

**The Bill Blackwood
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**Insufficient Training in Police
Emergency Driving**

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ABSTRACT

Most county and municipal departments do not require that driver training be continued or maintained after the required Texas Commission on Law Enforcement Standards and Education (TCLEOSE) hours are met to graduate the basic police academy. Research will provide relevant material that determines officers should receive recurring, mandatory driver training by law enforcement agencies and this training be required by TCLEOSE. That includes cognitive and motor skills development. Officers need to be aware of the mechanical operation, condition, and knowledge of the capabilities of their vehicles. If such was provided, the potential of fatal motor vehicle accidents and civil liabilities could be reduced. The research proves that training an officer would save lives and would allow the officer the opportunity to respond to emergency driving conditions more defensively. The intention of this research is not to limit the training to just vehicle pursuits, but to cover all operations of an emergency vehicle. One may find that developing motor skills and training officers to improve their reaction time has been proven to reduce accidents and to meet public safety needs. Findings indicated that there are almost as many officers killed in vehicle accidents as in firearm related incidents.

The types of resources used in this paper are a review of articles, Supreme Court case studies, online websites, another published research paper, and periodicals. If departmental lack of manpower and budget restraints are not an issue, then the positive results of putting safety first would be as evident in departments as has been discovered in this research. TCLEOSE required that firearm training continue after the basic police academy. Emergency vehicle driver training, like firearms training, teaches

the officer how to respond in crisis situations. The importance of both of these types of skills are imperative, as seen in the content of this paper, and both should be mandated as continued training.

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INTRODUCTION

The issue to be researched is whether or not there is negligence by law enforcement agencies and the Texas Commission on Law Enforcement Standards and Education (TCLEOSE) in determining whether or not driver training should be mandated based on evidence that profoundly affects the law enforcement community, the safety to the public, and especially individuals who are in charge of the safe operation of motor vehicles daily. There is a lack of mandated emergency driver training which compromises officers and the public and adds an element of liability to their governmental entities. The aim is not to criticize or blame but to provide insight into the demand and needs of the law enforcement community and general public.

Officers need to know the physical condition and mechanical capabilities of their assigned vehicles. Halliday (2005) asserted that one of the “most common problems is that tires are underinflated” and that PSI, or Pounds per Square Inch, is essential knowledge before an officer takes control of a patrol car (p. 2). Encouraging officers to monitor, inspect, and make basic observations by using sensory skills may become a regular necessity.

There is a lack of additional training regarding how to use muscle memory, and it is a responsibility for TCLEOSE and law enforcement agencies to train and use cognitive skills to prevent accidents. This training would enhance the skills of the officer in protecting personal and public property and increase survival rates among drivers. Krakauer & Shadmehr (2006) observed that muscle memory is a movement repeated over time, allowing it to be performed without a conscious effort to create maximum efficiency. The motor skills required to skillfully drive an emergency vehicle can lead to

a sensory overload due to the complexity of operating all types of emergency equipment simultaneously.

There are almost as many situations in departments where officers are involved in traffic accidents responding to emergency calls or in high speed chases than being involved in shootings. Halliday (2005) stated that, "approximately half of all officers killed in the line of duty are killed in vehicle accidents or other traffic accidents" (p.1). Firearm training is mandated once a year to show proficiency with the officer's weapon. Being trained to safely operate an emergency vehicle yearly is not required by most departments. TCLEOSE only requires 32 hours of driving time to graduate a basic police academy and no continued in-service training is mandated ("Basic police officer," 2014). This paper will show the need for departments to require continued emergency vehicle training for safety to the officer, the public, and to reduce civil liabilities.

POSITION

With advanced technology in patrol vehicles, such as in-car computers, department radios, cameras, and other emergency equipment, it is not surprising that such distractions add to hazardous driving conditions. Officers cannot be sure other drivers are paying attention. An officer must multi-task while driving an emergency vehicle, which can lead to cognitive overload; this can lead to civil litigation should an error occur. One answer to this problem would be to implement continual mandatory training, either by officers' departments or by TCELOSE.

Local departments should take the initiative in addressing training needs to result in fewer potential accidents/fatalities. Departments vary in their determination to provide necessary training, mostly due to monetary reasons and lack of manpower.

Departments vary in their ability to provide sufficient personnel to handle performance of regular duty on the streets and meeting adequate training staff requirements that allow other officers to train. The law enforcement community agrees that training is costly and scheduling of adequate personnel to cover shifts becomes problematic. Through this research, it has been discovered that there is funding available to take the financial burden from the department (Scott, 2005). This opportunity would assist with training officers, reducing civil liabilities, and, most importantly, protecting the general public.

