

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

**Street Survival:
Is There a Need for Recurring
Driver Training at the
Fort Worth Police Department?**

**An Administrative Research Paper
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ABSTRACT

Police officers while driving on duty are hampered even more than civilian drivers with the many in car and out of car distractions they have to deal with. There are other professional drivers that drive as much as police officers do, but few save ambulance drivers or fire department personnel are at risk as much as much as police officers while driving.

The purpose of this paper is to determine if there is any noticeable difference in accident statistics when officers have received periodical emergency vehicle operation training. This research will examine different aspects of this question including liability costs and training costs. This project will involve statistical research based on accident data available through the City of Fort Worth, and resources from other police departments. It is hypothesized that a police agency that gives continued emergency vehicle operation training to its officers on a periodic basis will have officers that are better equipped to meet the daily pressures that driving a patrol car places on them and that they will be less likely to be involved in a serious accident.

Coping with all the elements of police driving requires constant attention by the police officer and maintaining that skill by training should be a major concern of any police department for the sake of the citizens, the officers, the department and the city coffers.

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INTRODUCTION

R.E. Olds made the first mass produced automobile in the United States around 1906 (Borttorf, 1999). By 1910 many of the country's larger police departments were using automobiles in specific police functions. In 1927 the Detroit Police Department fitted a radio to a Ford Model T and created the first radio patrol unit. Until 1950 police cars were no more than production vehicles with lights and sirens. In 1950 Ford Motor Company made its first "police package" vehicle specifically for police use (Sanow, 1999). Speed, handling and durability were the main attributes the new type of police car brought to the fight against crime. The goal from then on was for officers to have the fastest vehicles available to catch the bad guys.

There is no doubt that accidents occurred almost immediately after automobiles came into use by police officers, but at speeds of ten to twenty miles an hour most damage was probably not to severe. Cars have come a long way since then. Some officers today drive Chevrolet Camaro pursuit vehicles capable of speeds in excess of 140 miles per hour, and most patrol vehicles easily exceed speeds of 120 miles per hour (Paynter, 2001). As a vehicle travels faster the driver experiences less reaction time to make corrections and increased times to stop in case of emergency. According to the National Safety Council, a person doubles their chance of being killed in an accident for every ten miles per hour they drive over fifty miles per hour (Johnson, 1993).

Anyone that takes a defensive driving course learns that there are many factors that affect driving conditions. Weather, traffic flow, road conditions, lighting and driver distraction or impairment are all factors that can contribute to an accident on a public

road or highway. As technology gives people new tools for life, some, such as cellular phones become additional distractions for drivers.

Police officers while driving on duty are hampered even more than civilian drivers. The patrol radio, in-car computers, having to watch the streets for traffic violations and on-view offenses, and checking maps to find call locations are all additional distractions an officer on patrol has to deal with while driving. Police officers are at times required to exceed the posted speed limits when operating as an emergency vehicle while still communicating on the radio. There are other professional drivers that drive as much as police officers do, but few save ambulance drivers or fire department personnel are at risk as much as much as police officers while driving.

Emergency vehicle operation, including pursuits, has been a much-studied topic in recent years. It was even a topic of writing as far back as 1959 when Edward W. Jones of the North Carolina State Highway Patrol wrote his book entitled Police pursuit driving. In the last thirty years society has become more litigious and civil liability is something cities, officers and their supervisors must be aware of. An officer that is involved in an accident is likely to be sued whether they are at fault or not and then still have to deal with departmental investigations into the accident. Would a recurring drivers training program be a factor in reducing the number of accidents and mitigating the liability in those that occur?

The purpose of this paper is to determine if there is any noticeable difference in accident statistics when officers have received periodical emergency vehicle operation training. The research will address different aspects of this question including liability costs and training costs. It is hypothesized that a police agency that gives continued

emergency vehicle operation training to its officers on a periodic basis will have officers that are better equipped to meet the daily pressures that driving a patrol car places on them and that they will be less likely to be involved in a serious accident. Continued training in any endeavor leads to better performance. People learn good habits by repeating them until these habits become ingrained. The more an officer trains at good driving techniques the more proficient he/she should become.

