

**The Bill Blackwood
Law Enforcement Management Institute of Texas**

**Inadequate Training in Police
Emergency Driving and the Effect
on Law Enforcement**

**An Administrative Research Paper
Submitted in Partial Fulfillment
Required for Graduation from the
Leadership Command College**

**By
Dan Ramsey**

**Taylor Police Department
Taylor, Texas
January 2010**

ABSTRACT

Poor training or absence of training in police emergency driving is relevant to contemporary law enforcement because police emergency driving is a vital part of a police officer's job on a daily basis. Whether officers work eight, ten, or 12-hour shifts, they will, at some point, utilize their emergency equipment, lights, and siren to respond to an emergency situation. There are many times that they only use a portion of that equipment and, by doing so, will need to be properly trained in their use as well as the liability placed on them as public servants. The purpose of this research is to determine if departments within the state of Texas are receiving adequate training in the area of police emergency driving. The purpose is to also determine if departments place the importance of emergency driving training as one of the top priorities that must be accomplished on a yearly basis to ensure the reduction of injuries and department liability.

The method of inquiry used by the researcher included: a review of articles, Internet sites, periodicals, journals, a survey distributed to 50 survey participants, and personal interviews. The researcher discovered that, after surveying 50 police departments and obtaining 30 responses, ten conduct annual driving training and one conducts semi-annual training. The remaining 19 surveyed had no training other than the required police academy training received at the beginning of the officer's career. When surveyed, the participants were asked to rate where they felt emergency drivers training fell on a scale with one being the least important to ten being highly important. The results indicated that departments felt that the training was important; however, training was not being conducted. In this survey, the size of the department was not an

overall factor in whether training was conducted. However, larger departments seemed to have the personnel needed to conduct the training without placing hardship on the department's ability to have sufficient officers working the street. The departments surveyed ranged in size from a five person department to a department of 5,600. The number of preventable accidents ranged from as low as two annually to 271 annually.

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INTRODUCTION

The problem or issue to be examined considers whether or not poor training or the absence of training a police officer in emergency driving profoundly affects law enforcement professionals and the citizens of the community when a collision occurs. The relevance to law enforcement regarding poor/inadequate training in emergency driving is extremely important because officers operate their police vehicles on a daily basis. They need to become proficient in the safe operation and handling of that vehicle while providing service to the community.

The purpose of this research is to examine the amount of training and how it is provided by different law enforcement agencies within the state. The research will address the methods used to overcome civil liability and the effect it has on the law enforcement community. The intent of the research is to provide solutions in conducting types of training as well as assist the officer, agency, and the community in dealing with the issues that arise when a collision occurs. This research will attempt to provide information that will assist in the education of law enforcement professionals and emphasize the importance of types of training while working toward reducing injuries to the police personnel involved and the people they serve. The research question to be examined focuses on whether or not police departments provide adequate training to officers who are employed with their departments and how that training is provided. It will determine if emergency driver training is considered to be a priority when their yearly training schedule is being prepared.

The intended method of inquiry includes a review of articles, Internet sites, periodicals, journals, and a survey distributed to a minimum of 50 participants.

Additionally, expert opinions and personal interviews of attorneys will be reviewed to establish criteria in this research. The intended outcome or anticipated findings of the research will show that the law enforcement community does not provide adequate training to police officers in the area of emergency driving. It is also anticipated that it is not a priority until a collision occurs with a police vehicle operating in an emergency response mode and injuries are sustained in that collision. Additionally, the conclusion may show that it is only after litigation occurs do some agencies begin to provide adequate training.

The field of law enforcement will benefit from the research or be influenced by the conclusions because it will provide information that demonstrates the need for an emergency driver training program. The research will emphasize that professional training should be properly implemented to establish a training standard for all police departments across the state of Texas on a yearly basis. This will provide information to the law enforcement community and help bring a change to how some think about training. Because of this research, police personnel will understand that emergency driver training is essentially important to the daily operation of police departments and should be considered as important as firearms training. It will demonstrate that training should be provided prior to officers becoming involved in a collision, and proper or adequate training can and will reduce injuries to all officers and the community. Annual and semi-annual training will also help reduce liability and provide awareness to all parties involved. Only by becoming more educated can police officers affect changes in their profession.