During a high-speed pursuit a police officer uses multiple sensory skills. Participants in testing showed that those who had more training scored better on skill because of differences in training, with more training resulting in better memory (Page, Thibeault, Page, & Lewinski, 2008). Mental chronometry, the reaction time and how quickly the mind and body can react to certain stimuli, dates back to the mid-19th century. In experiments performed in 1865 by Donders (1968), subjects tested knew the part of the anatomy of where they would be shocked. The results of two sets of subjects, those who knew they would be shocked and those who did not, found a slight difference in response times, approximately 1/15 of a second. Donders (1968) also tested responses involving a choice among multiple stimuli, choice reaction time and simple reaction time. Basically, if a person subtracts the simple reaction time from the choice reaction time, there would be a measure of the mental process of choice itself (Donders, 1968). Another study conducted by Merkel in 1885 discovered that as the number of choices increased, reaction time increased as well. Hick (1952) found that not only did reaction times increase when faced with multiple choices, but they

increased linearly. In kinesiology, this came to be known as "Hick's Law" (Hick, 1952, p. 11).

In researching the amount of training required by TCLEOSE to graduate a police academy, only 32 hours in vehicle driving is required. Ramsey (2010) summarized that department size, availability of manpower, training logistics, minimum number of training hours required, budget restraints, and how departments rate the importance of emergency driver training all contributed to the hindrance of providing what would be considered, by most, as adequate training for such an important role in today's police society. In the graph below, Ramsey summarized his findings on the lack of training (Ramsey, 2012, p.8)

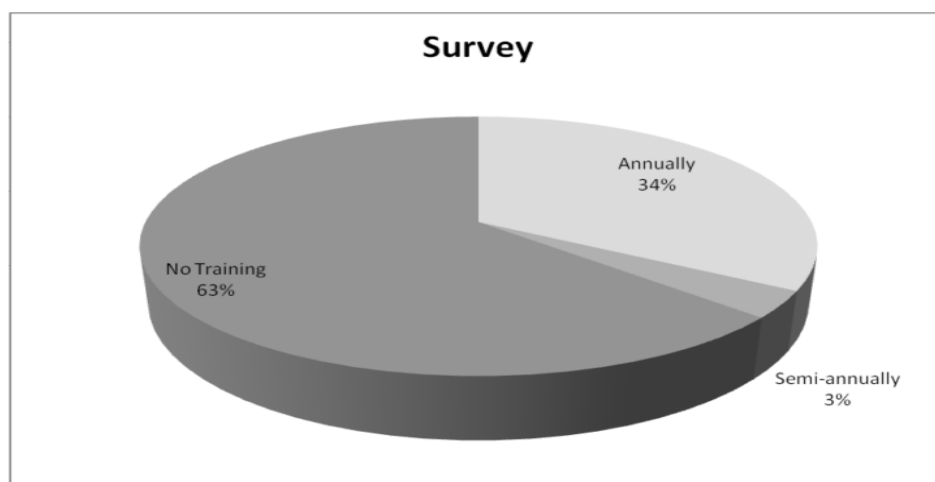


Figure 1. The results of the survey that indicates the percentage of respondents that had semi-annual, annual training, or no training at all

In firearm training, "muscle memory" is a term used to describe repetitious behavior that will allow the officer to carry out the performance of his duty. Due to the training an officer receives and as a result of consolidating a specific task in the brain, they are likely to be more secure and confident with their weapon. In the use of firearms, such as a revolver, an unconscious effort must be made to unsnap the holster

before drawing the weapon. This is where the same could be true for emergency vehicle driving because prior training would result in the driver responding to those tasks that require repetition.

A motor vehicle can be used as a deadly weapon, and any form of driver training would be beneficial for safety to officers and their agency by reducing accidents/fatalities. Police departments are required by TECLOSE to certify their officers once a year and train on being prepared to anticipate risks where the use of a deadly weapon is involved. Negative memory habits can be learned just like positive habits. If officers receive training in emergency driving, their skilled driving habits likely reduce accidents/fatalities and reduce civil law suits.

There are civil rulings related to training issues that seemingly would encourage policymakers to make sure that emergency vehicle driving be an important part of training curriculum. In the *City of Lancaster v. Chambers* (1994), there is a good faith standard used in determining if an officers' perception of the risk factors at the time were necessary. It was an affirmative defense in obtaining official immunity in the scope of their duties.

Another court case, *City of Canton v. Harris* (1989), the U. S. Supreme Court declared that a deliberate indifference standard may be applied when a constitutional violation results in failure to train or that the training program was inadequate and the policymakers did nothing to enhance the quality of training. Ramsey (2010) cited a reference to "deliberate indifference", from an article published by King (2005) which stated that when training officers, it is important for trainers and their departments to be

familiar with the term deliberate indifference. This means they are liable for failure to train.

Dr. Bill Lewinski (2009), a behavioral scientist and executive director at Force Science Research Center at Minnesota State University, stated that it is essential to have a training programs in place that not only trains officers about the physical mechanics of operation of a motor vehicle but also accommodates training that complements law enforcement tactics which involve scientific findings about the human brain. Their institute has partnered with a company called a2om (pronounced “atom”) to solidify findings that relate to law enforcement fatalities that occur in traffic accidents and how important specialized training is in this regard. Lewinski (2009) also stated, “This training system concentrates on building vital cognitive skill-scanning awareness, information processing, reaction time, and judgment-that are too often overlooked or minimized and changes the way people anticipate and react to challenges while driving” (p.1). In this same article, a statement made according to the London Metropolitan Police who has worked closely with the a2om on driver training projects that, “When officers finish their FSRC training, they’re able to accurately process 4x more information to avoid hazardous situations when driving than they were before” (Lewinski, 2009, p. 2).