This project will involve statistical research based on accident data available through the City of Fort Worth, and resources from other police departments. It will also include data from a written survey made available to police officers from other departments throughout the country. The goal of this project is to determine if a recurring emergency vehicle operation-training program has any affect on the number and/or severity of accidents for the department that utilizes it and to find whether officers feel it is of any benefit for them in their duties.

This paper will be submitted to the chief of the Fort Worth Police Department in hopes of getting some form of emergency vehicle operation training implemented at the Fort Worth Police Department. This paper may also benefit other departments looking into whether or not a recurring driver training program would be in their best interest.

REVIEW OF LITERATURE

Police officers are in the public eye day in and day out. Citizens expect their police officers to do their job with the utmost professionalism and courtesy. These reasonable expectations require that police officers are well educated and well trained. It is obvious that state licensing agencies across the country agree as they mandate certain areas where officers are required to receive recurring training on a periodic basis. In

Texas, officers are required to qualify with their firearms at least once a year. Officers must also receive training every two years in law updates, open-hand control, arrest techniques, and even cultural diversity.

But driving, which is the most visible aspect of daily police work is neglected with many departments. Driving safely in all types of weather and all types of circumstances is the one activity that an officer has to be able to perform whether in patrol car or an unmarked unit. It is important to show the public that this critical area of police performance is as important as the more traditional areas of firearms, arrest procedures, etc (IADLEST as cited in Sullivan, 2003).

The average law enforcement officer drives one hundred miles per day in a shift. That approximates to nearly 26,000 miles a year spent in a patrol car. Add to that an average of 12,000 miles a year in personal vehicle and it becomes clear that police officers are three times as likely to be involved in a traffic situation that requires evasive maneuvers (Johnson, 1993). To illustrate this point: in Missouri in 1998 there were 1812 reported accidents involving emergency vehicles. Of those 1812 accidents, 1510 involved law enforcement. In 1999, there were 1907 accidents involving emergency vehicles of which 1600 involved law enforcement (Missouri State Highway Patrol, 1999, 2000). According to the National Highway and Safety Administration, a police officer is more likely to be injured in an automobile accident than he or she is to be shot or injured by some other form of violence (Yates, 1993).

Despite this fact, there are no state requirements in Texas that an officer receive recurring training in driving techniques. New police officers are required by TCLEOSE to have thirty-two hours of training in "Professional Police Driving" in their academy.

The training requirements TCLEOSE has set up for police driving has five unit goals, the last being that “The student will develop proficiency and demonstrate his ability to control a vehicle under acceleration, maneuvering and braking conditions” (TCLEOSE Training requirements, Unit 24.5). The other four units are classroom based studies rather than hands-on skill based. There are no guidelines as to the amount of time required for actual driving time and the last written statement of the section is that “This course of instruction is not designed to address the special issues of skills relative to pursuit driving” (TCLEOSE Training requirements, Unit 24.5).

While most large departments, including the Fort Worth Police Department, have more than 32 hours devoted to training in their academies, training after graduating the academy is what is lacking. Some departments, including the Dallas Police Department (Kevin Navaro, Personal communication, October 23, 2002), have E.V.O.C. training available to its officers, but do not make it a requirement. Most departments require its officers attend a Defensive Driving on a regular basis. But Defensive Driving every three years is not enough to eliminate city liability in police accident lawsuits nor is it constructive in improving an officer’s driving skills. For many departments cost may be the main hindrance to a drivers training program. According to Schofield (1988), in considering liability factors, a driving program stressing driving skills, awareness and knowledge of vehicle capabilities should be implemented. Department differences, specifically lack of resources and training facilities, are not a valid defense.

Courts have universally recognized the existence of a duty of care by police officers that are operating emergency vehicles. In *Fitzpatrick v. City of Chicago (1987)* the U.S. Supreme Court said this required the operator of an emergency vehicle to drive

with due care for the safety of all persons using the public roadways (Kappeler, 1993). Most states have some form of this requirement in their statutes and this standard in Texas is based on Texas State Law, Traffic Code (TRC 546.005-Duty of Care) which allows officers to disregard traffic laws while operating as an emergency vehicle, but does not relieve them from driving with due regard for safety of all persons, nor from the consequences of reckless disregard for the safety of others.

