

# Preventing Traffic-Related Line-of-Duty Deaths



**May 2011**

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May 2011

The International Association of Chiefs of Police (IACP) Division of State and Provincial Police is proud to release this report on **Preventing Traffic-Related Line-of-Duty Deaths**. Tragically, too many of our fellow law enforcement officers are killed because of automobile crashes. We surveyed our membership in an attempt to understand better the problem and, more importantly, to generate ideas and solutions.

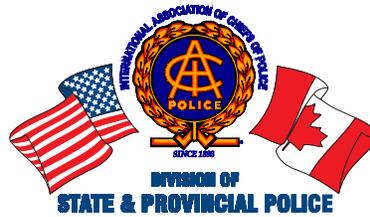
As a profession and as highway safety advocates, we need continually to find ways to reduce traffic-related deaths and injuries. We make a number of recommendations in this report, including advocating that all law enforcement agencies adopt an occupant restraint policy. The IACP Executive Committee passed a resolution at its April 2011 meeting endorsing a mandatory policy on seatbelt use. We also make recommendations on driver training, distracted driving, the conspicuity of vehicles and equipment, and move over laws. I will be appointing an ad hoc committee of colonels and superintendents from state police and highway patrol agencies to carry this initiative forward for the Division.

We are releasing this report during National Police Week. Thousands of law enforcement officers will participate in events in Washington, DC, and across the country to honor those who that have paid the ultimate sacrifice. We pay tribute to those officers. Twenty-eight of our own from state and provincial police agencies died last year while serving the public. We hope, through our efforts and the work of many others, that we can prevent law enforcement officers from needlessly dying in the line-of-duty.

I express my thanks to all the members who took part in the survey and to those who reviewed and provided valuable input, especially the Executive Committee, Colonel John Born, and Colonel Marian McGovern. I am also grateful to IACP Deputy Executive Director James McMahon and IACP Highway Safety Committee Chairperson Earl Sweeney for their feedback. Lastly, I thank IACP staff members Richard Ashton, Shannon Bui, Carolyn Cockroft, Michael Fergus, and Michael Wagers for their work on this report.

Sincerely,

John R. Batiste  
Chief, Washington State Patrol  
General Chair, Division of State and Provincial Police



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## **I. Overview**

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Too many law enforcement officers die as a result of automobile crashes or other traffic-related causes. Over 700 officers lost their lives from 2000-2009 because of an automobile or motorcycle crash or being struck and killed while outside of their patrol vehicles.<sup>1</sup> In 2010, there was a significant increase in the number of officers who died in the line of duty (LOD) because of these types of incidents.

The International Association of Chiefs of Police (IACP) recognizes this issue. IACP President Mark A. Marshall sent a message to the more than 21,000 members of the IACP in response to the increase in LOD deaths in 2010, commenting “This is simply unacceptable. As police leaders, we can and must do all that we can to reduce these horrific numbers.” President Marshall challenged law enforcement leaders to find ways “to give our officers the best chance of survival while they protect our communities.”<sup>2</sup>

The Division of State and Provincial Police (S&P), as highway safety advocates, also recognizes the seriousness and the persistence of this problem and is committed to ensuring the safety of law enforcement officers while they are out on the highways and roadways protecting the public. In response to President Marshall’s challenge and reports from the National Law Enforcement Officers Memorial Fund (NLEOMF) on the increase of LOD deaths and from the National Highway Traffic Safety Administration (NHTSA) regarding seatbelt use by law enforcement officers, the Division of State and Provincial Police decided to address this problem as a priority issue and, as a first step on generating ideas and solutions, surveyed its members.

The S&P Division is comprised of the agency heads from the 49 state police and highway patrol agencies in the United States and the Royal Canadian Mounted Police, the Ontario Provincial Police, and the Sûreté du Québec. Twenty-eight officers from these agencies were killed in the LOD in 2010. Through this report and subsequent efforts, the S&P Division hopes to reduce that number and to improve officer safety across the nation.<sup>3</sup>

## **II. Traffic-Related Line-of-Duty Deaths**

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Seventy-three law enforcement officers died in traffic-related incidents in 2010. These LOD deaths represented a 37 percent increase from the previous year. Although the 2010 totals were a significant increase from 2009, and they approached the record high of 84 officers killed

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<sup>1</sup> <http://www.nleomf.org/facts/officer-fatalities-data/causes.html>. Accessed April 25, 2011.

<sup>2</sup> <http://www.theiacp.org/About/WhatsNew/tabid/459/Default.aspx?id=1390&v=1>. Accessed May 10, 2011.

<sup>3</sup> This complements other initiatives at the IACP to improve officer safety, including the IACP’s Center for the Prevention of Violence Against the Police, the SafeShield Project, and the Highway Safety Committee and the Law Enforcement Safety and Stops Subcommittee.

in traffic-related incidents in 2007, they do not, unfortunately, represent an anomaly. For the thirteenth straight year, traffic-related incidents were the leading cause of LOD deaths.<sup>4</sup>

**Table 1: Traffic-Related Line of Duty Deaths**

<i>Type of Traffic-Related Incident</i>	<i>Number</i>
Automobile crash	50
Struck and killed while outside of vehicle	16
Motorcycle crash	6
Bicycle accident	1
<b>Total</b>	<b>73</b>

Source: National Law Enforcement Officers Memorial Fund, Law Enforcement Officers Deaths: Preliminary 2010. Research Bulletin.

