

SALINAS POLICE DEPARTMENT



BASIC DRIVER TRAINING

Objectives

Recognize routine driving movements that frequently contribute to law enforcement collisions

Classify the types of collisions involving law enforcement vehicles

Objectives

List the three types of law enforcement driving

Recognize contributing factors to an officer's ability to safely operate a law enforcement vehicle

Objectives

Review law exempting peace officers from certain rules of the road while operating law enforcement vehicles

Review case decisions impacting law enforcement officers engaged in emergency response and pursuit driving situations

Objectives

Review Salinas Police Department
policy regarding emergency
vehicle operations

Lexipol 314

Refer to handout

Laws regarding emergency vehicle operations

17001 CVC – This section attaches liability to the city for death, injury, or property damage caused due to negligence or wrongful act or omission by an employee(s) engaged in operating emergency vehicles within this state.

Laws regarding emergency vehicle operations

17004 CVC – This section relieves a public employee of liability for the death, injury, or property damage which occurs during authorized emergency vehicle operations as long as the provisions of 21055 CVC are being followed

Laws regarding emergency vehicle operations

17004.7 CVC – This section relieves a city of liability for the death, injury, or property damage which occurs during authorized emergency vehicle operations as long as the department has and is following a written policy regarding emergency vehicle operations.

Laws regarding emergency vehicle operations

21052 CVC – This section gives jurisdiction to the Vehicle Code over the person(s) engaged in operating emergency vehicles within this state.

Laws regarding emergency vehicle operations

21055 CVC – Provides exemption from the “rules of the road” to drivers of authorized emergency vehicles under the following conditions:

(a) in response to and emergency call, in pursuit of an actual or suspected law violator, during rescue operations, and while responding TO a fire alarm.

Laws regarding emergency vehicle operations

(b) If the driver of the emergency vehicle sounds a siren as may be reasonably necessary and the vehicle displays a lighted red lamp visible from the front as a warning to other drivers and pedestrians.

Laws regarding emergency vehicle operations

21056 CVC - This section provides that 21055 CVC **DOES NOT** relieve the driver of an emergency vehicle from exercising the duty to drive with **DUE REGARD** for the safety of others using the highway. Nor does it protect you from liability for the arbitrary exercise of the privileges granted to you by 21055 CVC.

Laws regarding emergency vehicle operations

21057 CVC – Law enforcement officers are not allowed to use red light, siren, or drive at illegal speeds when escorting any vehicle.

-Exception- When the escort is for the preservation of life only.

Laws regarding emergency vehicle operations

21806 CVC – This section requires drivers to yield to authorized emergency vehicles displaying at least one solid red light and sounding a siren.

Yielding means pulling to the right hand edge of the road and stopping until the code 3 vehicle passes

Laws regarding emergency vehicle operations

21807 CVC - This section provides that 21806 CVC **DOES NOT** relieve you from the duty of driving with **DUE REGARD** for the safety of all persons and property while operating code 3 in an authorized emergency vehicle.

Laws regarding emergency vehicle operations

22350 CVC- No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property.

Cal. Pen. Code § 13519.8

(a)(1) The commission shall implement a course or courses of instruction for the regular and periodic training of law enforcement officers in the handling of high-speed vehicle pursuits and shall also develop uniform, minimum guidelines for adoption and promulgation by California law enforcement agencies for response to high-speed vehicle pursuits. The guidelines and course of instruction shall stress the importance of vehicle safety and protecting the public at all times, include a regular assessment of law enforcement's vehicle pursuit policies, practices, and training, and recognize the need to balance the known offense and the need for immediate capture against the risks to officers and other citizens of a high-speed pursuit. These guidelines shall be a resource for each agency executive to use in the creation of a specific pursuit policy that the agency is encouraged to adopt and promulgate, and that reflects the needs of the agency, the jurisdiction it serves, and the law.

