

# Kern County Sheriff's Office Driver Training



KERN COUNTY REGIONAL  
TRAINING CENTER



# Reasons for Law Enforcement Driver Training

- Reduce collisions, injuries, and deaths
- Reduce personal and agency liability
- Increase attention to the driving task
- Increase emotional control and discipline
- Improve decision making ability while driving a vehicle under all conditions.



# Legal Issues and Liabilities

- There are three basic types of law enforcement driving:
  - Non-emergency
  - Emergency Response
  - Pursuit



# Emergency Driving Policy and Procedures

- Legal provisions
  - State law
  - Case Law
  - Agency policy. All emergency driving policies will include certain provisions as required by Penal Code Section 13519.8.



# Agency policies and guidelines regarding emergency driving

- Agency policies and guidelines can be more restrictive than state law
- Long Beach POA v. City of Long Beach
- Link to DPPM E-100-emergency driving and DPPM E-200-pursuits:

<http://sharepoint/ProcedureManual/Table%20of%20Contents/Forms/SectionE.aspx>



# Legal Issues and Liabilities

## ■ EMERGENCY RESPONSE

- To get to the scene of a life threatening situation quickly and safely
- Assist other officers who may be in danger
- Get to the scene of a serious crime as soon as possible
- It is also generally known as a “Code 3” response.



# Examples of emergencies requiring a "code-3" response

- Any life threatening situation
- Serious crime in progress
- Peace officer needs immediate assistance
- Traffic collision involving major injuries
- Fire



# Legal Aspects

## California Codes

### ■ 21052 CVC

- Routine Driving (non code-3)
- **Must** obey all traffic laws and “rules of the road”
- Liability issue if collision occurs while this section is being violated





# Vehicle Code Section 21055

- Provides exemption from “rules of the road”
- Proper lighting (solid red light visible up to 1000 feet to front of vehicle)
- Proper audio signal (siren)
- Conditions that allow for a code-3 response
  - ✓ **F**ire
  - ✓ **E**mergency
  - ✓ **R**escue
  - ✓ **P**ursuit



# Legal Issues and Liabilities

- Vehicle code section 21056
  - Drive with *due regard*
  - Regardless of *RIGHT OF WAY*
- Vehicle code section 21806
  - Other motorists have a *Duty* to yield
  - *Must Have Knowledge* of your approach
  - *See* emergency light and *hear* the siren



# Due regard test

- Peace officers fail to exercise due regard if:
- they violate a statute, ordinance, or regulation of their agency (AND)
- the violation causes death, injury, or property damage



# Due regard

## Vehicle Code 21056 and 21057

- **AT ALL TIMES:**
- **Peace officers must drive with due regard for the safety of others.**
- **Peace officers can be held civilly and criminally liable if they fail to drive with due care.**



# Duty to drive with due regard

- The provisions of Section 21806 shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons and property. ( Vehicle Code Section 21807)



# Legal Issues and Liabilities

- ***CVC 17004 Officers* are not liable for death, injury, or property damage**

- **When Officers:**

**Operating an authorized law enforcement vehicle with due regard while in the line of duty:**

- **responding to an emergency call**
- **in immediate pursuit**
- **responding to but not returning from a fire alarm**



**F  
E  
R  
P**

# California Vehicle Code sections relating to emergency response driving

- CVC 17001 Public entities are liable for death, injury, or property damage
- When Officers:
  - are not acting within the scope of their law enforcement duties
  - commit a negligent or wrongful act or omission
  - actions are the cause of death, injury, or property damage



# Emergency Driving VS. Pursuit Driving

- Which is more Dangerous?

- Pursuits

- Why?

- The suspect dictates the speed and route

- Two or more vehicles are involved





# CVC 17004.7

- Provides “absolute immunity to agency from civil damages resulting from a collision involving the suspect vehicle if they adopt a written policy on pursuits”.



# Penal Code Section 13519.8

- A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect operating a motor vehicle while attempting to avoid arrest by using high speed driving or other evasive tactics, such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to the officers signal to stop.



# General Pursuit Considerations

- All persons involved are held accountable
- Balance Test
- Role of the supervisor
- Primary and secondary units only, unless additional authorized.



# Pursuit Considerations Cont.

- Use of firearm and deadly force limited, roadblocks, blocking, boxing in, and ramming (DPPM E-300)
- A notification by another jurisdiction of a pursuit in progress is not to be construed as a request to join the pursuit



# Initial Pursuit Broadcast

- Unit ID
- Description of vehicle
- Reason for the pursuit
- Traffic and road conditions
- Speed