By comparison, 61 officers were shot and killed in 2010, an increase of nearly 25 percent from the prior year. According to data from the NLEOMF, for the prior 10 years, an average of nearly 57 officers died as a result of a firearms-related incident. For the same time period, an average of 72 officers died in traffic-related incidents.<sup>5</sup>

Immediate Past IACP President Michael J. Carroll, who made the “protection of the men and women on the front line” a major initiative during his term, recognized this trend. As he noted in his “Presidential Message” in *The Police Chief* magazine about traffic-related deaths and injuries:

*When you tally up the incidents that cause our officers’ deaths or serious injuries, you notice very quickly that automobile incidents are a greater cause of these results than firearms. Car stops, pursuits, crashes, and other events where our officers are in control or using the patrol car are resulting in more deaths and injuries than gunfire.<sup>6</sup>*

These statistics, of course, confirm what is known: Policing is an inherently dangerous job. The risk of a law enforcement officer being killed on the job is three times higher than for other workers.<sup>7</sup> Law enforcement officers are also four times more likely to be involved in a crash than a civilian motorist, a trend represented by the LOD death data.<sup>8</sup>

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<sup>4</sup> [http://www.nleomf.org/assets/pdfs/reports/2010\\_Law\\_Enforcement\\_Fatalities\\_Report.pdf](http://www.nleomf.org/assets/pdfs/reports/2010_Law_Enforcement_Fatalities_Report.pdf). Accessed April 25, 2011.

<sup>5</sup> This does not diminish the significant number of officers shot and killed in the LOD, nor the alarming increase. It too, is a serious problem that must be addressed.

<sup>6</sup> Michael J. Carroll. “President’s Message,” *The Police Chief* 76 (November 2009): 6, 79.

<sup>7</sup> <http://www.bls.gov/iif/oshwc/cfar0029.txt>. (Figure from report includes firefighters and police officers). Accessed April 14, 2011.

<sup>8</sup> Ford Motor Company. “Crown Victoria Police Interceptor: Police Officer Safety Action Plan,” September 2002.

### III. S&P Line-of-Duty Deaths

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In 2010, 28 troopers were killed in the LOD (a listing of the troopers is provided in Appendix I). The average age of the officer at the time of death was 39 years-old, with the average length of service 13 years. According to the FBI's Law Enforcement Officers Killed and Assaulted (LEOKA) data, the average age of all law enforcement officers accidentally killed in the LOD in 2009 was 35 years-old, with an average of nine years of service.<sup>9</sup>

As indicated in the table below, the majority—6 out of 10—were killed in traffic-related incidents. They were either killed in crashes or struck on the side of the road by other drivers, while in their patrol vehicles or outside of their vehicles.

**Table 2: S&P LOD Deaths**

<i>Type of Incident</i>	<i>Percent</i>
Vehicle crash	36%
Struck on side of road	25%
Other <sup>10</sup>	21%
Shot	18%

### IV. S&P Traffic-Related LOD Deaths

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Over one-third of the troopers killed in the line-of-duty in 2010 died as a result of crashes, such as when their patrol vehicles ran off the road or crossed medians. From 2000–2009, slightly more than 550 law enforcement officers died as the result of crashes.<sup>11</sup> The following troopers died under those circumstances:

- Trooper Jonathan McDonald of the Texas Department of Public Safety was killed in a single-vehicle crash while he was responding to a crash. Trooper McDonald lost control of his vehicle while navigating a curve and crashed into a concrete drainage abutment.
- Trooper Jill Mattice of the New York State Police was killed in a crash after leaving her assignment at a local school when her department vehicle drifted across the center line and collided with a tractor trailer.
- Corporal Dana Kevin Cusack of the South Carolina Highway Patrol was killed in a single-vehicle crash while on patrol. Corporal Cusack's patrol vehicle left the roadway and overturned several times.

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<sup>9</sup> <http://www2.fbi.gov/ucr/killed/2009/accidentallykilled.html>. Accessed April 12, 2011.

<sup>10</sup> "Other" includes helicopter crash, boating accident, training incident, etc. This category also includes the two Royal Canadian Mounted Police officers who were killed during the earthquake in Haiti in 2010.

<sup>11</sup> <http://www.nleomf.org/facts/officer-fatalities-data/causes.html>. Accessed April 12, 2011.