Salinas PD Vehicle Pursuit Policy

Lexipol 314

314.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to reduce the potential for pursuit-related collisions. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuits are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Salinas PD Vehicle Pursuit Policy

Initiating Pursuit

- Officers may initiate a pursuit when a vehicle fails to yield to a police vehicle operating with emergency lights and siren activated. The officer must have reasonable cause to believe the driver or occupants of the vehicle have committed an infraction or misdemeanor in his/her presence, or have probable cause to believe a felony has been committed or is in progress.

Salinas PD Vehicle Pursuit Policy

- Upon initiation of a pursuit and continually during the pursuit, officers and supervisors must reevaluate and weigh the danger of the pursuit against the need for immediate apprehension of the violator. Factors that should be considered include traffic, road and weather conditions, duration of the pursuit, and probability of later apprehension.
- Driving with due regard – 21056 CVC

Salinas PD Vehicle Pursuit Policy

- The initial vehicle in pursuit shall be designated the primary unit. The primary unit is responsible for all communications until a second unit joins the pursuit.
- Normally pursuits should be limited to two vehicles. A field supervisor or watch commander may authorize additional vehicles if the circumstances are justified. The secondary unit(s) becomes responsible for communications once joining the pursuit. Other units should not pass the primary unit unless the primary unit or supervisor authorizes the maneuver.
- Units not involved in the pursuit shall not trail a pursuit, either with or without emergency equipment in activated.
- Units shall keep apprised of the location of the pursuit and position themselves in strategic locations within their beat in the event assistance is needed.

Salinas PD Vehicle Pursuit Policy

- The primary pursuit unit may continue a pursuit if it is reasonably safe to do so or until directed to terminate the pursuit by a supervisor. When ordered to terminate a pursuit, the pursuing officer(s) shall do so immediately and acknowledge the directive on the radio.
- Officers should constantly evaluate whether the seriousness of the offense outweighs the risk to public safety in continuing the pursuit. Factors to be considered in this evaluation include:
 - The original violation for which the pursuit was initiated, and the length of time the pursuit has continued. Vehicular and pedestrian traffic, roadway limitations, weather and time of day.
 - Seriousness of violation for which suspect is wanted.
 - Capabilities of the violator's vehicle.
 - Suspect has reasonably been identified to the point that apprehension can be accomplished at a later time.
 - Mechanical malfunction or overheating of police vehicle.
 - If the pursuing unit(s) loses sight of the violator vehicle, code three operations should be discontinued at once by all vehicles in the pursuit.

Salinas PD Vehicle Pursuit Policy

■ RADIO PROCEDURE DURING PURSUIT

- The primary or initiating unit in a pursuit shall immediately notify communications that a pursuit is underway.
 - Reason for the pursuit, specifically known law violations and vehicle description.
 - Location and direction of travel.
 - Fleeing vehicle speed.
 - Number of known occupants.
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- The secondary unit shall immediately notify Communications they are in the pursuit and assume responsibility for keeping Communications informed of its progress. If there is a passenger officer in the vehicle he/she should assume communication responsibility, allowing the driver to concentrate on driving tactics and officer safety.
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- The pursuing officer(s) shall remain on the original radio channel, unless directed otherwise. Communications shall restrict traffic on that channel to the pursuit alone.

Salinas PD Vehicle Pursuit Policy

- **PURSUIT INTO OTHER JURISDICTIONS** - When a pursuit extends into another allied jurisdiction, the supervisor (or senior officer) in the pursuit should determine whether or not the other allied agency should become involved in the pursuit.
- **PURSUIT INITIATED BY OTHER JURISDICTIONS** – Do not join unless requested and only once given approval by supervisor
- **ROADBLOCKS** – Used only in last resort
- **LEGAL INTERVENTION/FORCIBLE STOPS** – Should be avoided absent extreme circumstances
- **USE OF FIREARMS** – Considered deadly force and only as an extreme measure in major felony situations as provided by law and departmental directives.
- **VEHICLE SAFETY CHECKS FOLLOWING PURSUITS**

Salinas PD Seat Belt Use Policy

Policy 1022

.All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

MCT Use Policy

Policy 448

Use of MCT's should be limited to times when vehicle is stopped. Sending or reading MCT messages while a vehicle is in motion is a potentially dangerous practice. Short transmissions, such as entry of a license number for a stolen or registration check are permitted if they can be done safely. Reading messages while in motion should only be attempted when the message requires the officer's immediate attention. In no case shall an officer attempt to send or review lengthy messages while the vehicle is in motion.

