KY 40475

MARYLAND
University of Maryland
Safety Education Center
Room 2102, Cole Activities Building
College Park, MD 20742

MICHIGAN
Michigan State University
355 Communication Arts Build
Highway Traffic Safety Program
College of Engineering
East Lansing, MI 48824

MINNESOTA
St. Cloud State University
HETS Whitney House
St. Cloud, MN 56301

MISSOURI
Central Missouri State University
Missouri Safety Center
Humphreys Building
Warrensburg, MO 64093

NEBRASKA
Keamey State College
Nebraska Safety Center
Kearney, NE 68849

NORTH CAROLINA
Appalachian State University
Driver and Safety Education Department
Boone, NC 28608

OKLAHOMA
Oklahoma State University
Southwest Center for Safety
Stillwater, OK 74074

OREGON
Oregon State University
Department of Health
Corvallis, OR 97331

PENNSYLVANIA
Indiana University of Pennsylvania
H. Safety Center
Indiana, PA 15705

TEXAS
Texas A&M University
Safety Education
College Station, TX 77840

WASHINGTON
Central Washington University
Central Safety Center
Ellensburg, WA 98926

WEST VIRGINIA
West Virginia State University
Safety Studies
Dept. of Traffic Safety
Morgantown, WV

WISCONSIN
University of Wisconsin
Safety Center
Menomonie, WI 54751

University of Wisconsin at Whitewater
Safety Education
Ed. Psy. Building
800 Main Street
Whitewater, WI 53190

Vehicle and Equipment Information

B. F. Goodrich Company
500 South Main Street
Akron, OH 44316
(216) 374-2000

Chrysler Corporation
Community Affairs Department
12000 Oakland Avenue
Detroit, MI 48288
(313) 956-1696

General Motors Corporation
Public Relations Staff
3044 West Grand Boulevard
Detroit, MI 48202
(313) 556-2030

Goodyear Tire & Rubber Company
Senior Contract Administrator
Department 709
1144 E. Market Street
Akron, OH 44316-0001
(216) 796-4793

Ford Motor Company
Traffic Safety & Highway Improvement Dept.
The American Road
P.O. Box 1899
Detroit, MI 48121-1899
(313) 322-9172

Publications

Police Patrol Vehicle Evaluation and Purchasing Program, State of Michigan, Michigan State Police, Executive Division, Policy Development and Evaluation Section, and Department of Management and Budget, published annually each October. Phone: (517) 373-3700.

Occupant Protection

Publications

"Occupant Protection Usage and Enforcement: An Administrator's Guide," National Highway Traffic Administration.

"Safety Starts Here" videotape, Charles Rutherford, Traffic Safety Now, Inc., Detroit, MI.

Emergency Response and Pursuit Driving Manuals

Michigan Pursuit Driving Research and Training Manual, Michigan Association of Chiefs of Police, published 1986.

A presentation of selected newspaper articles pertaining to fatal accidents that resulted from chases. A summary of the California Pursuit Study. A listing of citations of court cases and a synopsis of their decisions involving law enforcement accidents and civil liability. Recommendations for the development of a pursuit policy. A sampling of driving policies. A bibliography. A manual to be used by law enforcement agencies in the evaluation o their pursuit policies and procedures.

Police Pursuit Driving Handbook, Donald Schultz, Gulf Publishing Company, PUBES 2608, Houston, TX 77001, published 1979.

The selection and training of pursuit drivers, preparing the vehicle, driving techniques, crash avoidance, skid control, pursuit guidelines, the preparation of the pursuit report, and the legal considerations of pursuit. Contains charts, photographs, references, and a syllabus for driving course.

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General Resources

Videotaping of Students - used for immediate student feedback and to document problem drivers. Videotaping can be done within or outside vehicle. Convenient way to document and reinforce instructor comments.

Communication Systems - regular police radio or voice activated aircraft type, very useful for communication between instructors and between instructor and trainees (car to car, tower to car, ground station to car).

Source: Radio Shack and other vendors.

Original Artwork for Visual Presentations
The following pages can be used to produce visual presentations such as handouts, flip charts or transparencies for overhead projection.

APPENDIX G

INSTRUCTIONAL AIDS