MICHIGAN COMMISSION ON
LAW ENFORCEMENT STANDARDS

EMERGENCY VEHICLE OPERATIONS

INSTRUCTOR MANUAL

FORWARD

A leading concern of modern policing is the potential danger associated with law enforcement emergency vehicle operations. Building skills and competencies through comprehensive training, particularly at the basic academy level, is seen as a potentially productive strategy that can lead to effective decision-making in the driving environment. The Michigan Commission on Law Enforcement Standards (MCOLES) embarked on an ambitious project to review and update the emergency vehicle operations (EVO) portion of the basic training curriculum. MCOLES staff was given the responsibility to accomplish three main goals: a) review and update the existing EVO curriculum and make recommendations for change, b) to create a state-wide standard evaluation component, and c) to create an instructor manual, one which would support the curriculum, assist academy trainers, and be consistent with the adult learning training delivery model.

In the late 1980s, the International Association of Directors of Law Enforcement Training (IADLEST) became concerned about law enforcement vehicle operations because of the relatively high collision rate for law enforcement officers nationwide. The IADLEST study culminated in the May 1989 publication of their *National Law Enforcement Driver Training Reference Guide.* Updated in 2000, the reference manual is endorsed by all fifty states.

Contemporaneous with the IADLEST study, MCOLES applied for a grant from the Michigan Office of Highway Safety Planning (OHSP) to conduct a review and to publish the findings of a Michigan study. As a result, the *Michigan Law Enforcement Driver Training Reference Guide* was produced in cooperation with OHSP, the U.S. Department of Transportation, and the National Highway Traffic Safety Administration. The Michigan undertaking created a natural and logical link to the national standards.

The current project, a project designed to update the EVO training and to re-assess the skill evaluations, is seen as a logical extension to these earlier state and national efforts. The existence of a comprehensive Instructor Manual for basic recruit training in emergency vehicle operations is essential in maintaining valid, defensible training standards for the recruit officer in Michigan.

One of the noteworthy components of the Michigan program involves the training methodology. The research conducted for this project revealed that acquiring technical skill is only part of mastering a learning objective. True mastery requires not only technique, but proper decision-making as well. Accordingly, by introducing the EVO instructor to adult learning methodologies and scenario-based training techniques, MCOLES hopes to provide Michigan's recruits not only with the skills of emergency driving but with sound decision-making capabilities as well.

This *EVO Instructor Manual* contains seven chapters. The curriculum objectives are contained in Chapter One. Chapter Two contains state statutes, relevant court cases, and other information for proper risk management. Chapters Three and Four contain information regarding model policy development and EVO range safety requirements. Chapter Five contains the mandated skill components, with accompanying cone course schematics. Chapter Six contains three sample table-top scenarios so classroom discussion can build decision-making competencies. Chapter Seven is a detailed discussion on how to best prepare the recruit for split-second decision making. Here, the *Manual* shifts from concerns about skills and techniques to concerns about developing safe, effective police *behavior.*

This undertaking should prove to be beneficial to emergency vehicle operations training statewide. By using this *Instructor Manual* to support the training, EVO instructors will be able to improve officer safety and enhance effective emergency vehicle operations.

Several subject-matter-experts throughout the state of Michigan contributed to the development of this *Manual*. MCOLES would like to thank these individuals for all their support, assistance, and hard work on this project.

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EVO Instructor Manual

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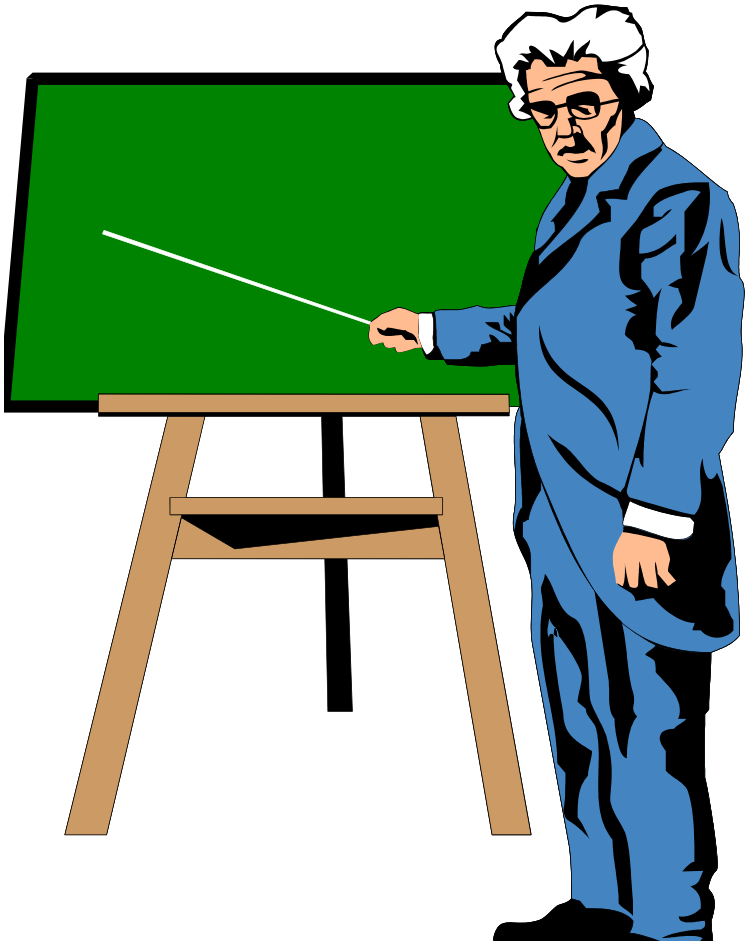
CHAPTER ONE

CURRICULUM OBJECTIVES



Basic Training Module Specifications

Functional Area:	IV.	Police Skills
Subject Area:	D.	Emergency Vehicle Operations
Module Title	1.	EMERGENCY VEHICLE OPERATIONS: LEGALITIES, POLICIES AND PROCEDURES
Hours:	8	

Notes to Instructor:

The *Michigan Driver Training Instructor Manual* and the *IADLEST Driver Training Reference Guide* shall be the primary resources for the material taught in this module.

Module Objectives:

IV.D.1.1. Demonstrate an Understanding of the Legal Issues Regarding Emergency Vehicle Operations.

a. Defines the following terms relevant to emergency vehicle operations:
   (1) emergency,
   (2) emergency vehicles (MCL 257.2),
   (3) fleeing and eluding (MCL 257.602a),
   (4) pacing,
   (5) pursuit,
   (6) emergency escorts, and
   (7) emergency driving v. non-emergency driving.

b. Demonstrates a working knowledge of the following Michigan statutes:
   (1) traffic regulations that govern authorized emergency vehicles (MCL 257.603);
   (2) vehicles in pursuit of criminals (MCL 257.632);
   (3) warning devices (MCL 257.706(d));
   (4) yielding by other vehicles (MCL 257.653);
   (5) moving violation causing death or serious injury (MCL 257.601d); and
   (6) reckless driving causing death or serious impairment of a body function (MCL 257.626).

IV.D.1.1. Demonstrate an Understanding of the Legal Issues Regarding Emergency Vehicle Operations. (continued)

c. Recognizes that departmental policies and procedures often govern officer behavior in situations involving emergency vehicle operation.

Notes to Instructor:

The recruits must understand that emergency driving policies will differ from agency to agency. Some agencies may have a strict policy while others may allow broader discretion - and others may have no policy at all. It may be useful to have the recruits work from a model policy (IACP, MML, e.g.) but note that differences may exist between a model policy and an agency policy.