CHRISTMAS DAY '89



**OFFICER RESPONDING TO AN OFFICER NEEDS
ASSISTANCE CALL**



**OFFICER (6 months experience) FOLLOWED HIS
SERGEANT THROUGH AN INTERSECTION IN
EXCESS OF 85MPH**



**IMPACT SPEED WAS ESTIMATED IN EXCESS
OF 80MPH**



**MANSLAUGHTER CHARGES WERE FILED AGAINST
THE OFFICER**



CASE VERDICT: Hung jury

AB 392

AB 392 effectively updates California's legal standard governing when force can be used, and how it is to subsequently be evaluated, by modifying the state standard so that it is consistent with the federal standard of "objective reasonableness," as articulated in numerous United States Supreme Court and lower federal court rulings

"Homicide is justifiable when committed by peace officers and those acting by their command in their aid and assistance, under either of the following circumstances: (a) In obedience to any judgment of a competent court; and (b) When the homicide results from a peace officer's use of force that is in compliance with Section 835a."

PC 835a

(1) “Deadly force” means any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm.

(2) A threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.

(3) “Totality of the circumstances” means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force.

Case decisions

Cruz v. Brisceno –

Brisceno is a LASO deputy working radar and spots a speeding vehicle. He goes after the violator, who makes evasive maneuvers while the deputy is trying to catch up. Prior to activating his emergency equipment, the speeder runs a red light and collides with Cruz who was killed in the collision.

Cruz's family sued LA county and the Deputy for wrongful death/personal injury.

Case decisions

Cruz v. Brisceno –

The trial court, and later during appeal, said the county and Brisceno were immune under 17004 and 17004.7 CVC.

Brisceno was found to be driving with DUE REGARD even though he had not yet activated his red light and siren.

Case decisions

Lewis v. Sacramento County –

A Sacramento S.O. Deputy went in pursuit of two juveniles on a motorcycle for not wearing helmets. The short (1.3 mile) chase lasted 75 seconds and averaged speeds of 60 to 100 mph in residential areas. During the chase at least three other vehicles on the road were forced to swerve off the roadway to avoid collision. The motorcycle stopped in the road after cresting a hill and was struck by the pursuing Deputy. The passenger was killed in the collision.

Case decisions

Lewis v. Sacramento County –

The US Supreme court held that the Deputy had not “shocked the conscience” during the pursuit of the violator in as much that what occurred was “not conduct deliberately intended to injure in some way”. They reasoned that an officer in deciding whether to give chase must balance the continuing need to stop the suspect versus the threat to the public including “suspects, their passengers, other drivers, or bystanders.”

Brower v. County of Inyo, 489 U.S. 593 (1989)

During a high speed police chase, Brower died when he crashed a stolen car into an 18-wheel truck parked across a roadway by the police as a roadblock. Police allegedly parked the truck behind a curve with a police cruiser's headlights aimed so as to blind him on his approach. The use of a roadblock by the police to stop Brower's car constituted a seizure within the meaning of the Fourth Amendment.

The District Court dismissed for failure to state a claim, concluding that the roadblock was reasonable under the circumstances, and the Court of Appeals affirmed on the ground that no "seizure" had occurred.