COUNTER POSITION

Police departments around the country feel that they never have enough resources, nor have they ever had to address all the needs of a local community. They also have to compete for external funding that is limited. Scott (2005) stated, “Costs associated with operating a quality-training program are increasing at a time when city

police budgets are shrinking” (p. 1). Additionally, agencies may believe that the cost of taking officers away from their regular assignments, which directly affects a department’s manpower, may be more costly in civil litigation than no training at all. Furthermore, these fatalities could have resulted from over-stimulated motor skills due to distractions or the lack of proper motor skill responses rather than lack of emergency driving training.

However, inadequate training can have a significant negative impact on civil lawsuits, injuries to officers and civilians, and more of a financial hardship on the department and officer involved. The cost of training officers in emergency driving has a significant impact on a departments training budget, but this could potentially pay off by reducing officer injury or fatalities. Travis Yates of the Tulsa, Oklahoma police department, stated that more officers have been killed in traffic accidents than in the past decade. Also in the interview, Yates said that law enforcement cannot wait for legislature or state agencies to train officers. Law enforcement agencies “must take control and give their officers regular training and sound policy” (Kanable, 2009, p. 23). Yates touches on the new and extensive technologies that officers have in police vehicles today. The general public may think the technology makes law enforcement jobs safer but, in actuality, the technology creates a distraction to the officer and could result in severe danger.

Kanable (2009) also interviewed Kevin Sommers with the Warren Police Department (Michigan), who said that the first thing departments trim is their training budget. Sommers goes on to state “We have to instill a mentality that officers have to train as if their lives depend on it-because it does. When you’re in a stressful situation

you revert back to your training” (Kanable, 2009, p. 24). Craig Floyd also contributed to this article. He is Chief Executive Officer of the National Law Enforcement Officer Memorial Fund (NLEOMF) and relates that “the number of enforcement officers killed have been traffic-related rather than gunfire shootings, and has been approximately 39% compared to a 54% decrease in shootings” (Kanable, 2009, p. 22). Updated research from the National Law Enforcement Officer Memorial Fund (NLEOMF) website shows auto related accidents are the second largest cause of death following officer shootings (as indicated in the chart below). (NLEOMF, 2012)

Causes of Law Enforcement Deaths

Over the Past Decade (2002-2011) (Updated April 2012)

CAUSE OF DEATH	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	TOTAL
Auto Crashes	41	50	38	44	61	46	43	51	52	44	470
Shot	70	59	49	40	69	54	60	59	50	60	570

RECOMMENDATION

TCLOESE mandates a minimum level of hours which does not meet the needs of officers. Most law enforcement agencies do not require continued emergency vehicle driving like firearms training because of the lack of manpower and budget restraints. Research has shown that both continued firearms training and vehicle driver training are both equally important for the enhancement of motor-skill sensory development (Kanable, 2009). Documentation has provided evidence that supports the fact that mechanical knowledge is critical in reducing officer accidents/fatalities and civil liabilities to departments. Court cases involving the *City of Lancaster vs. Chambers* (1994) and the *City of Canton vs. Harris* (1989) showed that further in-service training should be

mandated by TCLOESE. Officers may be unaware that multi-tasking may cause memory processing problems.

Training needs to address motor skills and vehicle capabilities similar to those provided during defensive driving classes regarding reaction time and response to further the officer's understanding and what effects they can have on preventing accidents. Certain elements need to be taken into further consideration if law enforcement is going to be efficient in emergency driving. This includes reaction time to a visual stimulus, reaction time with simple decision making, and the role of anticipation. Bumgardner, Lewinski, Hudson, and Sapp (2007) asserted that "Police officers cannot be expected to defy biological and physical laws as they perform their duties. To require perfect comprehension and instantaneous, flawless reaction of police officers in the field is to require the impossible" (p.14). However, aiding the officer to learn about reaction and response time and developing muscle memory can improve their chances of less risk to themselves and others.

The lack of manpower and budget restraints can be remedied by using volunteer trainers, free training resources, grant writing to secure funds, and any other means of free creativity at law enforcements disposal. Another way to address a lack of funds is to take advantage of state funds. State commissions have allocated financial assistance for in-service training and specialized training programs. Scott (2005) stated, "Police departments should actively participate in their state POST, ensuring that the agency receives its fair share of the training budget" (Scott, 2005, p.2). In weighing the cost attributed to lives saved by continued mandatory training, there is more to be

gained by providing emergency driver training than paying out costly litigation. The life of the officer should be protected by his or her department.

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