REVIEW OF LITERATURE

There is no question that police emergency driving is one of many hazards of police work in this century. Police emergency driving is on the minds of citizens, police administrators, and city managers. It is an area of police training that requires the same degree as deadly force. It does not take an expert to see that the speed and weight of a motor vehicle constitutes a hazard when the operator of that vehicle is not trained properly. Responding to calls at speeds greater than the posted speed is part of each officer's duties at some time in their career.

According to *Wadewitz v. Montgomery (1997)*, officers are judged by their actions to determine good faith. An officer must act in good faith in the scope of their duties to obtain official immunity, which is an affirmative defense. This is also spelled out in *City of Lancaster v. Chambers (1994)*. Because of these cases, one can see the importance of training police in the operation of their vehicles during an emergency response to a call. As explained in the Chambers case, the good faith standard is the standard used to evaluate the necessity of an officer to respond to an event and the risks and facts involved based on the officers perception of those facts and at the time of the event (*City of San Antonio v. Ytuarte, 50 Tex. Sup. Ct. J. 745*).

By looking at these cases, it was found that officers must practice safe driving and be provided with proper training in driving their police vehicle at different speeds and conditions. They must be familiar with the consequences of negligent operation of their vehicle and its effects on the officer, department, and the community as a whole. According to Ashley (2006), he found that the need for training in different high risk areas is important. He also stated that emergency/pursuit driving is one of the most

potentially harmful areas that should be taken seriously. Ashley (2006) also mentioned that hundreds of lives are lost each year as the result of emergency/pursuit driving. Improper police emergency driving operation is one of the leading causes of litigation against officers today.

Upon reviewing the following case, *Wadewitz v. Montgomery* (1997), it was found in this case, as well as many other cases, that improper training or limited training in emergency driving was a leading cause of officers becoming involved in accidents where damage to property as well as injury to officers occurred. The absence of training creates a tremendous increase in lawsuits as well as expense to officers and cities. Logistics is a major factor in providing adequate training for police officers. While larger departments have the resources to conduct training, smaller departments struggle to find the resources to conduct many areas of training, including firearms and emergency drivers training.

King (2005) stated that when training officers, it is important those trainers and their departments are familiar with the term “deliberate indifference,” which means they are liable for failure to train. A plaintiff must establish that government policymakers were aware that a training program was inadequate and did little or nothing about it. As set forth in the *City of Canton v. Harris* (1989), the U.S. Supreme Court “established deliberate indifference as the standard required to show the existence of a policy or custom when a constitutional violation allegedly results from a failure to train” (as cited in King, 2005, p. 22) .

There are three other showings that must be met to proceed against a government employer under failure-to-train theory. The first is that it must be shown that

the training was conducted poorly. The overall focus is on the defect in the training curriculum and not whether the officer was adequately trained. The second area should show a causal link between the failure of the training program and injury; this means that the injury would have been avoided if the employee had been trained properly. The third is deliberate indifference, which has already been mentioned (*Zuchel v. City and County of Denver, Colo.*, 997 F.2d 730 (10th Cir. 1993)).

During personal interviews with three attorneys who specialize in civil litigation and work daily with motor vehicle collisions victims, it is the consensus that proper training would reduce the cost to citizens and law enforcement personnel (J. Francis, J. Holmes, & J. Roark, personal communication, August 10 and 11, 2008). The absence of training also makes civil litigation cases easier because inadequate training falls under Title 42 United States Code Sec. 1983, which is often used to establish the standard in determining the liability of a particular municipality/governmental entity (as cited in Spencer, 2007). The general rule in these cases is that they must state and record adequate data to establish several facts. The first is that a violation of federally protected rights has occurred. The second is that the employees were not trained properly. The third is that the poor training was the cause of the plaintiff's injury. When these elements are put together, the governmental entity can be held liable for constitutional harm to a citizen.