Nguyen v. City of Westminster

The pursuit of a stolen vehicle by police officers for defendant City of Westminster resulted in a crash seriously injuring Khuong Van Nguyen. The suspect vehicle struck a trash dumpster which propelled it into Nguyen. He and his wife, plaintiff Hoa Nguyen, sued defendant for negligence, and when Nguyen died during the pendency of the action, his heirs filed an amended complaint adding a wrongful death cause of action. Defendant successfully moved for summary judgment, claiming Vehicle Code section 17004.7 (section 17004.7) immunized it from liability. Plaintiffs appeal. We reluctantly conclude the trial court properly found section 17004.7 applies in this case and affirm the judgment.

Scott v. Harris, 550 U.S. 372 (2007)

Harris fled in his car after a police officer tried to pull him over, and a high-speed chase ensued. The police officer, Scott, tried to end the chase by ramming the other car with his cruiser, and Harris crashed. He suffered injuries that led to his becoming a quadriplegic. Harris brought a Fourth Amendment claim against Scott in federal court on the grounds that Scott had used excessive force that had resulted in an unreasonable seizure. The trial court was unpersuaded by Scott's argument that he had qualified immunity because he was a government official acting in his official capacity. The Eleventh Circuit upheld the lower court's decision in favor of Harris, since it ruled that Scott had engaged in an unreasonable seizure that violated the Fourth Amendment. It pointed out that there was no imminent threat of harm because the roads were relatively quiet, Harris was in control of his vehicle, and there was no reason to use deadly force.

Most Common Driving Movements that Contribute to Collisions

Backing

Parking

Unsafe speed for conditions

Right-of-way

Left-hand turns

Following too close

3 Types of Collisions

Preventable

Contributory factor, no proper defensive driving techniques or did not follow departmental policy

Non-preventable

Not at fault, or could not have reasonably prevented the collision

Work related damage

Damage to vehicle by environmental/roadway conditions (objects)

Types of Law Enforcement Driving

Non-emergency

Emergency response

Pursuit

Contributing Factors

Driving skills

Physiological factors influencing the driver

Psychological factors influencing the driver

Driving conditions

Vehicular factors

Driving Skills

The knowledge, skill, and experience of the average driver are *inadequate* for driving a law enforcement vehicle.

The tasks, equipment and emergency nature of the job require specialized training and skills that must be learned and practiced.

Physiological Factors

Vision

Fatigue

Stress

Attention failure

Psychological Factors

Attitudes

Appropriate:

“I’m a professional, I must drive like one.”

Inappropriate:

“He’s not going to get away from me.”