- Constable Chelsey Robinson of the Royal Canadian Mounted Police received reports that a drunk driver was traveling in the wrong direction. As she attempted to locate the driver, her patrol car collided with a tractor trailer, and Constable Robinson was killed in the crash.
- Constable Sébastien Coghlan-Goyette of the Sûreté du Québec was killed while responding to an emergency call. During the response, his patrol car struck a deer. The impact caused the vehicle to leave the roadway and hit a tree.
- Trooper Duane Allen Dalton of the Louisiana State Police was killed in an automobile crash while on routine patrol. His patrol unit was struck by an SUV that had failed to yield the right-of-way. The impact of the collision sent Trooper Dalton's patrol vehicle into a spin and landed it in a nearby ditch.
- Trooper Andrew Baldrige of the Ohio State Highway Patrol and his partner were involved in a single-vehicle crash while responding to an officer needs assistance call from a neighboring agency. His cruiser went off the right side of the road and rolled several times.
- Officer Thomas Philip Coleman of the California Highway Patrol was killed in a motorcycle crash while pursuing a traffic violator. After a minute into the pursuit, Officer Coleman's department motorcycle collided with a tractor-trailer at an intersection.
- Corporal David Slaton of the Texas Department of Public Safety was killed when his patrol car struck a cow that had wandered into the roadway. After striking the cow, his patrol car veered into the path of an oncoming tractor trailer, causing a second collision.
- Captain George Green, Jr., of the Oklahoma Highway Patrol was killed when a dump truck struck his patrol car. At the time, the captain was attempting to turn left from the turnpike onto the highway.

One-quarter of state police and highway patrol officers were killed by drivers who veered onto the shoulder and struck the officers; some were in their patrol vehicles, others were outside dealing with motorists. From 2000–2009, over 150 law enforcement officers nationwide were struck and killed by vehicles.<sup>12</sup> The following troopers died under those circumstances:

- Officer Philip Ortiz of the California Highway Patrol was on his motorcycle when he stopped an SUV for a traffic violation. As he was issuing the citation, another motorist driving on the shoulder of the highway struck the officer and the SUV.

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<sup>12</sup> <http://www.nleomf.org/facts/officer-fatalities-data/causes.html>. Accessed April 11, 2011.

- Trooper Patrick Ambroise of the Florida Highway Patrol was killed when a vehicle on the turnpike suddenly veered onto the shoulder and struck the trooper's parked patrol car from behind.
- Trooper Kenneth Hall of the Connecticut State Police stopped a vehicle for an infraction. A passing car struck and killed the trooper as he was sitting in his patrol car and writing a summons.
- Sergeant Douglas Weddleton of the Massachusetts State Police was blocking an exit ramp while working a construction detail. When a drunk driver tried to drive around the sergeant's patrol car, the sergeant got out of his car to stop the driver's vehicle. A second car, also driven by a drunk driver, crashed into the back of the first car and struck and killed Sergeant Weddleton.
- Trooper Marc Castellano of the New Jersey State Police was struck and killed by a passing vehicle as the trooper was standing on the shoulder of the road near his patrol car. At the time Trooper Castellano was part of a search for an armed person who, the police later learned, was non-existent.
- Officer Brett James Oswald of the California Highway Patrol was struck and killed while investigating a suspected car crash. Officer Oswald determined that the vehicle was abandoned and that no crash had occurred. He was standing outside of his patrol car and waiting for a tow truck when a passing vehicle crossed the double yellow line and struck him.

## **V. Survey**

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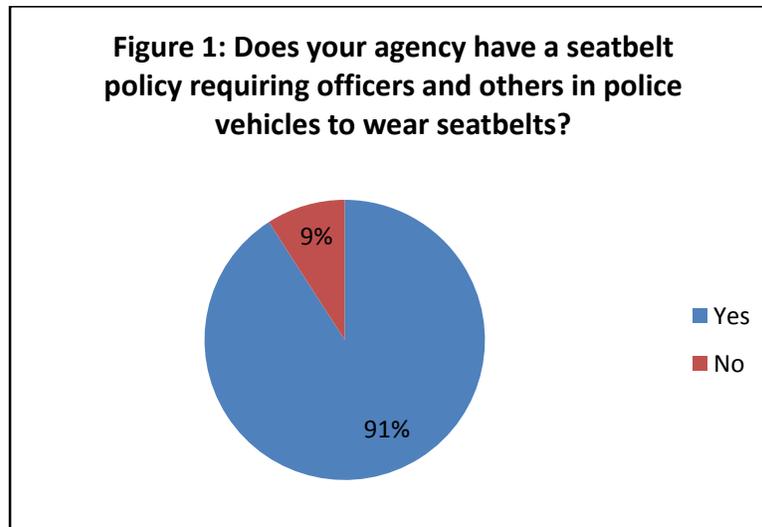
The above examples are reminders about the dangers of the profession and the need to continually find ways to keep officers safe. To that end, the S&P Division surveyed its members on what are thought to be factors that could lead to serious injury or death in the case of a crash (such as nonuse of seatbelts) and factors that might distract troopers while they are driving their patrol vehicles.

A brief online survey was administered to all S&P members regarding seatbelt, cell phone, and texting/MDC/MDT use policies and practices. The survey was sent to members in January 2011.

## VI. Results

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Almost all S&P member agencies reported that they had policies requiring officers to wear seatbelts. Only 9 percent of the respondents indicated that they did not have a written policy on seatbelt use. It is interesting to note that 27 percent of the respondents indicated that their states did not have state laws regarding seatbelt use by law enforcement officers.



Respondents were queried about the number of officers who were killed in crashes in 2010 and the number who were not wearing their seatbelts. According to the agency heads who responded to the survey, only one trooper who was killed in a crash was not wearing his seatbelt. A similar question was posed to respondents about the number of officers seriously injured in a crash and not wearing their seatbelts. Only six troopers from agencies that responded were involved in crashes where they were seriously injured and were not wearing their seatbelts.