IV.D.1.2. Demonstrate an Understanding of Liability Issues That Relate to Emergency Vehicle Operations.

a. Recognizes the components of civil liability associated with emergency vehicle operations as:
   (1) negligence (MCL 691.1405);
   (2) intentional torts;
   (3) constitutional torts (42 U.S.C. 1983);
   (4) excessive force claims (*Graham v. Connor*, 490 U.S. 386 (1989)); and
   (5) agency policy, procedures and custom.

b. Recognizes that the actions of the officer in emergency driving situations will be judged by standards, such as:
   (1) negligence (MCL 691.1405);
   (2) gross negligence (MCL 691.1407);
   (3) "shock the conscience" (*County of Sacramento v. Lewis*, 118 S.Ct. 1708 (1998));
   (4) governmental immunity (MCL 691.1407); and
   (5) the use of force continuum (see IV.C.3.1-2).

c. Demonstrates a working knowledge of the relevant case law regarding:
   (1) fleeing drivers and the use of force:
      (a) *Jackson v. Oliver*, 204 Mich App 122 (1994);
   (2) innocent parties:
      (a) *Robinson v. City of Detroit*, 462 Mich 439 (2000);
   (3) the question of duty:
      (a) *Robinson v. City of Detroit*, 462 Mich 439 (2000).

IV.D.1.3. Operate an Emergency Vehicle in Non-Emergency Circumstances.

a. Prepares for vehicle operations by inspecting the emergency vehicle and the emergency equipment.

b. Operates the vehicle in non-emergency situations, using:
   (1) appropriate occupant protection (MCL 257.710e and The Occupant Protection Manual), that:
      (a) reduces the chance of injury or death;
      (b) provides for improved vehicle control; and
      (c) complies with state law and agency policy;
   (2) appropriate driving strategies and techniques (e.g., Smith System, SIPDE, Zone Control System, etc.);
   (3) proper radio techniques with communication centers, by:
      (a) being familiar with the radio system;
      (b) advising dispatchers, when appropriate; and
      (c) updating dispatchers, when necessary;
   (4) a knowledge of how distracters affect driving, such as:
      (a) multi-task procedures;
      (b) boredom; and
      (c) psychological/physiological factors.
   (5) an understanding of how risk factors affect driving, such as:
      (a) environmental conditions,
      (b) traffic conditions, and
      (c) vehicle dynamics.

IV.D.1.4. Operate an Emergency Vehicle Under Emergency Conditions.

a. Determines when it is appropriate to use and manage the emergency equipment:
   (1) siren ineffectiveness;
   (2) semi-marked v. marked units; and
   (3) the reaction of others to activated emergency equipment.

b. Operates the vehicle in emergency situations, using:
   (1) proper radio techniques by advising dispatchers of:
      (a) location;
      (b) direction; and
      (c) status;
   (2) appropriate driving strategies and techniques;
      (a) driver limitations;
      (b) anticipating hazards;
      (c) positioning vehicle with respect to other vehicles, pedestrians, and possible hazards;
      (d) multi-task management; and
      (e) securing loose equipment within the vehicle.
   (3) proper occupant protection; and
   (4) an understanding of risk factors, such as:
      (a) the decision to operate in an emergency mode;
      (b) the decision to terminate the emergency run;
      (c) vehicle dynamics during an emergency run; and
      (d) factors brought on by stress (e.g., heart rate, respiration, adrenaline, etc.).

c. Understands that driving under emergency conditions does not relieve the officer of the duty to drive with “due regard” for the safety of others (MCL 257.632).

IV.D.1.5. Engage in a Pursuit.

a. Determines when it is appropriate to use and manage the emergency equipment.

b. Determines when it is appropriate to engage in a pursuit, based on:
   (1) balancing the need to pursue v. the seriousness of the offense;
   (2) traffic and road conditions;
   (3) weather conditions;
   (4) what is known about the offender;
   (5) night v. day driving;
   (6) knowing, or not knowing, the area; and
   (7) agency policy and procedures.

c. Understands how the following factors influence officer behavior:
   (1) peer pressure;
   (2) emotions (anger, fear, etc.);
   (3) officer attitudes (self-righteousness, over-confidence, impatience, aggressiveness, etc.) and underlying belief systems; and
   (4) psychological and physiological factors.

d. Operates the emergency vehicle under pursuit conditions, considering:
   (1) communication (e.g., updating, advising, etc.);
   (2) driving strategies, such as:
      (a) car violator positioning;
      (b) passing;
      (c) lane changes; and
      (d) hills, curves, and night driving;
   (3) occupant protection;
   (4) risk factors, such as:
      (a) the length of the pursuit;
      (b) intersections;
      (c) the decision to continue or terminate the pursuit;
      (d) the dynamics of the vehicle during pursuits;
      (e) traffic, road and weather conditions; and
      (f) pedestrians, bystanders, and passengers.

e. Operates the emergency vehicle under pursuit conditions considering appropriate management strategies, such as:
   (1) back-up units v. secondary units;
   (2) multiple chase units;
   (3) the involvement of other jurisdictions;

IV.D.1.5. Engage in a Pursuit.
(continued)

(4) traveling beyond jurisdictional boundaries; and
(5) vehicle positioning, considering:
  (a) paralleling,
  (b) lead position,
  (c) radio communication, and
  (d) agency policy.

f. Determines when it is appropriate to terminate (discontinue) a pursuit, including:
(1) when the circumstances that justified the initiation of the pursuit have changed or no longer exist (causing the pursuit to be unreasonable, unsafe, out of policy, etc.);
(2) when directed to discontinue the pursuit by another officer or supervisor; and
(3) at the discretion of the initiating officer.

g. Demonstrates an understanding of when to deploy vehicle tactics to physically intervene with a fleeing suspect's vehicle, considering:
(1) 4th Amendment;
(2) MCOLES Continuum (see IV.C.3.1. & IV.C.3.2.);
(3) agency policy; and
(4) the appropriate use of agency approved techniques, such as:
  (a) vehicle disabling devices (e.g., controlled tire deflation devices);
  (b) roadblocks (total or partial);
  (c) boxing tactics (moving or stationary); and
  (d) intentional contact (e.g. PIT, intentional collisions).

IV.D.1.6. Engage in Post-Incident Operations.

a. At the conclusion of the emergency run, positions the patrol vehicle for the best protection of the officer and the scene.

b. Safely manages the scene, by:
   (1) assessing the threat level (presence of weapons, recognizing hazards, etc.);
   (2) rendering first aid, if necessary; and
   (3) determining the need for additional assistance, if necessary (e.g., back-up units, EMS, Hazmat, utility services, etc.).

c. Recognizes that a formal post-incident review may consist of:
   (1) departmental debriefings;
   (2) policy reviews;
   (3) civil or citizen panel reviews;
   (4) criminal reviews; and
   (5) pursuit data forms, if appropriate (voluntary or mandatory).

d. Completes all reporting requirements through:
   (1) proper documentation;
   (2) correct terminology; and
   (3) thorough police reports.

e. Recognizes the need for continuous in-service training in emergency vehicle operations throughout an officer's career.

Module History

Implemented	July 2002
Revised	July 2006
Revised	Mar 2015

Basic Training Module Specifications

Functional Area:	IV.	Police Skills
Subject Area:	D.	Emergency Vehicle Operations
Module Title:	2.	EMERGENCY VEHICLE OPERATIONS TECHNIQUES
Hours:	24	

Notes to Instructor:

For the practical exercises, the instructor/student ratio shall be one/four (maximum). An instructor/student ratio of one/three is ideal.

For the practical exercises, the instructor shall use only those vehicles that are rated for pursuit and emergency use, so-called "police package" vehicles, as designated by the manufacturer. However, Special Service Package vehicles, offered by some manufacturers, are not engineered, nor are they suitable, for pursuit or emergency driving according to these manufacturers.

Module Objectives:

IV.D.2.1. Demonstrate Preparedness for Emergency Vehicle Operations.

a. Recognizes the importance for proper vehicle set up, including:
   (1) vehicle inspections;
   (2) mirror adjustments;
   (3) seating position;
   (4) proper hand position on wheel;
   (5) sitting erect with shoulders resting against the back of the seat; and
   (6) radios, knobs, trunk release, fire extinguisher.

b. Identifies the following as safety features in emergency vehicles:
   (1) air bags;
   (2) safety belts;
   (3) padded dash and visors;
   (4) collapsible steering column; and
   (5) laminated windshields.