Civil liability is one of the largest areas of concern for any police department in the country. Municipalities that have their own police departments are often the co-defendant in any lawsuit involving police accidents or misconduct. The most likely areas that any civil litigation against an officer and his superiors might address are the officer's negligence, decision making and the department's failure to train (Ross, 2000). In the *City of Canton v. Harris (1989)*, the U.S. Supreme court held that failing to train officers may be the basis for managerial liability under Title 42 United States Code Section 1983. "Of the ten most frequently litigated training disciplines, operating the police vehicle represents the most frequently performed function. These lawsuits represent the highest awards granted to the prevailing plaintiffs" (Ross, 2000). In 145 cases of Section 1983 cases involving emergency vehicle operation from 1989 to 1999, the plaintiff won the case 39% of the time with an average award of \$1,389,789 plus \$95,900 for attorney fees (Ross, 2000). In respect to pursuits, the courts have ruled that a pursuit is not a use of force issue: first in *Tennessee v. Garner(1985)* and later in *Graham v. Conner (1989)* (Williams, 1997). This should help to alleviate that aspect of civil liability in many circumstances regarding pursuits. Prior to 1998 case law involving officer negligence appeared rather inconsistent. This trend may be somewhat mitigated by the decision in

Sacramento v. Lewis (1998) which established the following test for police negligence; was the officer's action in a situation so negligent as to "shock the conscience" of a reasonable person.

Regardless what direction the future trend of civil litigation involving police actions turns, a few things hold true. Cities will always seek to limit their exposure to civil liability as much as possible. Citizens will always want to feel that well-trained and professional public servants serve them. Because national statistics indicate that accident rates for police officers are about 2.5 times greater per mile driven than accident rates for other professional drivers (Johnson, 1992), recurring drivers training appears to be one way to partially achieve both goals.

METHODOLOGY

When a Fort Worth Police Officer is involved in an accident he/she is required to notify a supervisor to make the scene. An accident form (Texas form ST-3) is completed and the supervisor is required to file a form 106 (vehicle damage form). This form along with the accident report is sent through the officer's chain of command to the Safety Coordinator. An accident is reviewed by an Accident Review Board and a determination made as to the officer's culpability in the accident. The accident data used here is compiled from a database kept by the Police Safety Coordinator of the Fort Worth Police Department.

Data was acquired on all police accidents from years 1999 to 2001 that were graded as chargeable/preventable. This means the officer was at fault and the accident could have been avoided. The accident information includes all accidents that were the

direct or partial result of a police pursuit. Information was also obtained concerning the discipline that was given to an officer found at fault in an accident.

Monetary data for civil payouts by the city was provided by the Risk Management Department from the City of Fort Worth after they were presented request per the Public Information Act. The request asked for all monetary awards given to victims of police involved accidents in which the officer was declared at fault. This monetary amount would have included medical benefits, legal settlements and vehicle repair costs for civilians involved in a police related accident.

Barron Risk Management is the worker's compensation provider for the City of Fort Worth. Information regarding worker's compensation for officers that were involved in accidents was requested from this company. This information would include medical benefits paid and salary compensation for work days missed by an officer involved in an police related accident.

The training departments or academies of other police departments of similar size to the Fort Worth Police Department were contacted by telephone. Information regarding the driving training from other departments was obtained by conducting telephone interviews with training staff from the respective cities police academy personnel. Some of these personnel were able to provide accident data that tracked performance before and following implementation of their department's driver training program.

A written survey was conducted both in person and on the Internet website ALERT International (<http://www.alertinternational.com>) that asked for officer's views on recurring drivers training. There were 76 overall responses with 35 having been completed in person at L.E.M.I.T modules I and II, and the others submitted via e-mail.

FINDINGS

The various types of data obtained for each of the years 1999, 2000, and 2001 was reviewed on an individual basis. The accident data provided was listed by date and contained the officer's I.D., the discipline the officer received if there was any, and in some instances the cause code, or type of driver error that caused the accident, was given. Additional data was gathered on whether or not an accident was pursuit related and that data was tabulated by year. The City of Fort Worth's liability costs were not divided into categories, but according to the city's risk management department these figures are the total liability cost for police related accidents that are not currently under litigation. The following is the City of Fort Worth expenditures for Police vehicle accidents for the time frames listed (Table 1):

Table 1. Expenditures for Police Vehicle Accidents.

