

**Unit Goal: Legal obligations and liabilities when operating a vehicle.**

**Instructor Note:** This is **not** a pursuit course. Any course meeting the objectives noted herein is acceptable.

- It is recommended instructors have advanced training in vehicle operations (i.e., Certified Driving / Emergency Vehicle Operations Course Instructors).
- Review agency policies and procedures.
- Simulators may be used for practice to enhance skills for the “Practical Scenarios.”
- Actual practical, hands-on training must be done using sedan vehicles of similar type, power, and handling characteristics as are commonly used in your agency.

**34.1. Define an “authorized emergency vehicle.”**

“Authorized Emergency Vehicle” references:

- Definition – TC 541.201 (1)
- Operation of Authorized Emergency Vehicles and Certain Other Vehicles – TC Chap. 546
- Permissible Conduct – TC 546.001
- When conduct permissible – TC 546.002

**34.2. Identify the exemption requirement regarding the use of red light and siren.**

Red light and siren references:

- Audible or visual signals required – TC 546.003
- Exceptions to signal requirement – TC 546.004

**Lecture Scenario #1:** Officer is responding to an emergency call where the perpetrator is still reported to be at the scene. (Example- burglary in progress, robbery with a weapon, etc....)

- Scenario must insinuate that emergency audible and visual (lights and siren) would be detrimental to the success of the response results.
- Student must describe the response to the emergency call in detail.
- Student must be able to articulate why they are not using the emergency signals and be aware that the transportation code governs the exception.

**Lecture Scenario #2:** Officer is responding to an emergency call in which two lanes of traffic on a three-lane road are blocked, one of which is the emergency lane (local municipal and state roadways are to be used for specific agency’s area of concern).

- Student must be able to articulate why they are not using emergency signals and be aware that the transportation code governs the exception.

**34.3. Discuss that an officer operating a law enforcement vehicle under non-emergency conditions is subject to the same “rules of the road” as any other driver.**

“Rules of the Road” references:

- General Provisions – TC Chap. 542
- Government vehicles – TC 542.002

**Lecture Scenario #3:** Officer is coming into the station at the end of their tour of duty to end their workday. The officer has court (summoned by subpoena) immediately following their shift and cannot be late. It's a 20-minute drive to the station. It is imperative that the officer not be late, as they have previously been reprimanded for being late to court.

- Student must recognize that this is not a bona fide emergency, and the transportation code provides that an officer operating an emergency vehicle must abide by the same rules and laws of the road as the public when not responding to an emergency.

**34.4. Identify the conditions under which an officer or law enforcement agency may be held liable for deaths, injuries, or incidents of property damage that occur while in an emergency vehicle being operated under emergency conditions.**

- Failure to drive with due regard for the safety of others.
- An agency when it has not adopted a written policy on police pursuits.
- A negligent or wrongful act or omission by an employee of the entity.
- When not in immediate pursuit of actual or suspected violator or responding to a legitimate emergency.

**Instructor Note:** Refer also to: Duty of Care – TC 546.005

Fourth and Fourteenth Amendment – U.S. Constitution

Title 42 U.S.C. 1983

Brower v. Inyo County (1989) – Dead man's roadblock

County of Sacramento v. Lewis (CA 1998) – Shock the conscience

Seekamp v. Michaud (ME 1997)

City of Lancaster v. Chambers (TX 1994)

Travis v. City of Mesquite (TX 1992)

Bublitz v. Cottey, 327 F. 3<sup>rd</sup> 485 (Indiana 7<sup>th</sup> Cir 2003)

Scott v. Harris, 127 S Ct. 1769 (Georgia 2007)

Wadewitz and City of Waco v. Montgomery (TX 1997)

University of Houston v. Clark 38 S.W. 3<sup>rd</sup> 578 (TX 2000)

City of San Antonio v. Trevino (TX 2006)

**Instructor Note:** Each of the preceding statutes, amendments, and cases have impacted police pursuits. Review your agency policy, to make sure it is current and in-line with the preceding.