IV.D.2.2. Demonstrate an Understanding of the Techniques of Emergency Vehicle Operations in Appropriate Situations.

a. Recognizes the principles of steering as:
   (1) three-point;
   (2) shuffle;
   (3) hand over hand;
   (4) pre-set;
   (5) palm steering;
   (6) 12 o'clock backing; and
   (7) wheel management.

b. Recognizes the principles of cornering as:
   (1) apex cornering;
   (2) cornering skids; and
   (3) the dynamics of weight transfer.

c. Recognizes the principles of proper backing as:
   (1) weight transfers;
   (2) turn-arounds;
   (3) fixed-object relationships; and
   (4) 90 degree and 180 degree turns.

IV.D.2.2. Demonstrate an Understanding of the Techniques of Emergency Vehicle Operations in Appropriate Situations. (continued)

Notes to Instructor:

Ensure that the recruits have an awareness of vehicle dynamics in terms of front wheel drive v. rear wheel drive, for example, preventing wheel lockup, the pulsating effort of the brake pedal, the ABS warning lamps and function, etc.

d. Recognizes the principles of proper acceleration as:
   (1) skid avoidance;
   (2) smooth starting;
   (3) adjustments for road conditions; and
   (4) adjustments for the environment.

e. Recognizes the principles of proper braking as:
   (1) threshold braking (with and without turns);
   (2) anti-lock braking systems (with and without turns);
   (3) avoidance of braking skids;
   (4) the dynamics of vehicle weight transfer; and
   (5) total stopping distance:
      (a) perception/reaction time;
      (b) road surfaces;
      (c) weather conditions; and
      (d) vehicle condition.

f. Recognizes the principles of parking as:
   (1) vehicle placement; and
   (2) fixed object relationships.

IV.D.2.3. Demonstrate an Understanding of Operating an Emergency Vehicle Under Adverse Environmental Conditions.

a. Understands the proper operating techniques for ice-covered roads:
   (1) applies brakes lightly when stopping;
   (2) steers in desired direction of travel to control for skids;
   (3) reduces speed;
   (4) accelerates slowly; and
   (5) increases distance between the emergency vehicle and other vehicles.

b. Understands the proper operating techniques for rain:
   (1) anticipates hydroplaning;
   (2) accelerates slowly;
   (3) applies brakes lightly in excessive water; and
   (4) reduces overall speed.

c. Understands the proper operating techniques for dirt covered roads:
   (1) accelerates slowly;
   (2) anticipates road defects; and
   (3) applies brakes appropriately when stopping (threshold braking or ABS).

IV.D.2.4. Operates an Emergency Vehicle Using Proper Techniques in Darkness:

a. Compensates for vision limitations.

b. Protects night vision.

c. Protects against fatigue, which results in:
   (1) decreased visual efficiency;
   (2) longer perception time;
   (3) impaired judgement; and
   (4) longer decision/reaction time.

Note to Instructor:

Objective IV.D.2.4. shall be presented as a practical exercise with no artificial lighting.

IV.D.2.5. Demonstrate Proficiency on the MCOLES Emergency Vehicle Operations Course or an MCOLES Approved Course that Exceeds the Standard.

a. Demonstrates proper road position, braking and steering accuracy, backing accuracy, and skid avoidance while performing a series of driving exercises, to include:
   (1) steering;
   (2) braking (with and/or without ABS);
   (3) accelerating;
   (4) backing; and
   (5) cornering.

Note to Instructor:

At the conclusion of the emergency vehicle operations training module the students must participate in a reality-based practical exercise that depicts emergency driving situations and pursuit situations. This shall be a learning exercise, not pass/fail and can be a cumulative of the skills required in IV.D.2.5.a.

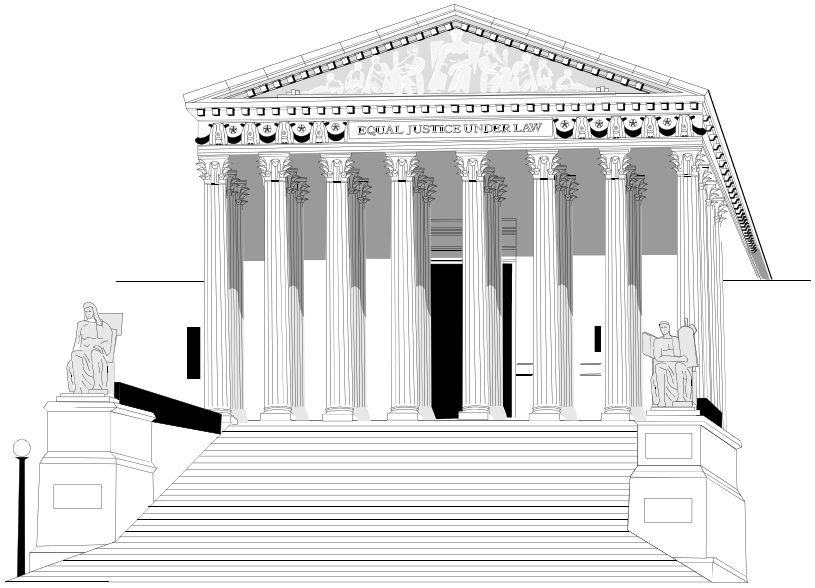
All academies must include a skid control exercise as part of EVO training. This can be accomplished by using a "skid car", a skid pad, or other approved skid control exercise.

Module History

Implemented	July 2002
Revised	July 2006
Revised	Mar 2015
Edited	July 2017

CHAPTER TWO

RISK MANAGEMENT



RISK MANAGEMENT FOR EVO INSTRUCTORS

OVERVIEW

Officers occasionally face the possibility of being held civilly liable for their actions or the actions of their subordinates in situations involving emergency vehicle operations. Criminal and administrative exposure may exist as well. In a general sense, civil liability for training activities has become a major concern for local governments, police and sheriff's departments, and criminal justice academies. In recent years, allegations of improper training were included in a number of civil suits filed against cities and counties nationwide.

This chapter is intended to provide the emergency vehicle operations instructor with a general overview of the basics of civil liability, with a special focus on how the system works in the state of Michigan. The intent of the chapter is not to instill an unreasonable fear of civil litigation into the minds of the EVO instructional cadre. Instead, this chapter views liability within the context of risk management for agencies and individual officers.

"Risk control involves identifying the organization's risk exposures, examining the various alternatives available to either eliminate them or to mitigate the effects of those that cannot be eliminated, selecting the best alternative or combination of alternatives to deal with each risk exposure, implementing the chosen techniques, and monitoring the program for the purpose of altering or improving the program based on the observed risks."

Manual for Law Enforcement Risk Reduction (1998) Michigan Municipal League

Law enforcement officers are faced with a number of decisions during a typical tour of duty. They are required to successfully, and quite often independently, handle situations that range from the most serious to the most mundane. Departmental policies and court precedent may shape the outer limits of discretionary authority, but individual choices are influenced by a variety of factors. In an emergency driving situation, for example, the decision to engage may be influenced in no small regard by the amount and type of training available to the officer. However, an individual, or an individual's survivors, may call the reasonableness of such actions into question at a later time.

Officers, and those responsible for criminal justice training, should be aware of the potential for lawsuits filed against them by injured parties, either in state court or federal court. Officers should conduct their driving activities so as to minimize monetary damage to themselves and their agencies. Moreover, emergency vehicle operations (EVO) instructors should follow certain basic principles of liability risk management and understand that *safety* and *liability* are essentially interwoven into a total risk management approach.

THE BEST DEFENSE AGAINST CIVIL LIABILITY IS GOOD RISK MANAGEMENT

Although this *Michigan Driver Training Instructor Manual* does not specifically address the criminal or administrative sanctions of negligent law enforcement driving activities, instructors developing EVO lesson plans based on this *Manual* should make the students aware that such possibilities exist.