Emotions

Stress

Peer pressure

Depression

Anger

Anxiety

Fear

Driving Conditions

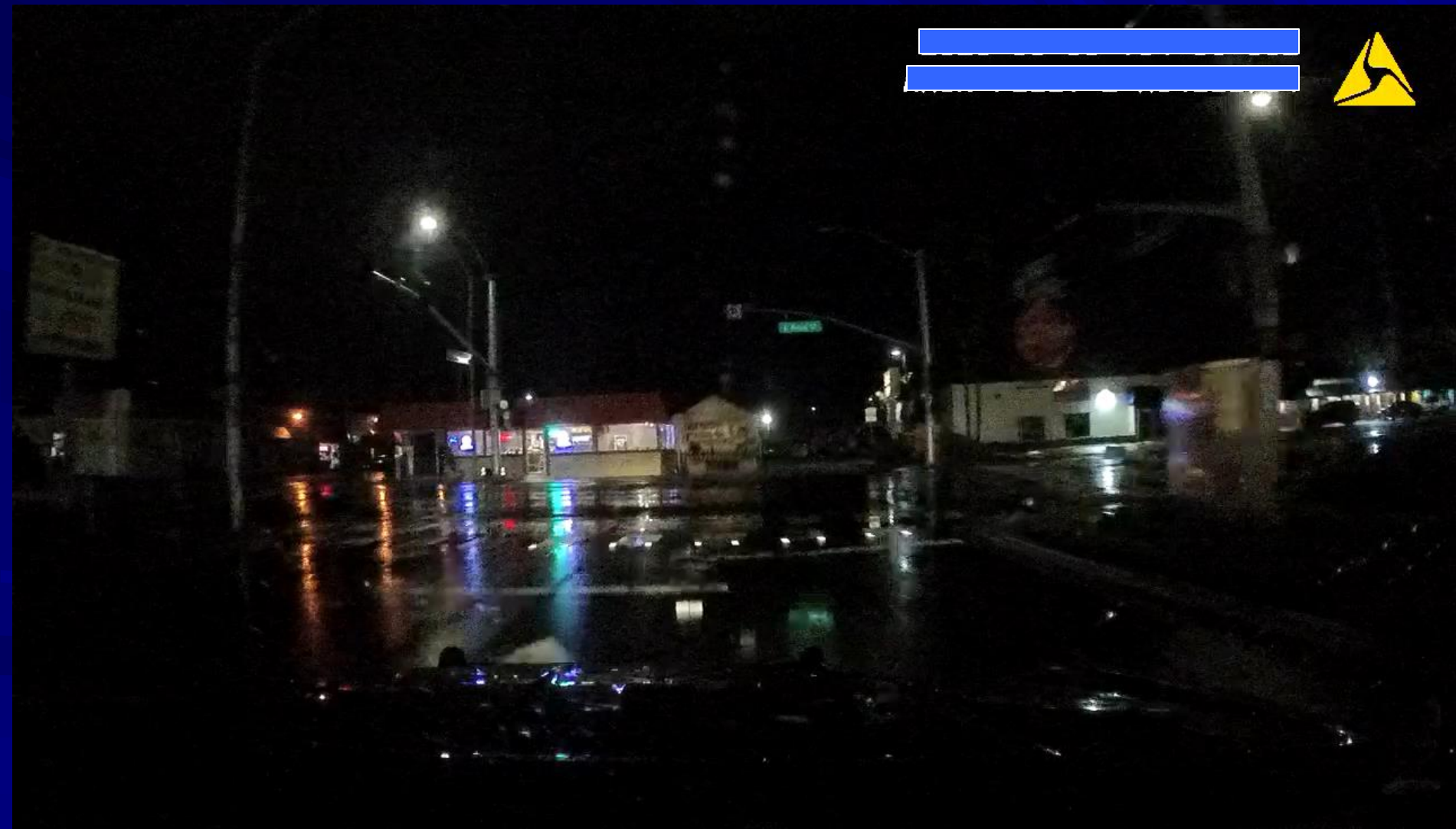
Road conditions

Weather conditions

Traffic conditions

Distraction within the vehicle

We Can't Help If We Can't Get There



Vehicular Factors

Mechanical problems contributing to collisions include, but are not limited to:

Tire blowouts/Worn tires

Stuck throttle (“It Turbo’d”)

