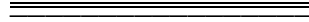


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Enforce Seat Belt Violations for Police Officers



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ABSTRACT

A study conducted by the National Highway Traffic Safety Administration (2011) showed that 42% of the officers killed in vehicle crashes over the past 30 years were not wearing their seat belts. Officers are tasked with enforcing seat belt laws, but it is often the police officer not wearing their own seat belt. When officers disregard the law this sends a clear and concise message to the community that some officers feel they are above the law and do not have to practice what they preach. One possible solution would be to enforce their organizations policies and have harsher consequences to those who violate the policy.

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INTRODUCTION

In this modern day of officer safety and all of the dangers that come along with the job, there are still hazards that officer's face that they are not aware of or do not seem to be made aware of. One of the most dangerous aspects of the job is driving a patrol unit for most of their shift work, which can be hours at a time. Most officers, while on duty, do not wear their seat belts. According to Wilson (2011), in the past 30 years, there has been an increase in officers killed in vehicle crashes who have shunned their seat belts while on duty.

National Highway Traffic Safety Administration (2011) found that there were 733 crashes with bodily injuries from the year 1980 through 2008 with officers not wearing their seat belts. According to Johnson (2011), another report that was completed in 2010, again determined that officers not wearing their seat belts was still the leading cause of officer deaths. This is due to the officers who refused to wear their seat belts (Johnson, 2011). As police officers, it is their job to ensure that all drivers are abiding by the law of wearing their seat belts, but it is often the police officer who are not wearing their own seat belts. There are still some departments that do not require the officers to wear their seat belts or they choose to look the other way on the matter, even though they are violating their department's policies. The policies do not mandate that the officer, while off duty, has to wear their seat belt, which, by law, is a requirement. This is the double standard that the public views as being unfair.

For most officers who do not wear their seat belts, some reasons given to them by motorists that they stop are such things as "I was just going to the shopping center," "I'm a good driver," "It's uncomfortable," "I just left my house a few blocks away," "if I'm

involved in an accident I do not want to be trapped in the vehicle if it catches fire,” and other reasons that do not justify why they were not wearing their seat belts. There are only a few exceptions for drivers not to wear their seat belts by law, which are a mail carrier on duty, newspaper deliverer on duty, water meter readers while on duty, and trash pickup drivers while completing their duty. Another reason someone is not required to wear their seat belt that has nothing to do with employment is that of a driver who can produce a doctors note stating that the driver has medical reasons that exempt him from the traffic statue.

Mendoza (2010) stated that despite on-duty wreck fatalities, police who do not wear seat belts insist there is a reason. One of the most common answers that police officers gave was officer safety, stating that if they have to get out of the patrol unit they want to be able to exit the car as quick as they can to keep the advantage over the suspect. Another reason was that they feel that if they begin to take gunfire from an assailant, they do not want to be restricted on getting to their duty weapon or having to take that extra time to unbuckle their seat belt. All law enforcement agencies should enforce their seat belt laws and policies for their own departments to decrease liability. If they are going to enforce seat belt laws, they themselves should wear theirs.

POSITION

A study completed at the James Madison University in 2011(“Seat Belt Statistics”) compiled statistics of incidents that occurred as a result of not wearing a seat belt. The study found that if a motorist asks the passengers in their car to buckle up as soon as they sit in the vehicle, nine out of ten passengers would buckle their seat belts when asked to do so. Motorists who are thrown from the vehicle due to not wearing

their seat belt are 25 times more likely to be seriously injured or killed. Approximately 90% of motorist's have the belief that seat belts are a good idea, but only about 14% actually wear their seat belts ("Seat Belt Statistics," 2011). In crashes that involve children, about 80% of the injuries are to the head causing brain damage, permanent disfigurement, epilepsy, or death. It is the law that everyone inside the vehicle has to have their safety restraint on, regardless of their seating position.

Johnson (2011) concluded that 42% of the police officers involved in crashes in the past three decades were not wearing their seat belts according to the federal review. Some of the reasons cited by Craig Floyd, who is the chairman of the Washington, D.C. based National Law Enforcement Officers Memorial Fund, are that officers claim that they do not like wearing their seat belt due to the fact that it slows their movement in and out of the patrol units and others say that the straps get tangled in their gun belts (Johnson, 2011).

According to Johnson (2011), fatal crashes involving police officers have steadily risen from 29% of total fatalities in the 1980s to 50% or more in the recent years. Three officers were in vehicle crashes in Las Vegas in 2009, where all of the officers were not wearing their seat belts while on duty. This incident launched an internal campaign to compel officers to comply with the law. They are also encouraged by their administration to report colleagues who do not comply and are clearly violating the department's policies (NHTSA, 2009). Specifically, within Texas, Tompkins (2010) reported that according to the Texas Department of Transportation, five out of the 13 officers who were killed in crashes since 2007 while on duty were unbuckled. Additionally, the Texas Department of Transportation reported that the last officer in the

state of Texas who was killed in a crash that was not secured by a seat belt was in Burnet County in October 2010.