The information outlined in this chapter is not intended to represent official MCOLES legal advice. Should litigation arise, or the potential for litigation, instructors and academy directors are encouraged to seek counsel from their legal representative.

THE BASIS FOR LIABILITY

The evolution of civil liability in recent years has exposed many law enforcement agencies, and individual law enforcement officers, to potential civil litigation for their actions in emergency driving and pursuit situations. The right of individual citizens (the plaintiffs) to seek redress from their government for injuries or damages incurred through governmental misconduct or abuse of power has been permissible since the founding of our country.

STATE COURT OR FEDERAL COURT?

Any civil suit against individual officers, agencies, or training personnel (the defendants) may be brought in either state court or federal court. The two most common theories of liability are (a) negligence or gross negligence (usually initiated in state court) and (b) violations of constitutional rights (usually initiated in federal court under 4th or 14th amendment claims). Typically, police pursuit situations or emergency driving situations do not rise to the level of federal constitutional violations. Federal issues regarding emergency vehicle operations seldom arise unless there is a Fourth Amendment seizure and the seizure is unreasonable. Brower v. County of Inyo, 489 U.S. 593 (1989). Instead, lawsuits are often brought in state court for police driving activities that violate state statutes or are inconsistent with departmental rules, regulations, or policies. In some situations, civil liability may depend upon who gets injured, whether it is the perpetrator or an innocent third party. In emergency driving situations, a seizure generally means an intentional collision or a physical termination.

For any lawsuit, including those arising from EVO situations, the plaintiffs will initiate action in either state court or federal court:

State Court

a. issues regarding agency policy;
b. negligence or gross negligence;
c. inadequate protection; and
d. violations of state statutes.

Federal Court

a. deadly force/use of force;
b. civil rights;
c. due process; and
d. false arrest/seizure.

ELEMENTS OF NEGLIGENCE

In any civil lawsuit, there are four general elements of negligence that must be proven by the plaintiffs in order to recover damages against the police, depending on which court hears the case. If any one of the elements is lacking, by a preponderance of the evidence, then the plaintiffs will be unsuccessful in their action. In each and every case, depending on which court hears the case, the plaintiffs must establish the following fundamental elements:

State Court (Civil Liability)	Federal Court (42 U.S.C. 1983)
a. a duty exists;	a. any person;
b. a breach of duty occurred;	b. under color of law;
c. the breach was the proximate (direct) cause;	c. deprives rights of another;
d. of an injury to another.	d. resulting in injury.

In state court, a duty ("a" above) may be determined from the state statutes, departmental rules and regulations, or case law. Broadly stated, the police owe a duty to the general public but not to any individual member of the public who becomes injured, unless a special relationship exists (White v. Beasley, 453 Mich 308 (1996)). In police pursuit situations, the concept of duty has been specifically addressed by the Michigan Supreme Court in a case entitled Robinson v. City of Detroit, 613 N.W.2d 307 (Mich., 2000). The case is discussed in greater detail later in this chapter.

A breach of duty ("b") usually means that an officer acted negligently or in a negligent manner. In fact, officers are expected to always perform in a reasonable manner, in other words, in a manner similar to what any reasonable person, or officer, would do in similar circumstances. A breach of duty could be intentional, negligent or grossly negligent - it is the aim of the plaintiff to show some sort of negligence.

The proximate cause ("c" above) of the injury to another must be the proximate cause of the injury and not a proximate cause of the injury (see Robinson). The conduct of individual police officers must be the most "immediate, efficient, and direct cause of the passengers' injuries" in order for the plaintiffs to prevail in an action. "The proximate cause" contemplates one cause.

In federal court, 42 U.S.C. 1983 (chapter 42, section 1983 of the United States Code) provides a remedy for constitutional violations by government officials. Here, the courts have held that local governmental units are "persons" ("a" above) within the meaning and intent of this federal statute.

"Color of law" ("b" above) generally refers to persons or organizations vested with governmental or public authority, in other words, police officers acting while on duty.

A "deprivation of rights" ("c" above) occurs when an individual is deprived of a right, privilege, or immunity secured by the federal constitution or federal law.

DEFENDANTS

Individual officers are accountable for their actions on the street, particularly while engaged in high risk activities such as emergency driving. However, consistent with the so-called "deep pockets" theory of litigation, plaintiffs may also initiate suits against the officer's city, county, township, chief or sheriff, or training facility, which may include individual EVO trainers.

The targets of the civil suits may vary, but typically there may be at least five or more classifications of defendants named, including the:

(1) officer;
(2) officer's governmental unit;
(3) officer's supervisor, police chief or sheriff;
(4) training facility; or individual instructor.

INDIVIDUAL OFFICERS AS DEFENDANTS

Although the exact terminology may differ from complaint to complaint, the allegations made by the plaintiffs regarding emergency vehicle operations in state court against *individual officers* generally include the negligent, or grossly negligent, operation of an emergency vehicle that causes injury to another party. The reasonableness of the officer's actions will be examined closely by the courts. Negligence on the part of an officer may be shown through the officer's failure to comply with state statutory requirements, agency policy, or by violating the general principles of negligence tort law. In federal court, the reasonableness of the officer's actions will be closely examined as well.

LAW ENFORCEMENT AGENCIES AS DEFENDANTS

In general, the allegations made by the plaintiffs against *governmental units,* specifically training facilities, typically include the following:

(1) vital subjects were omitted from the training;
(2) the trainees failed to reach a sufficient level of proficiency;
(3) incorrect, outdated, inadequate, or obsolete tactics were taught (*City of Springfield v. Kibbee,* 480 U.S. 257 (1987); or
(4) the agency acted with "deliberated indifference" to the inadequacies of the training program (*City of Canton v. Harris,* 489 U.S. 378 (1989).

In summary, allegations made by the plaintiff could be brought in either state court or federal court and the allegations could be against the individual officer or the officer's agency, or both.

STANDARDS FOR LIABILITY

In Michigan, and in the federal system, the standards for liability for each type and category of allegation depend upon where the case is heard and the defendants who are named. To clarify these standards, each level is displayed in Table 1:

Table 1

Court:	**State Court (Michigan)**	**Federal Court**
Defendant:		
Governmental Unit	1. Negligence	2. Deliberate Indifference
Individual Officer	3. Gross Negligence	4. Shock the Conscience (14th amend.) Unreasonableness (4th amend.)

Cell 1 (Negligence):	MCL 691.1405
Cell 2 (Deliberate Indifference):	*City of Canton v. Harris,*489 U.S. 378 (1989).
Cell 3 (Gross Negligence):	MCL 691.1407
Cell 4 (Shocks the Conscience):	*County of Sacramento v. Lewis,* 523 U.S. 833 (1998).
(Unreasonableness):	*Graham v. Connor,* 490 U.S. 386 (1989).
	Tennessee v. Garner, 471 U.S. 1 (1985).

In state court, *negligence* is defined as the failure to use such care as a reasonable and prudent person would use in a similar circumstance - inadvertence, thoughtlessness, inattention, or unreasonable care. *Gross negligence* includes conscious or voluntary acts or omissions that are likely to result in serious injury. In federal court, *deliberate indifference* is defined as a conscious choice on the part of the officer to ignore the rights and welfare of other persons, or of an agency to fail to train its officers as a matter of custom or policy. Actions that *shock the conscience* are unreasonable actions that are so brutal and offensive that they do not comport with society's traditional ideals of decency. Where the facts rise to the level of the use of force or the use of deadly force on the part of the officer (intentional ramming, e.g.), an objectively reasonableness standard is used in federal court. In other words, what would most reasonable officers do when faced with similar circumstances?

In Michigan, the governmental unit may be liable if the individual officer was *negligent* in the operation of a motor vehicle. The individual officer may be liable if the operation rises to the level of *gross negligence.*

By identifying the legal requirements and consequences affecting emergency driving, an officer can have a solid foundation from which appropriate decision-making can emerge. This legal foundation can assist law enforcement officers in making decisions, and performing maneuvers, which will be legally acceptable in their jurisdictions. Additionally, such knowledge can assist law enforcement agencies and those involved in criminal justice training in following certain basic principles of liability risk management.