**Lecture Scenario #4:** (U.S. Constitution – 4<sup>th</sup> Amendment – Arrest, Search, and Seizure)

- Student will describe how the 4<sup>th</sup> and 14<sup>th</sup> Amendments differ from each other regarding police pursuits. Student will articulate how the 4<sup>th</sup> Amendment liability is possible when an officer, through a means of force intentionally applied (such as P.I.T., ramming, or stop sticks), causes injury to a suspect.
- Student will articulate how with the 14<sup>th</sup> Amendment liability occurs when there is injury to a third party or where the suspect is injured but the officer(s) did not use force against the suspect. For example, the suspect crashes on his own or the suspect or officer crashes into an innocent third party. (U.S. Constitution – 14<sup>th</sup> Amendment)

**34.5. Identify the issues that are usually addressed by a law enforcement agency's pursuit policy.**

- The conditions under which a pursuit may be initiated and when it should be terminated.
- The way emergency equipment (light and siren) should be used.
- Pursuit procedures.

**Lecture Scenario:** Officer attempts to pull over a vehicle for a traffic violation, and the vehicle flees at a high rate of speed, during a busy time of the day for traffic.

- Student must be able to identify when it is appropriate to initiate a pursuit, or if initiated, when to terminate.

**What does your agency's pursuit policy entail?**

- Identify the different key points, and restrictions of your agency's pursuit policy.
- Recognize that if they stray from their respective pursuit policy, they accept liability.

**34.6. Identify the effectiveness and limitations of emergency equipment and vehicle equipment.**

- Headlights reduce visibility of emergency lights.
- Surrounding environmental conditions reduce effectiveness of lights.
- As speed of vehicle increases, effectiveness of audible warning devices decreases.
- Audible devices are less effective in heavy traffic.
- Distractions inside motorist's vehicle reduce effectiveness of sirens.
- High density urban/business structures cause siren sound deflection.

**34.7. Identify the three basic objectives of a pre-shift vehicle safety inspection.**

- Prevent traffic collisions due to faulty equipment.
- Maintain operational efficiency of the vehicle.
- Provide a sense of confidence in the vehicle.

**34.8. Identify the components of a pre-shift vehicle inspection.**

- Mechanical Check
- Interior Check
- Exterior Check
- Required Inventory

It is important for the student to understand the importance of pre-shift vehicle inspection. In agencies with older, higher mileage fleets it is extremely important that pre-shift vehicle inspections are done daily. See your agency's policy on pre-shift vehicle inspections, note to student – they are liable in most cases for not performing pre-shift vehicle inspections.

**34.9. Identify the techniques of proper vehicle operation.**

- Seat adjustment
- Mirror adjustment
- Foot placement
- Hand placement

**34.10. Identify the proper steering techniques for various aspects of vehicle operation.**

- Hand positioning
- Shuffle steering
- Evasive steering
- Counter steering
- Unavoidable collisions

**34.11. Identify the following components of “defensive driving.”**

- Driver attitude
- Driver skill
- Vehicle capability
- Driving conditions

**34.12. Identify the factors which may contribute to traffic collisions.**

- Overconfidence
- Self-righteousness
- Impatience
- Preoccupation
- Peer Pressure
- Fatigue

**34.13. Explain what the circadian rhythm is, and why it affects safe driving.**

- Described as the “body clock”, the circadian rhythm is a cycle that tells our bodies when to sleep, as well as, when to wake, eat – which regulates many physiological processes (i.e., digestion, metabolism).
- Circadian rhythms also affect a person’s fatigue level.
- Humans tend to be “diurnal” in nature, meaning their circadian rhythm flows with daylight (awake, eating), and rests (sleep) during nighttime.
- Many times in police work, with shift work, we are constantly rotating “diurnal” to “nocturnal” (awake at night, sleep during the day).
- This can affect safe vehicle operation. Studies (Transportation Research Board, by the National Academies of Sciences, Engineering, and Medicine) have shown that nighttime drivers (evening shift / graveyard shift) tend to fatigue at a rate much faster than daytime (dayshift) drivers.

**34.14. Identify the reasons why “fatigue” is a physiological condition which poses a threat to safe driving.**

- Lowers visual efficiency.
- Causes longer perception time.
- Causes longer decision/reaction time.

**34.15. Identify the following driving movements or activities most frequently contributing to law enforcement collisions.**

- Unsafe speed for conditions
- Right of way violations
- Left-hand turns
- Backing – Backing is the #1 cause of law enforcement collisions.
- Parking

**Lecture Scenario #5:** (Example Sec 545.155 Vehicle Entering Highway from Private Road or Driveway)

Officer is proceeding to a non-emergency patrol call and is fifteen minutes away from the location. Beginning their route, the officer pulls out of a parking lot, and onto a street leading to the call, and strikes a pedestrian (or another vehicle) on the local roadway. The student must:

- Recognize, that based on the Texas Traffic Code, the officer committed a “right of way violation” and causes the crash. (Example: police unit exits from a private driveway).
- Identify the causation factors as being a “right of way violation and the corresponding Transportation Code Section.