Because of these case laws, police personnel must work closely with attorneys to understand the law and how it applies to their daily activities. The law enforcement community must expand their knowledge and strive to educate not only the officers, but also the community as a whole. By utilizing the same reference manuals that attorneys

use to prosecute plaintiffs, officers can become aware of previous litigation issues. By doing so, they can become progressive in their training techniques to ensure officers on the street have the proper tools to complete the assigned tasks. It is the job of defense attorneys to find a way to effectively win a civil lawsuit with police officers. What generally occurs is that police departments make the civil litigation attorneys' jobs easier because they fail to train properly and, therefore, set the agencies up for monetary loss.

In conclusion, officers must train and be proficient in the operation of their vehicles. They must be aware of the civil ramifications if they fail to train and become involved in a collision. The departments must ensure that they monitor the driving habits of their officers and if a problem arises, they should immediately take action to correct the deficiency. In doing so, they must provide their personnel with the best emergency driving training they can. This training must be conducted in such a manner that it covers classroom lecture as well as practical application of proper emergency driving techniques.

METHODOLOGY

The research question to be examined considers whether or not police departments consider police emergency driving to be as important as state mandatory training. It is the intent of the researcher to determine if emergency drivers training should be included in the list of state required mandatory training that is conducted annually. It is also the intent to obtain information for determining if training is not conducted because of monetary reasons. The researcher hypothesizes that once the data is collected and reviewed, it will show that training is needed, and this will reduce officer injuries and civil liability for departments. It will also give department heads and

training personnel the needed data to reevaluate their thinking on police emergency drivers training. This research will provide documentation to assist law enforcement agencies that do not currently have a driving program established in creating a program suitable for their respective departments

The method of inquiry will include: a review of articles, Internet sites, periodicals, journals, a survey distributed to 50 survey participants, and personal interviews. The instrument that will be used to measure the researcher's findings regarding the subject of absence of training in police emergency driving and how it affects the law enforcement community will include a survey. The size of the survey will consist of 12 questions, distributed to 50 survey participants from the central Texas area. The information obtained from the survey will be analyzed by reviewing the questions. The response rate to the survey instrument resulted in 30 of the 50 surveys being returned. The information obtained from the survey will be analyzed by reviewing the 12 questions and determining participant responses to the questions asked.

FINDINGS

The survey consisted of 12 questions that provided the results needed in the research. The question asking about the number of departments that require drivers training was split, indicating that 50% required training and 50% did not. The size of the departments surveyed ranged from small departments of five officers to departments with 5,600 officers. When answering the question about the importance of training, the responses ranged from one to 10 (with one being least important), with 60% rating five or above and 40% rating under five.

The response to whether the training provided met the standards used by the Texas Municipal League, National Association of Professional Drivers, or the Texas Engineering Extension Service resulted in no response. This is believed to be the result of the individuals who responded and their lack of knowledge of the standards. The findings also indicated that 63% of departments surveyed had no training for police emergency driving after officers leave the police academy. The findings indicated that 34% of those departments that provided training after the academy conducted that training annually, and 3% conducted training semi- annually. The number of training hours varied from zero to 12 hours, with 80% training more than five hours.

When looking at preventable accidents, the results were spread out with some departments having none to others having 271 a year, depending on the size of the department. For preventable accidents, it was also indicated that 80% occurred within the last six months prior to the survey. Finally, the number of hours driven by officers were considered, and they ranged from zero to 12 hours. It was indicated that the officers who stay in the office had very limited driving time, and the officers in the field operated a police emergency vehicle six, eight, and 12 hours a day. The findings showed that the training of officers in emergency driving is based on the size of the departments, their budget restraints, and how the department rates the importance of emergency driver training.