MICHIGAN STATUTES

When an officer makes a determination to respond to an emergency or engage in a pursuit, the identification of legal guidelines becomes critical in order to counteract and neutralize the emotionalism inherent in such situations. By understanding the relevant statutes that govern emergency vehicle operations, the student can acquire enhanced decision-making capabilities.

Certain general legal principles are common to the three types of law enforcement driving: non-emergency, emergency, and pursuit. However, it is important to remember that Michigan's law enforcement officers must drive in compliance with the state's motor vehicle statutes in all non-emergency driving situations, although officers are exempt from some motor vehicle statutes during emergency responses. **Above all, officers must drive with due care and caution whatever the circumstance.**

Some of the statutes cited below are not quoted in their entirety. For the exact language of the statute, please refer to the Michigan Compiled Laws or the Michigan Statutes Annotated.

EMERGENCIES

Michigan statutes define "emergencies" as follows:

MCL 124.601

"Fire protection services, emergency medical services, police protection, and any other emergency health or safety services designated in the articles of incorporation of an authority."

MCL 333.20703

"A condition or situation in which an individual declares a need for immediate medical attention for any individual, or where that need is declared by emergency medical personnel or a public safety official."

MCL 750.540

"A situation in which property or human life are in jeopardy and the prompt summoning of aid is essential."

MCL 423.232

"Heart attack, stroke, injury accidents, electrical accidents, drug overdose, imminent childbirth, and other instances where there is the possibility of death…"

LAW ENFORCEMENT LIABILITY

MCL 691.1407 - Governmental Immunity

Governmental agencies are "immune from tort liability in all cases wherein the government agency is engaged in the exercise or discharge of a governmental function." Further, employees of a governmental agency, while in the course of their employment, are immune from tort liability if all of the following components are met:

1. the employee is acting within the scope of his or her authority;
2. the governmental agency is engaged in the exercise of a governmental function; and
3. the employee's conduct does not amount to "gross negligence" that is the proximate cause of an injury.

[However, see MCL 691.1405]

MCL 691.1405 - Negligent Operation of Government Owned Vehicles

Section 5: "Governmental agencies shall be liable for bodily injury and property damage resulting from the negligent operation by any officer, agent, or employee of the governmental agency, of a motor vehicle of which the governmental agency is owner, as defined in Act No. 300 of the Public Acts of 1949, as amended, being sections 257.1 to 257.923 of the Compiled Laws of 1948."

MCL 691.1408 - Actions Against Governmental Employees, Costs

Governmental agencies may pay for, engage, or furnish the services of an attorney to employees facing civil litigation for injuries caused by negligent action. In addition, the governmental agency may indemnify employees or pay, settle, or compromise the judgement. Many officers and instructors are under the impression that they need not fear personal liability because the city or county will pay the judgement anyway. This is not the case. The payment of damages, if damages are assessed against the individual, may be the sole responsibility of the employee.

AUTHORIZED EMERGENCY VEHICLES

MCL 257.2 - Definitions

An "authorized emergency vehicle" includes: "vehicles of the fire department, police vehicles, ambulances, or privately owned motor vehicles of volunteer or paid fire fighters, if authorized by the chief of an organized fire department, or privately owned motor vehicles of volunteer or paid members of a life support agency licensed by the department of consumer and industry services if authorized by the life support agency."

MCL 257.603 - Traffic Regulations

"When responding to an emergency call, but not while returning from an emergency call, or when pursuing or apprehending a person who has violated, or is violating, the law or is charged with or suspected of violating the law, the driver of an "authorized emergency vehicle" may exercise the privileges set forth in MCL 257.603, subject to the conditions of that section."

The driver of an authorized emergency vehicle may do any of the following:

1. Park or stand, irrespective of the provision of this act;
2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
3. Exceed the prima-facie speed limits, so long as he or she does not endanger life or property;
4. Disregard regulations governing the direction of movement or turning in a specified direction.

These exemptions apply only when the driver of the authorized emergency vehicle sounds an audible signal and when the vehicle is displaying a flashing, oscillating, or rotating red or blue light. However, "a police vehicle shall retain the exemptions granted in this section to an authorized emergency vehicle without sounding an audible signal if the police vehicle is engaged in an emergency run in which silence is required."

MCL 257.632 - Vehicles in Pursuit of Criminals

"The speed limitation set forth in this chapter [motor vehicle code] shall not apply to vehicles when operated with due regard for safety under the direction of the police when traveling in emergencies or in the chase or apprehension of violators of the law or of persons charged with or suspected of a violation…"

MCL 257.602a - Fleeing and Eluding

A driver of a motor vehicle who is given a signal by a law enforcement or conservation officer to bring his or her vehicle to a stop shall not willfully fail to obey that direction by increasing the speed of the motor vehicle or attempting to flee or elude the officer. The law enforcement officer, or conservation officer, shall:

1. be in uniform; and
2. the officer's vehicle must be identifiable as an official police or department of natural resources vehicle.

MCL 257.653 - Yield Right-of-Way by Other Vehicles

"The driver of another vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway, and shall stop and remain in that position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer." The officer must have both lights and siren activated.

MCL 257.706(d) - Horns and other Warning Devices

The siren of an authorized emergency vehicle shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law.

MICHIGAN CASE LAW

Robinson v. City of Detroit, 613 N.W.2d 307 (Mich., 2000).

The *Robinson* case is really a consolidation of several cases. The Michigan Supreme Court was asked to consider the parameters of civil liability for governmental agencies and police officers in Michigan when a police pursuit results in injuries or death to persons other than the driver of the fleeing vehicle.

In *Robinson,* Detroit police officers attempted a traffic stop of a motor vehicle that had been weaving from lane to lane. Immediately, the driver of the suspect vehicle attempted to elude the police officers and a pursuit ensued. Soon after, the fleeing vehicle collided head-on with a third vehicle, killing a passenger in the suspect vehicle. A representative of the deceased passenger filed suit against the city of Detroit and the officers involved in the incident. Eventually, the Michigan Supreme Court heard the case.

The Justices ruled in favor of the city of Detroit and the officers. The Justices held that:

1. the police owe a duty to innocent passengers, but owe no duty to passengers who are themselves wrongdoers, whether they help bring about the pursuit or encourage flight;
2. the passenger's injuries did not result from the operation of the police vehicles, because the police vehicles did not hit the fleeing car or physically cause another vehicle or object to hit the fleeing car;
3. the phrase "the proximate cause" means the one most immediate, efficient, and direct cause preceding an injury, not "*a* proximate cause" of the injury.

In its ruling, the Supreme Court essentially **overruled** three previous cases: *Fiser v. Ann Arbor,* 417 Mich 461 (1983); *Rogers v. Detroit,* 457 Mich 125 (1998); *Dedes v. Ash,* 446 Mich 99 (1994).

(1) "We conclude that it is irrelevant whether a wrongdoer is a driver or a passenger or whether an innocent person is inside or outside the vehicle. Consistent with the reasoning in *Fiser* and *Jackson*, whatever their location, there is a duty to innocent persons, but not to wrongdoers. In other words, the police owe a duty to innocent persons, whether those persons are inside or outside the vehicle. Conversely, the police owe no duty to a wrongdoer, whether the wrongdoer is the fleeing driver or a passenger."

(2) "If an innocent person is injured as a result of a police chase because the police physically force a fleeing car off the road or into another vehicle that person may seek recovery against a governmental agency pursuant to the motor vehicle exception to governmental immunity. [Here] …because the injuries did not result from the police physically hitting the fleeing car or physically forcing the fleeing car off the road or into another vehicle or object", the plaintiffs do not have a cause of action.

(3) "…we are compelled to overrule *Dedes* because our responsibility is to interpret the words of the Legislature and "the proximate cause" does not mean "a proximate cause" and because this distinction is critical in determining responsibility for the injuries suffered by passengers in fleeing vehicles.