Stuck brake pedals

Engine failure

PAST COLLISIONS INVOLVING SALINAS PD VEHICLES



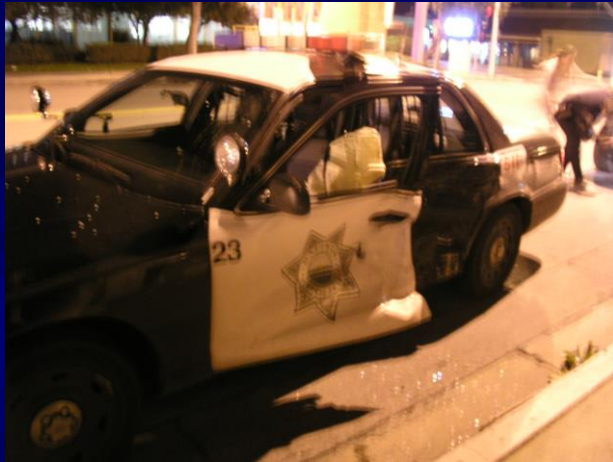




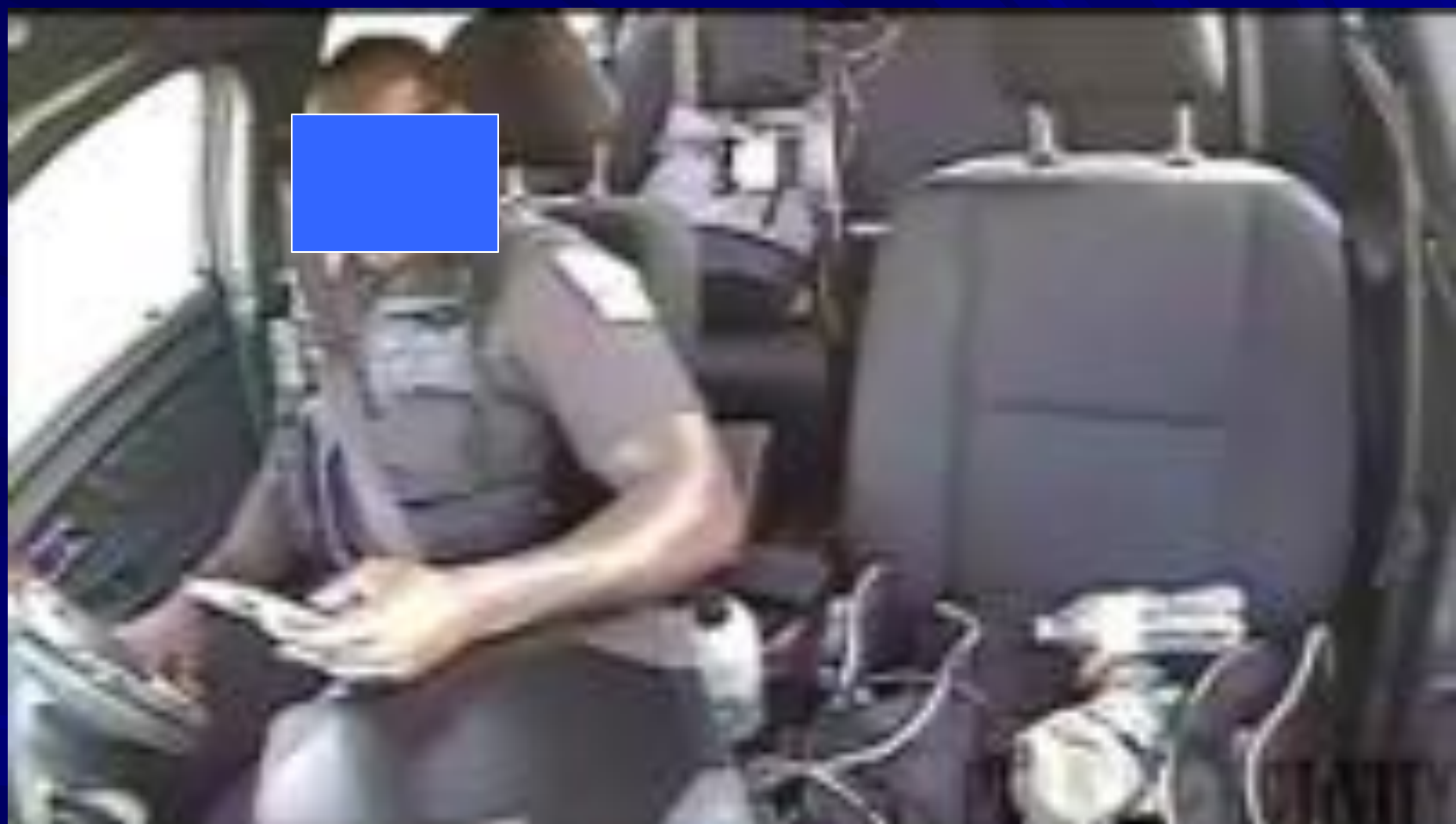






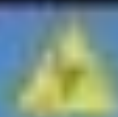


Some final words about wearing
your seatbelt.





INTERSTATE 75
NORTHBOUND



108 MPH



FATAL CRASH ON SURVEILLANCE VIDEO

Officer fired after drag racing crash.