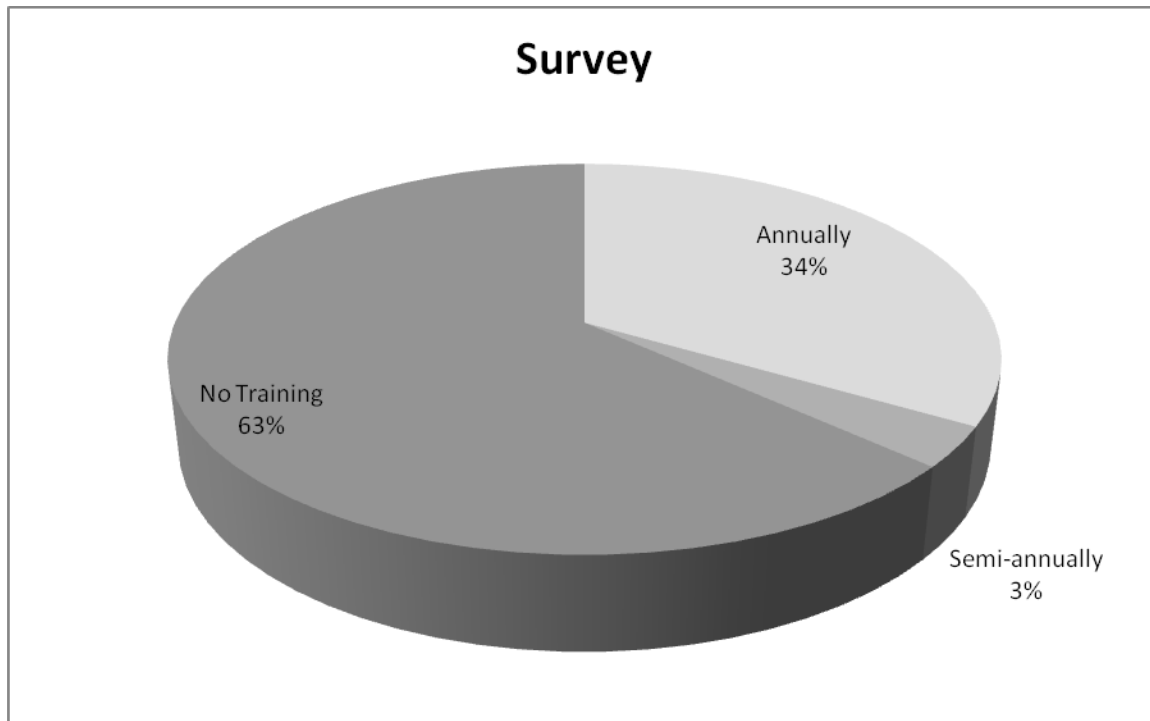


Figure 1. The results of the survey that indicates the percentage of respondents that had semi-annual, annual training, or no training at all

DISCUSSION/CONCLUSIONS

The problem or issue examined by the researcher considered whether or not officers receive adequate training and how a lack of training affects the community they serve. Also examined was how important departments believed training was for emergency driving and if that training was being conducted regularly. The purpose of this research was to determine if the training was being conducted and to what standard it was being applied. Another question addressed in the research was if the officers in those departments were being trained properly and whether there was adequate classroom training being received other than basic police academy training.

The research questions that were examined focused on the size of the departments and if they require a driving class. Also examined were classes designed by Texas Engineering Extension Service (TEEX), National Academy of Professional Drivers (NAPD), or Texas Municipal League (TML) and if training was conducted quarterly, semi-annually, or annually. The researcher also questioned how many hours of classroom training was given versus how many hours of practical training were given. The research questions also covered the number of hours officers spent driving as well as the number of accidents the departments have annually.