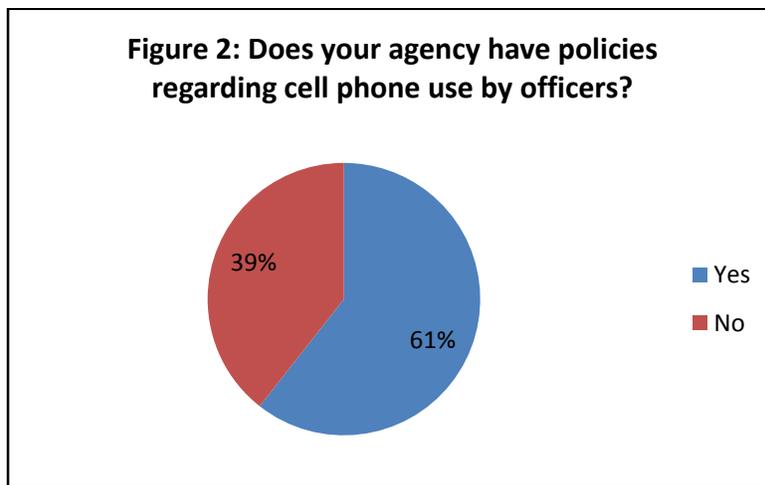
This was followed up with an open-ended question that asked “What, if any, impediments or obstacles has your agency identified in achieving seatbelt compliance by officers?” Of those that responded, most said “none.” Below is a sample of the other answers provided by respondents:

- *My agency is not experiencing any issues with officers using seatbelts.*
- *Seatbelt compliance by our troopers is not an issue. I am unaware of any collision where a trooper was not buckled in.*
- *First-line supervisors have managed compliance effectively.*

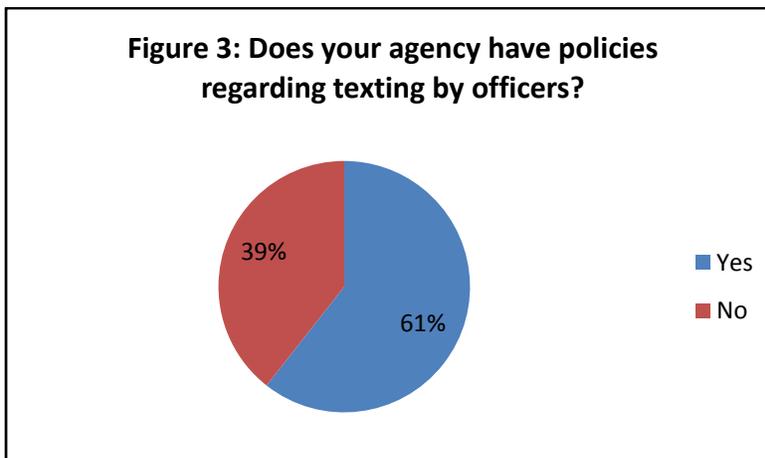
- *Our troopers buy in to safety belt use.*
- *We instill this habit at the academy.*

While these numbers may be encouraging, NHTSA conducted an analysis of almost 30 years' worth of crash data and found that 42 percent of all law enforcement officers killed in traffic crashes were not wearing seatbelts. The number may actually be higher because they could not determine whether or not the officer was wearing a seatbelt in 13 percent of the cases.

A larger percentage of S&P agency heads—almost 40 percent—reported that they did not have policies regarding cell phone use by officers.



The same percentage reported that they did not have policies regarding texting by officers.



Respondents were asked if texting or cell phone use contributed to *any* crashes in 2010. Twenty-five percent reported that an agency-owned vehicle had crashed because of one of these two distracted driving issues. None were reported to have resulted in a serious injury or death.

The survey also queried S&P members on whether or not roll-call or in-service training would be of value to agencies. The majority of respondents (58 percent) reported that they did not think this type of training was needed for seatbelt use. However, 61 percent did believe that roll-call or in-service training on texting/distracted driving would be of value to their agencies.

**Table 3: Would Roll-Call or In-Service Training Be of Value to Your Agency?**

	<i>Yes</i>	<i>No</i>
Seat Belt Use	42%	58%
Texting/Distracted Driving	61%	39%

## **VII. Recommendations**

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The goal of the survey was to gather data on factors that might prevent traffic-related LOD deaths. The larger goals of this ongoing effort are to create attention among law enforcement executives and policymakers about this problem, to generate solutions, and to direct resources to address a more comprehensive effort to improve officer safety.

Accordingly, the following recommendations are put forward to improve officer safety:

- 1. Seatbelt Use:** As mentioned, NHTSA found that 42 percent of law enforcement officers killed in traffic crashes were not wearing seatbelts. One way to prevent these deaths is for agencies to adopt and enforce a policy requiring seatbelt use by officers and passengers.

*Recommendation One: Adoption and enforcement of a policy establishing guidelines for the use of occupant restraint systems in department vehicles by all law enforcement agencies.*

Although only a small percentage of S&P agencies do not have a policy, the S&P Division recommends that those who do not have one adopt a seatbelt use policy. The IACP Highway Safety Committee has a model policy on this issue (Title: Occupant Restraint Systems, Policy Number 2.5, see Appendix II). The IACP Executive Committee has adopted a resolution regarding mandatory seatbelt use by law enforcement officers.