	01/01/1999-12/31/1999	01/01/2000-12/31/2000	01/01/2001-12/31/2001
Total City Liability	\$318,384	\$154,303	\$115,474
Damage Cost to Fleet	\$190,445	\$298,240	\$289,321
Workers Compensation	\$404,881	\$290,493	\$209,850

The dollar amounts above are for all police involved accidents during the listed time frames. Neither the City of Fort Worth Risk Management nor Barron Risk Management could separate their cost estimates into accidents in which the officers were at fault or not. The fleet damage costs include some instances of vandalism such as windows being kicked out by prisoners etc, but this amount was relatively small compared to accident repairs. This again was due to the way these particular records are kept by the City of Fort Worth Vehicle Maintenance Department.

When calculated over the listed three years, the average liability claim paid out by the City of Fort Worth for an accident to a civilian was nearly \$3000.00. The number of accidents that required repair was not available to calculate an average repair cost for police vehicles. The average worker compensation claim per accident was \$9528 again for all officer involved accidents. Civil claim payouts and worker's compensation payouts averaged nearly \$13,000 per accident in which there was some form of payout. Add to that the cost of vehicle repair and the major expense a police involved accident can cause becomes clear.

Another cost involved in police related accidents in addition to the cost to the city is that of the cost to the officer or officers involved in an accident. Besides any injury he/she might get from an accident, an officer involved in an accident in the City of Fort Worth is generally given some form of discipline if found at fault. Discipline can range from a minor reprimand to termination. The chart below shows the number of accidents for which the officer involved was determined to be at fault over the three years listed (Table 2):

Table 2: Number of at fault police accidents.

	01/01/1999-12/31/1999	01/01/2000-12/31/2000	01/01/2001-12/31/2001
Total Police at Fault Accidents	110	125	93

The following chart shows days off received by officers for the same time periods listed above (Table 3):

Table 3: Days off officers received as discipline.

	01/01/1999-12/31/1999	01/01/2000-12/31/2000	01/01/2001-12/31/2001
Total Days Off for Discipline	125	52	42

Needless to say any pay lost is costly to the individual. In addition, the unit the officer serves in had to make up for the loss of staffing while the officer is serving his discipline and if that staffing spot could not be filled then the short staffing created an officer safety issue.

The effectiveness of a driver training program is illustrated by the examples and statistics that follow. Only three of the major cities that were contacted by telephone and interviewed had statistics on the effectiveness of their continued drivers training programs: San Antonio TX, Phoenix AZ and in Sacramento CA, both the municipal police and county Sheriff.

The San Antonio Police Department requires officers to attend drivers training annually. Training is provided using a combination of four hours classroom, two hours in

a simulator and two hours in a vehicle. The training staff uses the department's previous year accident statistics to set the targeted curriculum for the following year drivers training. An example of the effectiveness of this technique is that in 1999 the department had a large number of accidents at intersections in which an officer was at fault. That year intersection accidents were the main concern of the drivers training for the department. The following year after the accident statistics were reviewed, there was a remarkable 74% drop in accidents at intersections (Trevino, 2000).

Although the Phoenix Police Department does not have a regularly recurring drivers training program, the following statistics do show that a training program has benefit. In 1988 the Phoenix P.D. had approximately 1400 officers and the city population was less than one million. Officers on the department were involved in 310 accidents in 1988 and 341 accidents in 1989. In those years the department required a four-hour drivers training program for all officers. For the next five years the number of police accidents decreased to a low of 219 accidents in 1994. There was a slight rise in accidents in 1995 to 259, but this was also the year that Phoenix P.D. started using the Chevrolet Caprice with the LT1 police engine, a faster and different handling vehicle than had been previously used. The next few years the number of accidents again declined, until 1996 with the introduction of the New Ford Crown Victoria. In 1998 the number of accidents had increased to 353 but the number of police had increased to over 2700 and the population was now over several million. In 1998 and 1999 the Phoenix P.D. again required officers to attend a four-hour driver training program and the number of accidents again began to decline. In 1999 accidents were down to 317 and in 2000 there were 308. By midyear 2001 there had only been 122 police accidents for the first

six months of the year. The effect of even a short training period over the longer term is readily apparent (Bob Stresak. Personal Communication. October 15, 2001).