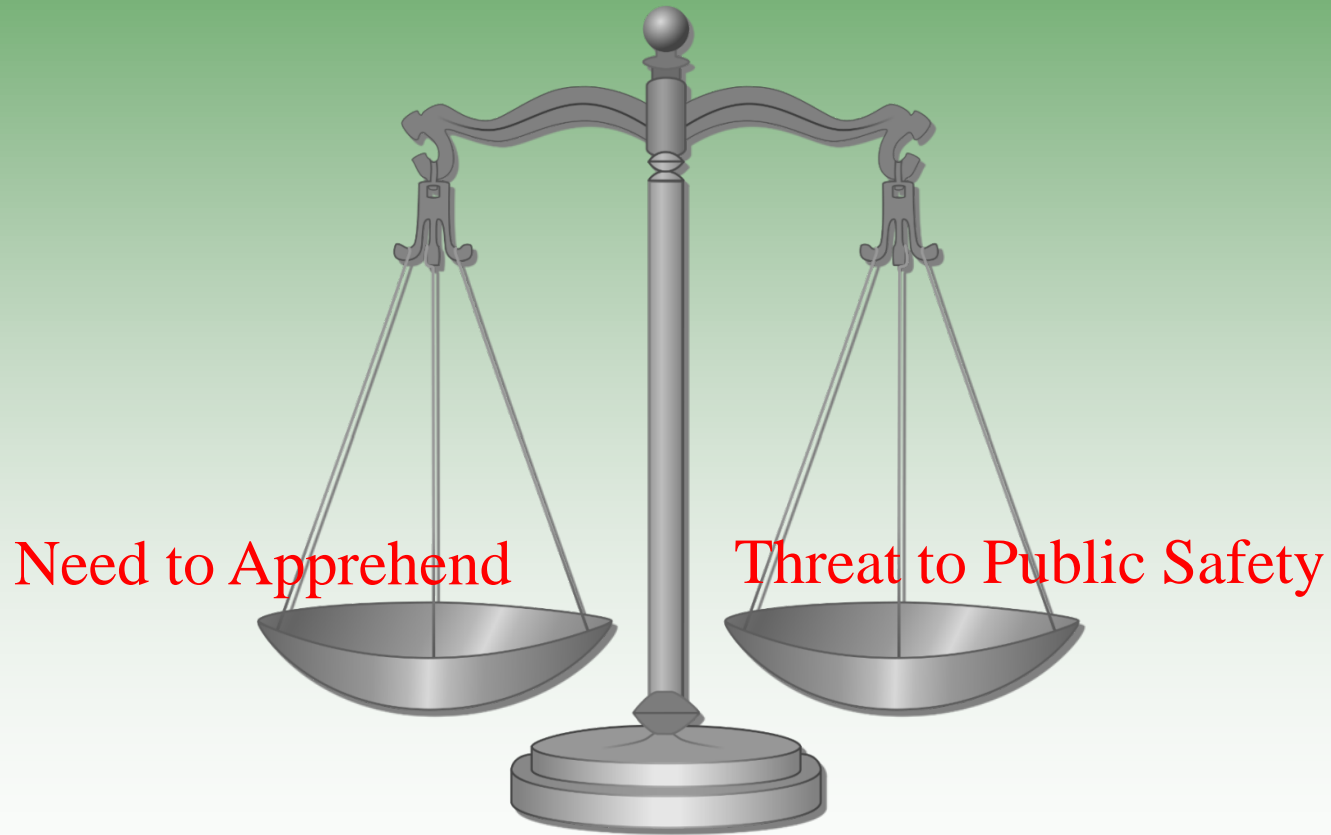


# Balance test

- Does the seriousness of the offense warrant a chase at high speeds considering the risks to all
- What is the possibility of apprehension
- The necessity of immediate apprehension outweighs the level of danger created by the pursuit



# Balance Test



# Other considerations

- What are the weather conditions?
- Is the pursuit on a residential street or on a freeway, school zone, etc.
- Air support available?
- What are the vehicular and pedestrian traffic conditions?
- Is the deputy familiar with the area?





# Collision Avoidance Intersection Analysis

- The greatest potential for collisions during an emergency response is at intersections
- Evaluate traffic conditions
- Position for maximum visibility
- Slow down
- Fluctuate the siren to get the attention of others
- Stop when necessary



# Collision Avoidance Intersection Analysis

- Approach cautiously, slow down, and stop when necessary, if responding Code 3 do all the above, fluctuate the siren tone from wail to yelp, and clear lane by lane until through the intersection.
- Start your intersection scan from left to front, then right, then left again. Your immediate traffic hazard comes from the left. So you should start and end your scan on the left.
- If facing a red light, stop then slowly continue through the intersection clearing lane by lane while fluctuating your siren



# Entering intersections

- Allow time for other drivers to react
- Look for other "Code 3" vehicles
- Make eye contact with other drivers or pedestrians who appear to be yielding the right of way



# Defensive Driver

- View safe driving as a personal responsibility
- Recognize the dangers involved in driving a law enforcement vehicle
- Drive at a speed that is safe for existing conditions
- Yield the right-of-way when necessary
- Make good and safe choices while driving



# ETHICS

- Peace officers are often called to respond to an emergency as quickly as possible knowing that the outcome of the emergency may rest in the balance. It is the obligation of all officers to respond to these calls in a responsible manner, balancing the risk of their driving behaviors against the risk to the public posed by the call. Peace officers operating emergency vehicles are accountable under Federal and State laws as well as agency policies. Failure to operate within the law and policy can result in criminal prosecution, civil liability and agency discipline.