A policy alone, however, will not completely solve the problem. It is, nevertheless, a necessary and needed step that all law enforcement agencies should first take. Also,

leadership needs to express the importance of seatbelt use by law enforcement officers, education among officers needs to be increased (such as the IACP Highway Safety Committee's Law Enforcement Safety and Stops Subcommittee roll-call video, "Is Today Your Day?") and, as pointed out in the survey data, front-line supervisors need to ensure compliance.

- 2. Move Over Laws:** Officers being hit and killed while on the side of the road performing their duties is a problem. According to LEOKA data, an average of one officer a month was struck and killed for the 17-year period between 1993 and 2009. Forty-nine states now have move over laws that attempt to address this issue by requiring motorists to change lanes or slow down when approaching an emergency vehicle.<sup>13</sup>

*Recommendation Two: Creation of a national educational campaign to increase awareness of move over laws and increased and coordinated enforcement efforts of move over laws.*

As with all laws, education of the public (and elected officials) and enforcement are keys to changing behavior. The S&P Division recommends that a nationwide effort be conducted, similar to other campaigns to change driver behavior, to get motorists to understand the importance of moving over and slowing down when they see emergency vehicles. A number of states, such as Virginia, have aggressive "Move Over" educational campaigns. Many regions also coordinate their activities (see Appendix IV as an example of the work by Georgia, Florida, South Carolina, Alabama, and Tennessee). More efforts are needed. A coordinated nationwide campaign will require assistance from federal partners at the Department of Transportation and other highway safety advocate groups.

- 3. Distracted Driving:** In 2009, distraction was reported for 11 percent (5,084) of the drivers (45,230) involved in fatal crashes, accounting for 16 percent (5,474) of the overall fatalities (33,808) in the United States.<sup>14</sup> In addition to activities undertaken by other drivers, law enforcement officers engage in additional, job-related types of multitasking that divert their attention away from driving, such as scanning approaching traffic and the roadside for suspicious or hazardous behaviors; entering queries into the mobile data terminal (MDT); recording the location of a call for service or the description of a wanted person or vehicle; activating emergency equipment; and talking on the police radio.

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<sup>13</sup> Hawaii and the District of Columbia do not have move over laws.

<sup>14</sup> National Highway Traffic Safety Administration's (NHTSA), "Distracted Driving," *Traffic Safety Facts: Research Note*, September 2010. And DOT HS 811 379, 1, <http://www-nrd.nhtsa.dot.gov/Pubs/811379.pdf>. Accessed April 28, 2011.

*Recommendation Three: Adoption of (1) a policy establishing guidelines to reduce distracted driving; and (2) creation of a training/educational video or in-service training.*

As an example, the Florida Highway Patrol's policy is attached in Appendix III. The S&P Division recommends that any policy adopted include the overarching principle that officers must be able to maintain both hands on the steering wheel, while the vehicle is in motion and while using a cell phone or another wireless communication device; and that it also cover both agency and personally owned wireless voice/data communication devices either in agency-owned vehicles or in privately owned vehicles when officers are on duty or conducting official business.

- 4. Driver Training:** The IACP recognized at its 81st annual conference in 1974 "the need for preparatory training in the special area of high-speed pursuit and emergency driving"<sup>15</sup> and resolved at its 87th annual conference in 1980 that all officers who had not received training developed by NHTSA be afforded that training or its equivalent.<sup>16</sup> Nonetheless, a 1997 study found that, on average, less than 14 hours of driver skills training was provided to entry-level officers, and just slightly more than three hours of annual in-service training was offered—but this training was based more on the mechanics of defensive and/or pursuit driving than on decision making in conjunction therewith.<sup>17</sup>

*Recommendation Four: Examine and evaluate the number of hours and the types of driver training and in-service programs needed to reduce officer-involved fatal or serious injury crashes.*

- 5. Conspicuity of Vehicles and Equipment:** Twenty-five percent of S&P officers killed in traffic-related LOD incidents are struck on the side of the road. As with move over laws, another avenue to explore to reduce this number is the conspicuity of vehicles and equipment. There is some evidence that the positioning of police vehicles at traffic stops and crash scenes; how an officer approaches a vehicle; the amount and type of emergency lighting on police vehicles; the presence or absence of reflective marking on police vehicles; and the wearing of ANSI approved reflective clothing are important factors.

*Recommendation Five: Explore the adoption of policies that establish guidelines for (1) positioning of police vehicles at traffic stops and crash scenes; (2) the use*

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<sup>15</sup> International Association of Chiefs of Police, "High Speed Pursuit Driving Training," *The Police Yearbook, 1975* (Gaithersburg, Md.: International Association of Chiefs of Police, 1975), 255–256.

<sup>16</sup> International Association of Chiefs of Police, "High Speed Driving—Training," *The Police Yearbook, 1981* (Gaithersburg, Md.: International Association of Chiefs of Police, 1981), 267–268.

<sup>17</sup> Geoffrey P. Alpert, "Police Pursuit: Policies and Training," *Research in Brief* (Washington, D.C.: U.S. Department of Justice, 1997), 2.