The Sacramento P.D. began their behind the wheel drivers training called EVOC in 1977. When a comparison was done between the ten years prior to the training and the ten years following the number of accidents had been reduced by a staggering 53%. The city of Sacramento then instituted a cross training driving program for its fire and ambulance fleet which yielded a significant decrease in accidents for those departments as well. The Sacramento County Sheriff Department began the EVOC training in 1998 and since then the number of claims against the sheriff's office for police accidents has dropped from 102 in 1997 to 26 in 2001 (Sergeant Guilbault, Personal communication. October 10, 2001).

In California, the state agency responsible for setting the licensing standards and training curriculum is called Peace Officer Standards and Training or P.O.S.T. California POST has recently adopted new training requirements that were implemented in January 2001. According to the new standard required by the state, a licensed officer will have to attend a mandatory refresher school every two years on what P.O.S.T. calls perishable skills. These perishable skills include interviewing, and driving skills. Officers have the option of doing the training in a simulator, but every other two-year period must be done in a vehicle on a track. As of yet, no meaningful statewide statistics are available to draw a conclusion on the benefit of this requirement. California also has state run training facilities where the in-service and drivers training can be completed. This helps differ the cost of training for smaller agencies (Sergeant Guilbault, Personal communication. October 10, 2001).

In 1995, the Huntington Beach Police Department experienced an increase from forty accidents the year before to 75 that year. Of these accidents thirty-four were deemed preventable. They contacted General Motors Proving Grounds in Mesa, AZ for assistance in setting up an E.V.O.C. program. After all 200 of their officers had completed the 10 hour training course, the department realized a 56% reduction in preventable accidents the following year. The training staff at Huntington Beach was told by G.M. that departments that utilize the E.V.O.C. training for the first time usually get a 50% drop in accidents or better. Huntington Beach officer must now receive the training at least once a year and demonstrate a qualifying performance (Deuel, 1998).

According to Whetsel (1995), the Oklahoma Highway Patrol adopted a mandatory drivers training program in 1981. There were 100 troopers that took the training that first year and based on there performance of those troopers, the state saved \$1.3 million in vehicle repair and replacement costs and \$3.2 million in workers' compensation insurance the following year. Within two year there had been a 27% drop in pursuit-related accidents.

As to an officer's individual preference to a recurring drivers training program, the written survey presented to officers yielded the following results. There were 76 responses to the survey both in person and online. While many of the responding officers worked in departments that had fewer than 100 officers the results were similar in most regards. All but four of the officers believed their department should require their officers to attend a recurring drivers training program. These four dissenting officers were all from small departments that had very few accidents and did not believe the costs for training were justified. Fourteen of the officer's departments had recurring drivers

training available to the officers, but there was no mandatory requirement for participation. Only eight of the seventy-six responding officers worked at a department that required recurring drivers training and they indicated their whole-hearted approval of the training. Of the respondents that understood what TCLEOSE is, eighteen of the forty thought that a recurring drivers training program should not be mandated by TCLEOSE. Some thought they already mandated too much training and others thought that it would force undue costs to their smaller department.

DISCUSSION/CONCLUSION

The hypothesis of this paper was that a police agency that gives continued emergency vehicle operation training to its officers on a periodic basis will have officers that are better equipped to meet the daily pressures that driving a patrol car places on them and that they will be less likely to be involved in a serious accident. Statistics provided by the departments contacted prove that in those agencies this is absolutely true. These agencies were either similar in size to the Fort Worth Police Department or larger so small changes in statistics would not have created such a dramatic difference in the accident statistics as was shown. Recurring drivers training definitely has a positive effect on accidents and the liability costs associated with them.

The stated goal of this paper is to get a recurring driver training program implemented at the Fort Worth Police Department. Typically changes in any police organization come about by trying to correct something that has gone wrong. Changes in policing are usually the result of one of the following: officer discipline, which usually results in a policy change that other officers forever jokingly refer to by the officer's name (i.e., the John Doe rule), or litigation, either civil or criminal. Seldom are policy

changes the result of proactive thinking. Community policing is a possible exception, but it too has its basis in areas of citizen complaints regarding police service.