**34.16. Identify the advantages of using seat (safety) belts when driving a vehicle.**

- Reduced chance of injury or death if involved in a collision.
- Better vehicle control.
- Compliance with applicable statutes and/or policy.
- Proper placement of lap belts and head rests.

**34.17. Identify traffic conditions that affect safe vehicle operation.**

- Traffic density
- Speed of vehicles
- Type of vehicles
- Pedestrians
- Animals

**34.18. Identify the conditions which influence the overall “stopping distance” of a vehicle.**

- Driver
- Vehicle

- Road
- Weather
- Speed

**34.19. Identify the effects of speed upon a turning vehicle.**

- Turning radius increases as speed increases and decreases as speed is reduced.
- Traction limits may be exceeded as speed increases.
- Weight transfer increases as speed increases.
- More speed on turns correlates directly to less control, and a higher degree of danger.

**34.20. Identify, in the proper sequence, the components that make up total stopping distance.**

- Perception of danger
- Decision/Reaction
- Braking

**34.21. Develop proficiency and demonstrate the ability, through a series of driving courses, to control a vehicle under acceleration, maneuvering, and braking conditions.**

- Students will demonstrate proper vehicle steering, accelerating, braking, and backing techniques.
- The driving course will combine several different movements, and skills practical to live emergency vehicle operations.

**Maneuvers can include:**

Practical hands-on driving exercises

- 90 degree turns
- 180 degree turns
- Serpentine (straight line or offset)
- Two-point turns
- Three-point turns
- U-turns
- Braking
- Evasive lane changes
- Backing

**Instructor Note:** Depending on your agency's need for training, or documented causes of preventable collisions, you may place an emphasis on training, with more time dedicated to certain maneuvers. After either all or certain maneuvers are practiced and proficiency is reached, maneuvers will be combined into a comprehensive driving course for demonstration of overall proficiency. Multiple driving courses may be designed to allow for different aspects or perspectives of training.

**Practical Scenario #1:**

Officer is responding to an emergency call (shots fired, subject with a gun, subject with a knife, etc.). Officer will drive through the prescribed course, under emergency response conditions.

- Student will drive through the prescribed course utilizing siren and emergency lights.
- Student will demonstrate safety practices, and maneuver through the course.
- Goal is to finish the course without any collisions (point deductions), without leaving the course (disqualification), and within a set time.
- All grading and scoring will be established by each agency, dependent on vehicle types, training needs, and guidelines.

**Practical Scenario #2:**

Officer needs emergency assistance. Officer will be called on an officer needing assistance in a dire emergency (officer fighting, officer with subject with a gun, etc.). Officer will drive through the prescribed course, under emergency conditions.

- Student will drive through the prescribed course utilizing siren and emergency lights.
- Student will demonstrate safety practices, and maneuver through the course.
- Goal is to finish the course without any collisions (point deductions), without leaving the course (disqualification), and within a set time.
- All grading and scoring will be established by each agency, dependent on vehicle types, training needs, and guidelines.

**Instructor Note:** The following pursuit training is optional to agencies with pursuit policies.

**Practical Scenario #3:**

Officer is dispatched to a reckless driver. Officer observed the vehicle fitting the description, driving erratically, and proceeds to attempt a traffic stop.

- Student will follow the subject vehicle into the prescribed course and attempt to pull the vehicle over.
- Subject vehicle will not stop, and continue to drive through the course erratically, and at a prescribed speed.
- Other vehicle traffic may be simulated or introduced into the course. Stop signs, traffic lights may be placed in different sections of the course to simulate true street traffic.
- Subject vehicle will not stop, and continue through stop signs, traffic lights.
- Student will call out his location, speed, and traffic conditions throughout the pursuit, and demonstrate multi-tasking as in real conditions.
- Student must be able to recognize the probable cause for attempting to stop the vehicle.
- Student must identify a point in the pursuit where the risk to the public, outweighs the need to apprehend, and terminate the pursuit on their own.
- Scoring or rating, if any, is at each agency's discretion.