The researcher hypothesized that the findings would show that the larger departments were only doing the minimum of training to get by and the smaller departments were not conducting training because of logistics. If the smaller departments conducted training, it was only after a collision had occurred or a need was determined due to the increase of collisions within their department. The researcher also hypothesized that the need for a state mandated training requirement would help reduce the amount of damage and injuries to officers and citizens of the community. The researcher concluded from the findings that the departments in the survey identified the need for the training, and most departments are attempting to conduct the required training. The size of the departments and the availability of manpower, as well as the logistics in finding a training location, hinders many of the departments in conducting the training.

The findings of the research did support the hypothesis. The reasons why the findings supported the hypothesis are probably due to the dynamics of training personnel in today's police society. Departments are faced with finding different ways

to conduct all training as well as keep the community safe at the same time. Training officers in emergency driving requires a qualified instructor and a location to conduct the training. Those obstacles and the changing economy create another dilemma in providing adequate training. Limitations that might have hindered this study resulted because of the amount of responses from the surveys. A poll of all departments in the state would have given this researcher a greater amount of documentation to obtain information.

The study of inadequate training in police emergency driving and the effect on law enforcement is relevant to contemporary law enforcement because the entire police community in the state of Texas as well as the communities they serve stands to benefit from the results of this research. It will help cities, police departments, and their staff recognize that the need for training officers in emergency police driving and the consistent rise of legal costs toward police agencies will not change anytime soon. This realization of the need for training and the overall monetary cost of inadequate training will outweigh any desire to place this type of training as low priority. By reeducating departments and department supervisors, this will change the attitude about adequate police training. It will encourage officers who work in a patrol and traffic environment to seek more training on their own and to strive to become more proficient when operating a police vehicle in emergency situations.

REFERENCES

Ashley, S. (2006, August 24). EVO Training: Critical to officer safety. *Officer.com*.

Retrieved February 2, 2009, from <http://www.officer.com/web/online/Operations-and-Tactics/EVO-Training--Critical-to-Officer-Safety/3432212>

City of Canton, Ohio v. Harris, 489 (U.S.C.378 1989).

City of Lancaster v. Chambers, 883 S.W.2d 650 (Tex. 1994).

City of San Antonio v. Ytuarte, 50 Tex. Sup. Ct. J. 745 (May 4, 2007).

King, M. J. (2005, October). Deliberate Indifference: Liability for failure to train. *FBI Law Enforcement Bulletin*, 74,(10), 22-31.

Spencer, W. (2007, June). *Suggested Topics for Training Police Departments in Section 1983 Liability*. Texas City Attorney's Association Semi-Annual Meeting, Austin, TX.

Wadewitz v. Montgomery, 951 S.W.2d 464 (Tex.Ct. App.1997).

Zuchel v. City and County of Denver, Colorado, 997 F.2d 730 (10th Cir. 1993).

APPENDIX

Survey

Name: _____ Title/ Position: _____

Department: _____ County: _____

Number of officers in department: _____ Time with the Department: _____

Does your department require any driving classes? Yes / No

On a scale from 1-10 where do you believe your department places the importance of emergency drivers training: **(Not)** **(Greatly)**
(circle one) 1 2 3 4 5 6 7 8 9 10

Is the program used in your department designed by or meet the criteria of: TEEX
 NAPD / TML.

If so, how often is training conducted? **(Circle one)**
 Quarterly / Semi- annual / Annually

Number of Classroom hours: _____

Practical / driving hours: _____

What skills do the practical hours focus on?

Emergency driving training and pursuit driving training or Other:

Has anyone in your department had a preventable fleet accident in the *last 6 months*?

Yes / No If so, how many total accidents? _____

Has anyone in your department been at fault in a fleet accident within the *last year*?

Yes / No

If so, how many accidents? _____

Have you personally been involved in a preventable fleet accident? Yes / No

If so how many accidents? _____

Estimate the average numbers of hours per day a patrolman in your department spends driving.

Circle the piece of equipment that is installed in your vehicle or is standard for all department vehicles assigned to patrol:

Mobile data terminals, Radar, Laptop computers, Video recorders, Cell phone, Police radios, Mounted thermal imagers, Transport cages, Lo Jack, Gun rack

Other: _____