Jackson v. Oliver, 204 Mich App 122 (1994).

An action was brought against Michigan State Police Troopers for the death of a motorcyclist who crashed while being pursued by the officers. The Court of Appeals held that police officers who pursue a fleeing driver, who had been speeding, do not owe the driver a duty to refrain from chasing him at speeds dangerous to the driver.

"The plaintiff should not be able to make a pecuniary recovery for damages where such damages are precipitated or at least set in motion by his intentional act and he had the complete power to avoid them."

"A criminal suspect who defies police authority does not thereby trigger some enhanced duty or obligation on the part of the police. The only limitation on the part of the police is the obligation not to use excessive force when apprehending or attempting to apprehend the suspect."

FEDERAL CASE LAW

County of Sacramento v. Lewis, 523 U.S. 833 (1998).

The parents of a motorcycle passenger killed in a high-speed police chase brought a Sec. 1983 claim against the county, sheriff's department, and deputy. The action alleged a deprivation of the passenger's substantive due process right to life.

The United States Supreme Court held that: (1) the Fourth Amendment reasonableness standard did not apply; (2) high-speed police chases, with no intent to harm the suspects physically, do not give rise to liability under the Fourteenth Amendment; and, (3) the allegation that the pursuit was undertaken with deliberate indifference to the passenger's survival was insufficient to state a due process claim.

Here, the officers did not terminate the passenger's freedom of movement through means intentionally applied. These types of pursuits, with no intent to harm the suspects physically or to worsen their legal plight, do not give rise to substantive due process claims.

"…[the] threshold question is whether the behavior of a governmental officer is so egregious, so outrageous, that it may fairly be said to *shock the contemporary conscience*."

City of Canton v. Harris, 489 U.S. 378 (1989).

A civil rights action was brought against the city of Canton, Ohio, by Geraldine Harris, which alleged a violation of her right to receive necessary medical attention while in police custody. Harris claimed that the police officers were inadequately trained and, as a direct result, she was denied medical care. The United States Supreme Court held that the inadequacy of police training may serve as a basis for a Sec. 1983 suit against a municipality only where the failure to train amounts to a deliberate indifference to the rights of persons with whom the police come into contact.

"…only where municipality's failure to train its employees in relevant respect evidences 'deliberate indifference' to the rights of its inhabitants can such shortcoming be properly thought of as a city's 'policy or custom' that is actionable under section 1983." (See Table 1).

"Only where a failure to train reflects a 'deliberate' or 'conscious' choice by the municipality can the failure be properly thought of as an actionable city 'policy.'"

Graham v. Connor, 490 U.S. 386 (1989).

Graham suffered from diabetes. Friends had driven him to a convenience store to buy some orange juice, but the line at the counter was long so Graham left quickly. Meanwhile, the police received a call of a robbery at the store and subsequently stopped the Graham vehicle. While on the stop, Graham experienced a diabetic reaction - he exited the car, ran around it twice, and sat down on the curb where he briefly became unconscious. Although the officers were advised of Graham's diabetes, they, and back-up officers, lifted Graham and placed him face down on the hood of the car, told him to "shut up", and shoved his face into the car. The officers then threw Graham head first into the police car. Graham later filed suit (Sec. 1983) against the officers and the city for his injuries. The case was eventually heard by the United States Supreme Court.

Because Graham's claim arose in the course of an investigatory stop (a seizure), the justices stated that the Fourth Amendment applied and that an "objectively reasonable" standard would be considered. For example, in police pursuit situations, a Fourth Amendment claim could arise where the officer intentionally rammed the suspect's vehicle or otherwise directly forced a termination of the pursuit.

"Today we make explicit what was implicit in *Garner's* analysis, and hold that all claims that law enforcement officers have used excessive force - deadly or not - in the course of an arrest, investigatory stop, or other seizure of a free citizen should be analyzed under the Fourth Amendment and it's 'reasonableness' standard, rather than a 'substantive due process' approach."

Here, the Supreme Court reiterated the need to balance the "nature and quality of the intrusion on the individual's Fourth Amendment interest against the countervailing governmental interest at stake."

The Fourth Amendment's objectively reasonable standard is considered:

a. in light of all the facts and circumstances;
b. with no regard to an underlying intent or motivation on the part of the officer;
c. from the perspective of a reasonable man or officer.

Fourth Amendment claims must show that the officer's actions were objectively unreasonable, not that the actions were necessarily malicious or sadistic.

LIMITING PERSONAL OR AGENCY LIABILITY FOR INSTRUCTORS

LIMITING LIABILITY

To limit exposure to civil liability, EVO instructors should:

1. keep up to date;
2. have a lesson plan;
3. follow the lesson plan;
4. review the lesson plan frequently;
5. critically evaluate any audio-visuals;
6. review all audio-visuals;
7. keep accurate attendance records;
8. avoid dismissing the class early;
9. maintain documentation of all classes taught; and
10. use handout materials.

EVO Trainer Responsibilities

EVO trainers and instructors are to:

1. provide appropriate training for the agency and/or academy;
2. ensure that the training is consistent with the mandated curriculum;
3. ensure that any in-house training is consistent with agency policy;
4. evaluate and observe the student's performance;
5. maintain complete records;
6. ensure that moral and ethical values are taught; and
7. determine needs (through reports, incident evaluations, agency input, etc.).

SUGGESTED INSTRUCTIONAL METHODOLOGY

LECTURE WITH GROUP INVOLVEMENT

The instructor can have the students find case examples of officers who are involved in litigation due to emergency response driving or pursuit driving. The students can analyze the facts of each case and provide alternatives, if applicable, to the actions taken by the officers. Or, present an especially controversial legal issue or court case to the students. Elicit responses and promote a debate.

LECTURE WITH SMALL GROUP DISCUSSION

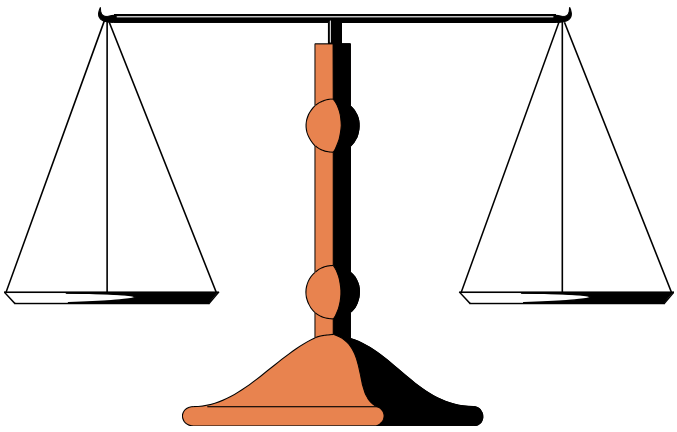
Divide the class into groups of 4-6 students. Have each group create a list of conditions that would warrant an emergency response. Each group should identify how state statutes, agency policy, or liability considerations can shape driving strategies. Each group can present their findings to the instructor and the class for an open discussion. Or, present to the class the case law involving pursuit decisions. Encourage a class reaction to the legal judgements made, the officer's decisions, and the agency's attitude toward the case.

TABLE-TOP SCENARIOS

See Chapters Six and Seven of this *Manual* (Table Top Scenarios) for teaching techniques that can be used to enhance problem solving.

CHAPTER THREE

MODEL POLICY



Developing a Model Policy

Introduction

Emergency vehicle operations instructors, as members of law enforcement agencies, may occasionally be called upon to write departmental policies and procedures regarding the police operation of motor vehicles, particularly regarding pursuit operations. Such policies typically set the outer limits of discretionary behavior during emergency driving situations and guide members of the department in deciding which course of action to take. In general, departmental policies and procedures demonstrate the standard of care, or duty, which the employer expects from the employee. Agency administrators often promulgate policies and procedures to cover situations not specifically addressed in state law or court decisions.