Although averaging dollar costs is not an effective way to gauge the impact of an accident, one point can be strongly illustrated by this average. An accident that is an officer's fault can be very costly to both the officer and the city that employs that officer. Even when taken at the average dollar amount calculated earlier in this paper, the cost is significant. Serious accidents can cost lives, in addition to hundreds of thousands of dollars in legal fees and liability claims. Consider also the media coverage a bad accident will garner for the officer involved and the department. Contrary to Hollywood or advertising, for police and city administrations there is no such thing as 'any publicity is good publicity'.

Some might think the cost of starting a training program would be expensive. The major costs in such a program would be land for some form of training course, fees for certified instructors, officer salary while training and vehicle maintenance. The Fort Worth Police Department could institute a drivers training program under the following guidelines without an unreasonable cost. There are several lots owned by the City that would be suitable for temporary use as a training track. Most are parking lots for public facilities, but there are a number of them so scheduling around events at those facilities would not be a major issue. Using cones and other portable devices, any of these lots could be used with minimal cost to the department. Having the driving instructors certified would be an annual cost, but necessary for the good of the program. Vehicle maintenance costs for either a four hour or eight hour training class would not be an outrageous expense either. Data provided by academy staff of the Fort Worth Police

Department (2002) bears this out. Below are the vehicle cost estimates for training a class of thirty-five cadets in the week long course the city puts them through to comply with TCLEOSE mandates for police trainees.

- In-house training of 35 cadets:
 - 10 vehicles
 - 8 tires per vehicle - 4 used & 4 new
 - Used = \$15 per tire
 - New = \$40 per tire
 - Cost per car is \$220
 - Gas = 200 gallons per Class @ \$1.04 per gal.
 - Total of \$208
 - 10 vehicles x \$220 + \$208 = \$2408

This calculation was done a year ago so the gas prices are higher now, but even at an inflated rate of \$1.50 for gas the price goes up \$100.00. Consider also that this information is for a week long course of training for thirty-five cadets. These vehicle statistics would be the equivalent of training 175 officers for an eight hour course or 350 officers for a four hour course. The Fort Worth Police Department has approximately 1300 active duty officers, all of whom could theoretically receive four hours of in-car vehicle training for vehicle costs of less than \$10,000 dollars.

Specific types of training were purposely not discussed in this research document because there are a large number of training techniques and various organizations that support each of them. The type of training and who does the training does matter and should be considered. For a short time the Fort Worth Police Department outsourced the

drivers training of its cadets to a local training academy. Those trained by that academy had a higher accident rate in the months following their release to solo patrol than did the cadets that were trained by the Fort Worth academy staff.

Another possibility to aid in training would be the use of driving simulators. The San Antonio Police Department has used a simulator successfully for the past several years as a supplement to the hands-on driver training. At a cost of around \$125,000 for one unit the price is high, but the training scenarios that can be set up could prove worthwhile.

The question of whether or not a recurring driver training program can help reduce the number of accidents was answered in the affirmative. All of the agencies cited in this paper showed a marked decrease in the number of accidents after implementing a drivers training program. Liability and workers' compensation costs also dropped in the instances where those statistics were given. Police departments all over the country are beginning to realize the necessity of a drivers training program for their officers and the benefits that such a program can produce.

Citizens want to know that their police officers are professionals. The basic definition of a profession generally includes the fact that it is an occupation that requires some form of advanced training. Law enforcement as a profession is no different than any other profession in this regard. In order for the practitioners of law enforcement (police officers) to remain skillful and proficient at their jobs, they must receive consistent and timely training. Driving a car is the most frequently called upon skill that an officer must master. Because there is no such thing as a routine call, or routine patrol, there is also no such thing for an officer as routine driving. An officer is constantly

looking for traffic violations, scanning the beat for criminal activity, communicating on the radio or mobile computers, or attempting to stop lawbreakers. Coping with all the elements of police driving requires constant attention by the police officer and maintaining that skill by training should be a major concern of any police department for the sake of the citizens, the officers, the department and the city coffers.

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