Wilson (2011) asked the question of how a police officer could write a citation to a violator for not wearing their seat belt when the officer themselves was not wearing theirs while on duty. With this statement being made, it shows that the public has a legitimate concern regarding why they are being stopped and cited and not the officers themselves. The police are displaying a lack of respect to the community for practicing this type of behavior. The question remains regarding who polices the police while they are on duty but are violating a traffic law.

Mendoza (2011) completed a study of traffic safety for the International Association of Chiefs of Police, which indicated that most officers do not think getting into a traffic accident will happen to them. In the past three years, there have been 16 Texas police officers shot to death, but there were 18 who died in vehicle crashes that involved the officers not wearing their seat belts while performing their job (Mendoza, 2011). A study in 2006 completed by the Journal of Trauma: Injury, Infection and Critical Care found that officers are buckling up less than 40% of the time (as cited in Mendoza, 2011). In Harris County, out of 392 crashes that involved officers, 18 of those officers were not wearing their seat belts at the time of the crash last year (as cited in Mendoza, 2011).

At times, it seems that it takes a tragedy for officers to realize the importance of wearing their seat belts. That was the case in Corpus Christi, where a 25-year-old officer died in 2008 in a crash where he was not wearing his seat belt. The officer was en route to a call and was traveling at speeds of 107 M.P.H. He lost control of his patrol

unit and hit a concrete barrier and was ejected from his patrol unit. After being ejected, he was run over by a vehicle after landing in the roadway (Mendoza, 2011).

Tompkins (2010) reported on some of the reasons as to why many police officers do not wear seat belts. One issue addressed brought up the question of why officers have the authority to write a ticket for someone not wearing their seat belt, though they are not wearing their seat belts themselves (Tompkins, 2010). About 40% of the officers who were killed in crashes from 2004 to 2008 were not wearing their seat belts.

According to the NHTSA data, there were 64 officers who died in crashes between the years of 2004 to 2008 (as cited in Mendoza, 2011). Officers felt that if they had to confront a suspect quickly, then the seat belt could become tangled on the holster. They also felt that there was the threat that they may not be able to control a violent prisoner while buckled up. Officers also stated that one reason for removing their seat belt is when they are being flagged down by a citizen while on patrol (Land & Sakmari, 2012).

In light of the statistics, it appears that wearing a seat belt to keep officers safe has become an officer safety issue. Officers face everyday dangers that come with the job but wearing a seat belt for their safety should not be one of the dangers. Land and Sakmari (2012) focused on statistics for the Dallas Police Department's crash reports from 2003. From the 2003 crash reports, there were 119 officers who were not wearing their seat belts when they were involved in an accident. When the statistics came out, the Dallas Police Department did not give an interview on their findings; however, they did release a statement. The statement advised that the Dallas Police Department

expected all of the officers to abide by the same laws as the citizens, especially the seat belt law. Additionally, the Dallas Police Department does have a policy stating that the officers are required to wear their seat belts while on duty. However, it is basically left up to the individual officer to use their discretion, depending on the type of call that they are confronted with. If it is determined that there is a policy violation after an officer involved crash investigation is completed, the officer is subject to disciplinary action if the officer was not wearing their seat belt (Land & Sakmari, 2012).

Wickert (2010) spoke about the seat belt law and other issues. It appears that New Hampshire is the only state in the US that does not enforce the seat belt law while traveling in a vehicle. According to this study, trial lawyers can use not wearing a seat belt as a defense against citizens who do not wear their seat belts. In some cases, the punitive awards to plaintiffs have been minimized or lowered substantially when it was determined during the course of the trial that the plaintiff was not wearing a seat belt, even if the plaintiff was not at fault. The insurance companies can also decide prior to a trial whether or not they want to give a payout to the driver who was not wearing a seat belt. On most accident forms, there is a section where an officer checks a box that indicates if the driver was wearing their seat belt (Wickert, 2010).

Burdi and Williams (2011) wrote about South Florida officers who were killed in traffic related crashes. They wrote that more officers have been killed in crashes than gunfire over the past 14 years. The officer involved crashes consisted of officers striking other vehicles, officers' patrol units being struck by other vehicles, officers hitting fixed objects with their patrol units, and officers being struck by another vehicle while

standing outside of their patrol units. There were also three officers who died from heart attacks.

Burdi and Williams (2011) found that the leading cause of officer fatalities while on duty is the lack of training. Officers are put into their patrol units and are usually dispatched to an emergency. The lack of training and driving the patrol unit in emergency situations often can result in crashes. Most departments have the officers complete a driving course only during the police academy that they attend due to the size of the department or the lack of funding that is allotted for this type of training. It is often up to the individual officer to get further education on driving techniques on their own time and money.