*of emergency and other lighting; (3) equipping patrol vehicles with reflective markings on the sides and rear; and (4) the use of approved reflective clothing at crash scenes and during protracted roadside activities.*

- 6. Research:** In addition to the above recommendations, more research and data are needed to develop a better understanding of other factors that may lead to traffic-related LOD deaths. Based on the survey, the S&P Division recommends that future research be conducted in four specific areas.

*Recommendation Six: Research on (1) speed by law enforcement officers as a factor in fatal crashes; (2) equipment and technologies in patrol vehicles as a distraction; (3) equipment configuration in patrol vehicles as factors that increase the risk of serious injury or death in crashes; and (4) fatigue as a factor in officer-involved crashes.*

## **VIII. Moving Forward**

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The IACP has been working to improve overall officer safety through such endeavors as the IACP's SafeShield Project and the Center for the Prevention of Violence Against Police. The S&P Division will work with these initiatives and it will work closely on traffic-related issues with the IACP's Highway Safety Committee and the Law Enforcement Stops and Safety Subcommittee (LESSS).

To ensure that these recommendations are moved forward, the S&P general chair will appoint an ad hoc committee on the Prevention of Traffic-Related Deaths and Injuries. This ad-hoc committee will report back to the general membership at the 2011 IACP annual conference in Chicago.

## Appendix I – S&P Officers Killed in the LOD in 2010

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### IN MEMORIAM

<i>Name</i>	<i>Agency</i>	<i>Date of Death</i>
Trooper Duane Allen Dalton	Louisiana State Police	01/12/2010
Superintendent Doug Coates	Royal Canadian Mounted Police	01/12/2010
Sergeant Mark Gallagher	Royal Canadian Mounted Police	01/12/2010
Trooper Paul G. Richey	Pennsylvania State Police	01/13/2010
Trooper Jill E. Mattice	New York State Police	01/20/2010
Trooper Andrew C. Baldrige	Ohio State Highway Patrol	02/04/2010
Constable Vu Pham	Ontario Provincial Police	03/08/2010
Corporal Dana Kevin Cusack	South Carolina Highway Patrol	03/27/2010
Officer Daniel Nava Benavides	California Highway Patrol	05/07/2010
Trooper Patrick Ambroise	Florida Highway Patrol	05/15/2010
Trooper Marc Kenneth Castellano	New Jersey State Police	06/06/2010
Officer Thomas Philip Coleman	California Highway Patrol	06/11/2010
Trooper Wesley Washington John Brown	Maryland State Police	06/11/2010
Sergeant Douglas A. Weddleton	Massachusetts State Police	06/18/2010
Constable Chelsey Robinson	Royal Canadian Mounted Police	06/21/2010
Officer Philip Dennis Ortiz	California Highway Patrol	06/22/2010
Officer Justin Wayne McGrory	California Highway Patrol	06/27/2010
Officer Brett James Oswald	California Highway Patrol	06/27/2010
Constable Michael Potvin	Royal Canadian Mounted Police	07/13/2010
Trooper Kenneth Ray Hall	Connecticut State Police	09/02/2010
Trooper Mark David Barrett	Virginia State Police	09/14/2010
Corporal David Ralph Slaton	Texas Department of Public Safety	09/20/2010
Sergeant Joseph George Schuengel	Missouri State Highway Patrol	10/15/2010
Captain George C. Green, Jr.	Oklahoma Highway Patrol	10/26/2010
Constable Sebastien Coghlan-Goyette	Sûreté du Québec	11/14/2010
Trooper Jonathan Thomas McDonald	Texas Department of Public Safety	11/15/2010
Trooper David James DeLaittre	Montana Highway Patrol	12/01/2010
Trooper Chadwick Thomas LeCroy	Georgia Department of Public Safety	12/27/2010

## Appendix II – Model Policy on Occupant Restraint

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<b>Title: Occupant Restraint Systems</b>
<b>Policy Number: 2.5</b>
<b>Accreditation Standard(s): 41.3.4</b>
<b>Effective Date: July 1, 2004</b>
<b>Reevaluation Date: July 1, 2006</b>
<b>No. of Pages: 2</b>
<b>Special Instructions:</b>

### **I. PURPOSE**

The purpose of this policy is to establish guidelines for the use of occupant restraint systems in department vehicles.

### **II. POLICY**

The department will have a written procedure governing the utilization of occupant restraint devices for the operators and passengers of department vehicles.

### **III. DEFINITIONS**

*None*

### **IV. PROCEDURES**

- A. The department will mandate the proper use of occupant restraint devices for all personnel operating department vehicles and for all passengers occupying department vehicles in motion.
- B. The department will have available approved child safety seats whenever the need to transport young children arises. However, if the law permits and an emergency situation exists, the vehicle's occupant restraint system will be used in the absence of child safety seats.
- C. The department will provide special occupant restraints in extenuating situations precluding the normal use of occupant restraint devices, such as those involving

the transportation of prisoners, the movement of sick or injured persons, or certain police operations.

- D. Officers will be responsible for ensuring compliance with proper occupant restraint device usage, and all in-service department vehicles will have workable occupant restraint systems.
- E. Any modification—or any installation or mounting of specialized equipment—in the interiors and/or trunks of department vehicles will be accomplished only with due consideration to its effect on the deployment of airbags, on the proper operation of other safety devices, and on any potential hazard to passengers either from the mounting location or from the hardware.