Although the driving instructor is the logical individual to be selected to write such a policy, all too often instructors are given such assignments with little direction or clarity. Where does one begin, and perhaps more importantly, once ideas surface as to what should be included in a policy, how does one make any real sense out of a relatively large number of seemingly unrelated concepts? Writing policies requires extensive study and research. They can not be created overnight.

This chapter contains a checklist for policy writing, which offers a methodology that may be of assistance to policy writers. Also included in this chapter is a model motor vehicle operations policy from the Michigan Municipal League. The information contained in the policy, as well as its structure, can be easily adapted to local needs. The MML model policy can also be used in the classroom, particularly for pre-service students. This chapter is intended to assist the emergency vehicle operations instructor in the development of unambiguous, legally defensible motor vehicle policies and procedures.

Police Discretion

1. Every police agency should acknowledge the existence of the broad range of administrative and operational discretion that is exercised by all police agencies and individual officers. That acknowledgment should take the form of comprehensive policy statements that publicly establish the limits of discretion, that provide guidelines for its exercise within those limits, and that eliminate discriminatory enforcement of the law.

2. Every police chief executive should establish policy that guides the exercise of discretion by police personnel in using arrest alternatives.

3. Every police chief executive should establish policy that limits the exercise of discretion by police personnel in conducting investigations, and that provides guidelines for the exercise of discretion within those limits.

4. Every police chief executive should establish policy that governs the exercise of discretion by police personnel in providing routine peacekeeping and other police services that, because of their frequent recurrence, lend themselves to the development of a uniform agency response.

National Advisory Commission on Criminal Justice Standards and Goals, Police (Washington D.C.: U.S. Government Printing Office, 1973, pp. 21-22.

A CHECKLIST OF COMPONENTS IN THE DESIGN OF A DEFENSIBLE PURSUIT POLICY

I. Mission Statement:

-The mission of the police is to "protect lives." This section serves not only to remind officers of their ultimate responsibility, but "sets the tone" from a liability standpoint.

II. Rationale:

-What is the purpose in pursuing? Generally, this section will recognize that the purpose is to apprehend suspects who will be brought to trial. The purpose is not to engage in a contest with the suspect. This section should focus on the need to immediately apprehend balanced against the danger to the public. Here, the availability of alternative means to catch the suspect must be discussed.

III. Definitions:

-Officers must communicate using a common vocabulary. Perhaps most critical is the definition of "pursuit." All critical terms must be defined clearly.

IV. Initiation and Termination Factors:

-The purpose of a policy is to set the limits officer discretion. The most important aspect of discretion concerns when to initiate a pursuit and when to terminate. This section of the policy must de-stigmatize an officer's decision to terminate.

V. Pursuit Tactics:

-Permissible tactics should be defined up front. Likewise, impermissible tactics should be identified. This section is highly critical because of the requirement to coordinate certain tactics, such as roadblocks, PIT and ramming, with department policy on the use of force. Identification of permissible tactics is also important from the standpoint of identifying necessary training for officers who engage in pursuits.

VI. Supervisory Responsibilities:

-An on-duty supervisor, not actively involved in the pursuit, must take control of pursuit operations. The supervisor must have ultimate field authority to order termination at any time, even though initial authority must belong to the officer. Likewise, the supervisor must bear ultimate field responsibility for decisions to use extraordinary measures such as roadblocks.

VII. Communication Responsibilities:

-Communication among pursuing units, dispatch and supervisor should be preestablished. This section must define initial and secondary pursuing unit responsibilities for communication and the roles to be played by central or

regional dispatch and air support units, when available. The section should be consistent with the agency's policy on radio communications.

VIII. Interjurisdictional Pursuits:

-This section must include the admonition that the agency's officers are required at all times to comply with their own policy regarding pursuit operations, even when going into the territorial jurisdiction of another department or when dispatch changes hands. Likewise, when providing assistance to another agency entering their jurisdiction, officers may only use tactics that are permitted by their own policy, regardless of what is requested by the other agency.

IX. Apprehension:

-This section of the policy should address who is to arrest the suspect. The end of a pursuit should not resemble a convention of police vehicles. Affirmation of this section should be part of the controlling supervisor's responsibility. This section is especially important when crimes have occurred in multiple jurisdictions during the course of the pursuit.

X. Pursuit After-Action Report:

-This section is mandatory from a liability and risk management standpoint. Pro-active supervisors and managers must know where deficiencies occur in order to better protect the public and their officers. After-action reports must be completed within a reasonable period of time after the pursuit has terminated. The reports should be reviewed by a Pursuit Review Board composed of officers not involved in the pursuit and citizens within the community. Recommendations of the Pursuit Review Board should be used to refine and improve the policy and should be used as a basis for administrative discipline, when necessary.

XI. Discipline:

-This section should put officers on notice that violations of agency policy on pursuit activities will result in administrative discipline, regardless of whether property damage or personal injury has resulted. Adherence to this provision is mandatory if the agency wishes to protect against an attack premised upon allegations of "custom" or "practice" of unconstitutional acts under *City of Canton v Harris.*

XII. Training:

-This section must require that only officers who have successfully completed agency approved pursuit training be allowed to engage in pursuit. It should also require at least annual updates on both state statutory and Michigan case law that affects police pursuit operations.

XIII. Statutory Reference:

-Either by reference within the language of the policy, or by direct reproduction of the statute itself, every policy must acquaint the agency officers with the controlling state emergency vehicle law. Where the statute is inserted remains the prerogative of the agency, but it is recommended that it be placed at the beginning of the policy.

Source: summarized from Beach, Morris and Smith, *Emergency Vehicle Operations: A Line Officer's Guide;* Pecos Press, 1993.

SAMPLE POLICY AND PROCEDURES FOR POLICE WHEN ENGAGED IN CLOSING AND APPREHENSION OF AND/OR PURSUIT OF MOTOR VEHICLES

I. PURPOSE

To establish policy and procedures regarding police operation of motor vehicles by members of this Department when members are involved in closing, apprehension and/or pursuit of a motor vehicle.

II. DEFINITIONS

A. *"Closing and Apprehension"* means an attempt to catch up to and stop a violator who may or may not be aware of the officer's presence, but who is not making an obvious attempt to flee or escape.

B. *"Emergency"* as a method of motor vehicle operation means an immediate response, usually utilizing emergency warning lights and a siren.

C. *"Intentional Collision"* as a pursuit tactic means intentionally causing contact between a police vehicle and a fleeing vehicle in an attempt to cause the fleeing vehicle's operator to stop.

D. *"Last Resort"* situations are those wherein certain immediate and drastic measures must be undertaken by an officer in order to protect human life. Force used in these situations may involve the use of techniques or weapons not covered by policy; however, they remain to be measured by "reasonable" and "necessary" use of force standards.

E. *"Police Vehicle"* means a vehicle used for police operations. Sometimes referred to as a "patrol vehicle" or "patrol unit", there are several types:

1. Marked: An authorized emergency vehicle of a law enforcement agency that is equipped with both audible and visual emergency warning devices as required by the Motor Vehicle Code for being exempted from certain traffic regulations during emergencies or pursuits.

   a. Audible Signal—A bell, siren, air horn or exhaust whistle "...capable of emitting sound audible under normal conditions from a distance of not less than 500 feet..." (MCLA 257.603 and 257.706)

   b. Visual Signal—At least one flashing, oscillating, or rotating red or blue light visible under normal atmospheric conditions from a

distance of 500 feet to the front of the vehicle. (MCLA 257.603, 257.632 and 257.653.)

2. Unmarked: Any vehicle that does not meet the definition of a marked vehicle.

3. Special Use: Any vehicle of the department that is not pursuit rated.

F. *"Pacing"* means the positioning of a police vehicle at a stable, fixed distance behind a speeding vehicle, in order to determine the speed of the violator.

H. *"Pursuit"* means an attempt by a police officer in an authorized emergency vehicle to apprehend one or more occupants of another moving vehicle when the driver of the fleeing vehicle is attempting to avoid apprehension by maintaining or increasing speed, maneuvering in an evasive manner, or by ignoring the police officer's attempt to stop the vehicle.