The law enforcement officers killed and assaulted data, compiled by the Federal Bureau of Investigation, has shown that the officers who were killed in the line of duty, other than crashes, have declined; however, the number of deaths resulting from crashes has increased (Ashton, 2013). 1999 is the year when the trend shifted from more deaths in crashes than deaths due to violent crimes. The statistics that are compiled vary due to the different statistics that are taken by each state, but the numbers are rising yearly and do not seem to be decreasing according to NHTSA (2011).

Morris (2010) wrote about a 23 year old driver who died when his vehicle collided with another vehicle and the driver went through the front windshield. The driver had three other occupants who survived the crash. One of the passengers in the vehicle stated the driver never wore his seat belt because he did not believe in seat belts. He also stated the driver had been traveling at a high rate of speed because they were

running late for an event. The officer who investigated the crash stated the driver could have survived the crash if only he had been wearing his seat belt. The driver of the other vehicle who was wearing his seat belt survived the accident. This is another accident showing where the driver would have survived the crash if the driver would have put his seat belt on. There are so many statistics that show that seat belts do, in fact, save lives.

Police officers have enough to worry about in their line of work. Being killed in a vehicle crash should not be one of them. Officers need to realize the dangers of not putting on their seat belt. More importantly, the officer's department should more closely monitor and enforce the seat belt law on who is or is not wearing their seat belt while on duty.

COUNTER POSITION

Some officers state that they do not wear their seat belts because they feel it is an "officer safety" issue. They claim that wearing a seat belt slows down their response time down while exiting their patrol unit; upon their arrival at a scene. Officers also believe that their duty belts can get tangled up on the strap of the seat belt when they try and exit the patrol unit. They added that if they were transporting a violent prisoner, they are concerned that they will be unable to control the prisoner due to the fact that they have to reach for something on their duty belts. They went on to explain how the seat belt restricts their ability to get to their tools or weapons quickly. If they are involved in a crash, they do not want to be trapped in the patrol unit if the patrol unit should catch fire or begins to leak fluids onto them. The seat belt also restricts them from getting to their duty weapons in time to protect themselves from combative

suspects who may be approaching the patrol unit before the officer can exit the car. Mendoza (2010) wrote in a study completed by the Houston Police Department found that 20% of the officers were not wearing their seat belts. In the same study, a patrol sergeant in the Houston Police Department stated that every situation is different, in an attempt to justify the failure of some officers to wear their seat belts at all times. The Houston Police Department now emphasizes the use of seat belts during the recruit training and also sends out periodic memos as a reminder of that responsibility.

All of these claims have proven to be false. There have been no studies showing that not wearing a seat belt would help with any of these theories. There have been no claims stating that there were officers injured due to them not exiting their patrol unit. However, there have been statistics that showed that if an officer or a citizen would have been wearing their seat belt, it would have saved their lives ("Seat Belt Statistics," 2011). Safety restraints that are used like the manufacturer intended them decreased the number of serious traffic injuries by 50% and the fatalities by 60% to 70% ("Seat Belt Statistics," 2011). Most of the crashes involved drivers who were ejected out of their vehicles, according to a study by the National Highway Traffic Safety Administration (2011). This same study cites that deaths have been rising in the past few years with fatalities due to police officers not wearing their seat belts. In the study conducted by the National Highway Traffic Safety Administration (2011), they also documented a crash resulting in the death of an officer who was not wearing his seat belt while he was off duty. If the death toll is rising, then it should be obvious that officers need to wear their seat belts while they are on and off duty for their safety.

CONCLUSION

It is perfectly clear that police officers should wear their seat belts to better protect them from injuries sustained in traffic crashes, regardless if they are on or off duty. The line of work that the police officers face on a daily basis is dangerous enough, so they should not be adding to the dangers by not wearing their seat belts. Every officer wants to go home to their families at the end of their tour of duty, and if the officers would wear their seat belts, their chances would improve. Police departments across the country should implement a policy for their department and enforce the policy. It is also a law for everyone to wear their seat belts. The main importance about the seat belt law and why officers should wear them is the fact that, currently, 42% of officers are killed in crashes (National Highway Traffic Safety Administration, 2011). Nothing has been proven to indicate that not wearing a seat belt could have no affect on the outcome of the crash. All of the data found by NHTSA (2011) has proven that the crashes used in the study have involved officers who are not wearing their seat belts.

In conclusion, Wilson (2011) summarized the officer seat belt issue best when he noted that officers who do not wear their seat belts should not write citations to the community for not wearing seat belts. Police officers are held to a higher standard in the eyes of the community. Most agencies have implemented policies to prevent this type of behavior from taking place in their departments. But it is up to the organization that these rules are obeyed and consequences carried out for those who violate these policies. Officers losing their lives in traffic accidents where they are not wearing their seat belts should not be the reminder of the importance of the seat belt law. The seat

belt law was designed to saves the lives of the citizens as well as police officers who drive a patrol unit on a daily basis.

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