***This sample policy is intended to serve as a guide to the police executive who is interested in formulating a written procedure on occupant restraint systems. The IACP recognizes that staffing, equipment, legal, and geographical considerations, as well as contemporary community standards, vary greatly among jurisdictions; and that no single policy will be appropriate for every jurisdiction. We have attempted, however, to outline the most critical factors that should be present in every occupant restraint systems policy.***

## **Appendix III – Florida Highway Patrol Policy Manual: Wireless Voice/Data Communications**

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### **7.10.01 PURPOSE**

To establish policy and procedures for members of the Florida Highway Patrol regarding the use of wireless voice/data communications devices which are either Department or personally owned. While several policies exist which deal with Department owned wireless voice/data communications devices, the primary purpose of this policy is to address those issues which are not already addressed in those policies.

### **7.10.02 POLICY**

Safety is our first priority to our members. Prohibitions to certain activities dealing with wireless voice/data communication devices have been placed in this policy as a result of established best practices gathered from law enforcement agencies from around the country.

It is the policy of the Florida Highway Patrol to permit the use of wireless voice/data communication devices. While it is understood that the authority to carry a personal cellular telephone or other wireless voice/data communications device on-duty or during work related functions is a convenience, anyone choosing to carry one of these devices must comply with the stipulations set forth in this policy. Violations could result in the loss of this convenience and/or disciplinary action.

If an emergency or exigent circumstance exists, (i.e. inability to contact the RCCs via 800 MHz radio), members are asked to utilize a safe and common sense approach to these instances while utilizing wireless voice/data communication devices. Again, safety is the primary issue.

### **7.10.03 DEFINITIONS**

A. TEXT MESSAGING/TEXTING: For the purpose of this policy, the term “text messaging” or “texting” means reading from or entering data into any handheld or other electronic device, including for the purpose of Short Message Service (SMS) texting, e-mailing, instant messaging, obtaining visually assisted navigational information, or engaging in any other form of electronic data or electronic data communication.

B. USE: For the purpose of this policy, the term “Use” means talking on or listening to a wireless telephone, or engaging the wireless device for text messaging, email or other similar forms of manual data entry or transmission. The term “Use” also includes taking photographs, accessing the Internet, reading messages or data files, and any other utilization of the device.

C. WIRELESS VOICE/DATA COMMUNICATIONS DEVICE: Any device capable of transmitting and receiving voice or data communications without plugging into a wired land-based phone network. For the purpose of this policy such equipment will include, but not be limited to the following:

1. Pagers;
2. PDAs (Personal Digital Assistants);
3. Cellular telephones;
4. Certain real-time Navigational systems;
5. Smartphones and devices for voice/and or data, such as Blackberry or iPhone; and
6. Mobile Data Computers (MDCs)

#### **7.10.04 RESPONSIBILITIES**

It is the responsibility of each member of the Florida Highway Patrol to be familiar with, and adhere to, established FHP and DHSMV policies which deal with computers, telephones and other wireless/voice data devices.

#### **7.10.05 PROCEDURES**

Unless otherwise noted and/or exceptions are permitted by policy, the following procedures and regulations shall apply to both personally owned and Department issued cellular telephones or wireless voice/data communication devices.

A. Members may carry a cellular telephone or other wireless voice/data communications device purchased at their expense or issued by the Department.

1) Cellular telephones or other wireless voice/data communications devices and accessories shall not be permanently affixed to a patrol vehicle or other assigned vehicle; however the antenna may be attached to the window glass with adhesive or by magnetic mount.

2) Members wishing to attach personally owned hands-free accessories or an antenna to their assigned vehicles shall do so in accordance with guidelines established by the FHP Chief Technology Officer or his/her designee.

B. Cellular and other wireless devices shall be silenced during meetings, official proceedings, training sessions, and where requested by signs or verbal instruction.

C. The vehicular use of a cellular telephone or other wireless communication devices is permitted **only** when the device is used with available hands-free listening device technology such as a Bluetooth earpiece, a wired ear-bud, or temporary vehicle mounted hands free technology. If available, utilization of the devices speaker phone capability is acceptable in meeting the intent of this section. Members must be able to maintain both hands on the steering wheel while the vehicle is in motion and using the device.

D. Members shall refrain from dialing calls while the vehicle is in motion. To place an outgoing call, members shall pull their vehicle off the road and stop in a safe location, or use voice speed dialing features to avoid driver distraction.

E. The use of wireless voice/data communication devices, either Department or personally owned, for **data** communication (i.e., sending or reading text messages or emails) while a Department owned vehicle is in motion is **prohibited**. (Exception: Sworn members utilizing MDCs as outlined in FHP Policy 14.03)

Additionally, such use is prohibited in any other vehicle (i.e., personally owned, rented, or loaned) while the member is on duty or is conducting official Department business.

F. Cellular telephone hands-free accessories shall not be worn outside of an FHP vehicle while in uniform.

G. Members shall adhere to FHP Policy 14.03 when utilizing MDCs while driving.

H. While in uniform, sworn members shall either wear the cellular telephone or other wireless communication device on their gun belt or in their breast pocket. No other locations shall be authorized. Cellular telephones or other wireless communication devices worn on a member's gun belt shall be black or gray in color.

I. Personal communications on cellular telephones or other wireless communication devices while in uniform or engaged in enforcement activity shall be brief in nature, and conducted out of the view of the public, unless exigent circumstances exist.

**NOTE: Personal communications on cellular telephones or other wireless communication devices distract from the member's attention to duty and awareness. Personal communications shall be limited in duration while a member is on-duty.**

J. The State accepts no responsibility for the purchase, maintenance, loss, or damage to personally owned cellular telephones or other wireless communication devices used while in the performance of assigned duties.

K. Cellular phones are not "secure" devices. Conversations over cellular telephones may be overheard for up to a quarter of a mile by use of a radio receiver tuned to the proper radio frequency. Caution shall be exercised while utilizing cellular telephones or other wireless voice/data communication devices to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall continue sensitive or private conversations on a land-line based telephone system.

L. The Department records all text and PIN messages sent and/or received by all State-issued and personal Blackberries attached to DHSMV's e-mail server. These messages are being maintained and produced as a public record pursuant to the Florida Statutes and the Department's established record retention guidelines.

M. State-issued smart and traditional cell phone users (non-blackberry devices) shall not use the text function, except in emergency situations, for any state business other than transitory messages. Transitory messages are those messages with short term value, such as meeting

reminders, and are not intended to formalize or perpetuate knowledge. Transitory messages do not set policy, establish guidelines or procedures, dictate orders, certify a transaction, or become a receipt.

**N. NAVIGATION SYSTEMS** – While vehicle navigation systems have proven to be an invaluable tool in assisting members to locate specific addresses and locations, their use while driving a vehicle may cause unintentional distractions. (i.e., the user either entering data while the vehicle is in motion or simply studying the roadway maps while driving) Members shall use extreme caution when utilizing a vehicle navigation system.

While driving Department owned vehicles, or any other vehicle in which official Department business is being conducted, members shall adhere to the following guidelines:

1. If a navigation system is utilized, other than that which is included on the FHP MDC, the voice guidance feature shall be activated.
2. If routes/destinations need to be entered into or modified on the navigation system, members shall not do so while the vehicle is in motion. Members shall pull their vehicle off the road and stop in a safe location to minimize driver distraction.

#### PRECAUTIONARY STATEMENT TO MEMBERS

Wireless Voice/Data Communications is one of the most rapidly changing technologies today. As such, policy development and acceptable procedures are constantly being adjusted in an attempt to keep up with these changes. Members are cautioned that while this policy may not directly address all issues related to the use of these technologies; sound and legal use of these devices must be paramount.

The use of either Department or personally owned wireless devices to record images or audio comes with certain requirements in order to safeguard both the member and the Department from wrongful claims. It is important to consider that the use of personal equipment, while acting in an official capacity as a law enforcement officer, may subject that equipment to both subpoena and public record review. This not only includes the recording device, but may also include any personal computer or audio visual equipment used to access, store or review the recorded material. Wireless communications of any kind that address official public business, even if communicated over a personal device, are subject to public record laws and record retention provisions.

Until specific policy is established which deals with these emerging technologies, members are reminded to review FHP Policy 12.01, Collection and Preservation of Evidence, FHP Policy 12.02, Evidence and Property Control and FHP Policy 17.22, Mobile Video/Audio Recording for already established guidelines and procedures when dealing with recording audio and video and its introduction into the evidence/property function.

## **Appendix IV – Move Over Public Education and Enforcement Campaign**

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### **Georgia State Patrol Joins Forces for Move Over Campaign**

Friday, November 5, 2010

Contact: DPS Public Information Office

#### **NEWS RELEASE**

(ATLANTA) - Motorists who fail to move over one lane or slow down as they approach a stopped emergency vehicle will see an increased chance of receiving a ticket next week as state troopers in Georgia, Florida, South Carolina, Alabama and Tennessee will join forces for stepped up enforcement. Colonel Bill Hitchens, Commissioner of the Georgia Department of Public Safety, said troopers in Georgia will participate with four of the neighboring state highway patrols to raise driver awareness of the dangers faced by law enforcement officers, firefighters, emergency medical technicians, and tow truck drivers as they work along busy highways and interstates each day.

Colonel Hitchens said Georgia has had a "Move Over" law since 2003 that requires drivers to move over one lane away from a stationary authorized emergency vehicle, towing or recovery vehicle, or highway maintenance vehicle that is displaying flashing blue, red, amber, white, or yellow lights. "If a lane change is not possible, drivers should reduce the speed of their vehicle to below the posted speed limit and be prepared to stop," he said.

In Georgia, the fine for a Move Over violation is set by law at no more than \$500. "The message for drivers is to be alert while driving and give emergency services workers plenty of room to work," Colonel Hitchens said. The concentrated effort ends Friday.

According to a recent report by the National Law Enforcement Officers Memorial Fund, law enforcement fatalities have surged nearly 43 percent during the first six months of this year and, if this trend continues, 2010 could end up being one of the deadliest years for U.S. law enforcement in two decades. Across the country, nine law enforcement officers have been killed in crashes where they were struck outside their vehicles. This compares with five fatalities at the same time last year.