I. *"Reasonable Officer"* A "reasonable officer" is one who acts as other similarly trained and experienced officers could be expected to act, under similar circumstances. The "reasonableness" of an officer's actions will be reviewed based on the facts and circumstances known to him at the time of the action.

J. "*Roadblock*" as a pursuit tactic means the establishment of a barrier across a part of the traveled portion of a roadway. This barrier may be moving (as in the case of vehicles placed in front of a fleeing vehicle), or stationary. Roadblocks are frequently established using police vehicles as barrier, but may utilize other objects.

K. *"Termination"* as a technique of pursuit management means the discontinuance of active pursuit by police vehicles.

III. GENERAL POLICY

Pursuits are permitted when the officer reasonably believes the person being pursued has committed or attempted to commit a violation of the law and attempts to evade apprehension. **[Editor's Note: A more restrictive definition may be adopted by the department.]**

IV. STATUTORY REFERENCE

A. Michigan Vehicle Code MCLA 257.603 - provides in pertinent part:

"The provisions of this chapter ... apply to the drivers of all vehicles owned or operated by [any political subdivision] of the state, subject to the specific exceptions as are set forth ... with reference to authorized emergency vehicles.

"The driver of an authorized emergency vehicle when responding to an emergency call ... may exercise the privileges set forth in this section, subject to the conditions of this section."

"The driver of an authorized emergency vehicle may:

- Park or stand irrespective of the provisions of this act.
- Proceed through a red or stop signal or stop sign but only after slowing down as may be necessary to allow for safe operation.
- Exceed the prima facie speed limit so long as life or property are not endangered.
- Disregard regulations governing direction of movement or turning in a specified direction."

B. Michigan Vehicle Code MCLA 257.632 - provides in pertinent part:

"The speed limitations set forth in this chapter shall not apply to vehicles when operated with due regard for safety under the direction of the police when traveling in emergencies or in the chase or apprehension of violators of the law or of persons charged with or suspected of a violation. This exemption shall not, however, protect the driver of the vehicle from the consequences of a reckless disregard of the safety of others." (Emphasis added)

V. CONSIDERATIONS

A. The consideration regarding the nature of police pursuit tactics as well as the decision to pursue is "reasonableness." Each pursuit will be reviewed based on the department's and the officer's actions. The tactics employed and the decisions made during the pursuit will be considered when evaluating the "reasonableness" of the officer's actions.

B. A pursuit represents a fluid, tactical situation during which conditions are rapidly changing. The decision to initiate, continue or terminate a pursuit should be based on the following factors, when they are known by officer.

- Reason for pursuit
- Vehicular and pedestrian traffic
- Locale of travel (i.e.: school zone, park, residential, downtown, freeway)
- Time of day or night
- Weather and road conditions
- Speeds involved

- Police vehicle limitations and driver capability
- The driver is known by the officer to be a juvenile
- Pursuing officers knowledge of the presence of known innocent occupants in the vehicle
- The pursuing officers knowledge of the identity of the driver and the potential for the later apprehension, should the pursuit be terminated..

VI. PROCEDURE - APPREHENSION AND PURSUIT

A. Closing and Apprehension Procedure:

1. Apprehension includes both pacing and closing activity.

2. When apprehending violators, officers must exercise that care which a reasonable officer would exercise in the discharge of official duties of like nature under like circumstances.

a. Speeding while apprehending a violator is authorized by MCLA 257.632. Under that section, officers:

1. Must operate their vehicle with due regard for the safety of others.

2. May operate their vehicles without using lights and/or siren (NOTE: MCLA 257.706d requires that a siren be used when necessary to warn other innocent motorists or pedestrians).

b. **MCLA 257.632 does not protect the officer operating the police vehicle from the consequences of a reckless disregard for the safety of others.**

3. The decision to attempt the apprehension of a violator must involve a deliberate reasoning process that considers all of the existing circumstances.

4. Throughout the apprehension procedure, the decision to close will continually be evaluated. Officers should be prepared to terminate the apprehension effort at any time.

B. PURSUIT PROCEDURE

1. Only marked units shall participate in pursuits.

2. Vehicles conveying witnesses, citizens, prisoners or suspects shall not become engaged in any pursuit situation.

3. Any pursuit initiated shall cause notification to dispatch as soon as reasonably possible. Information to be relayed includes the following, as it becomes known: location and direction of travel; reason for pursuit; suspect vehicle and occupant description; and speeds involved.

4. Use of emergency lights and siren is mandatory during pursuit.

5. Routinely, no more than two (2) marked police vehicles are to become actively involved in the actual pursuit at any given point in time; the primary unit and one (1) back-up unit.

    a. Primary Unit – Routinely, the marked patrol vehicle initiating the pursuit.

    b. Back-up Unit – Routinely, a marked patrol vehicle in close, strategic proximity.

    c. Units not designated as the primary unit or back-up unit shall remain alert to the progress of the pursuit, and shall be prepared to provide support to the pursuing vehicles if so directed.

    d. Uninvolved units shall not engage in emergency driving tactics related to the pursuit unless directed to do so.

6. In certain situations, tactical necessity may call for the involvement of more than two vehicles, in order to enhance officer safety (i.e. multiple armed felons, etc.).

7. Primary Unit Responsibility

    a. The primary unit shall assume responsibility for the pursuit and shall update information as to pursuit factors and changes therein.

    b. The primary unit shall have radio channel priority.

    c. The primary unit shall constantly evaluate pursuit factors and changes therein, communicating the same by radio as soon as conditions allow.

    d. The primary unit's decision to terminate the pursuit shall be immediately communicated to and obeyed by all other units.

e. The primary unit shall immediately comply with an order to terminate the pursuit.

8. Back-up Unit Responsibility

a. Back-up units shall maintain a safe distance behind the primary unit, and between each other, taking care to maintain a stopping/safe distance for evasive action but maintaining visual contact.

b. Back-up units shall not pass the primary unit unless requested to pass and assume the primary unit role by the primary unit.

c. In the event that the primary unit experiences mechanical problems or is otherwise unable to continue, an available back-up unit may become the primary unit and another nearby unit may be assigned to assume back-up responsibilities.

d. Back-up units shall immediately comply with an order to terminate the pursuit.

9. When a traffic crash or other significant event is observed during the course of the pursuit, the officer shall notify dispatch of the location of the incident so other units may respond.

VII. TERMINATION OF PURSUIT

Pursuit termination is always a consideration when evaluating the risks associated with continuing against the benefits of apprehension.

A. Officers shall terminate a pursuit for the following reasons:

1. Whenever they reasonably believe the risk to themselves and others outweighs the benefit of apprehension.

2. When ordered by a supervisor. **(Editor Note: If supervisor is normally assigned on shifts add additional policy language found on page 2a-11.)**

3. When environmental, road or traffic conditions indicate the futility of the pursuit.

4. When the offender's identity is known to the pursuing officer and the original offense is not life threatening.

5. When it is known by the pursuing officer that the driver of the fleeing vehicle is a juvenile and the original offense is not life threatening.

6. When it is known by the pursuing officer that there is an innocent victim in the vehicle and the original offense is not life threatening.

B. When a pursuit is terminated officers shall:

1. Notify dispatch of termination.

2. As soon as reasonably possible, safely pull to the side of the roadway and stop.

3. Shut off the emergency lighting and siren.

4. Return to patrol duties and notify dispatch you are available.

VIII. TACTICS

The use of intentional collisions or roadblocks shall be considered the use of potentially deadly force and shall only be used when deadly force is justified as a "last resort" measure, pursuant to departmental rules, policies and procedures, and after other reasonable means of apprehension have been exhausted.

A. Intentional Collisions

1. All intentional collisions shall have prior approval and/or be directed by the supervisor on duty.

2. In the event that an intentional collision is to be utilized, it shall be undertaken at a location that offers minimal potential for injury of bystanders or other motorists.

B. Roadblocks

In the event that a "roadblock" is to be utilized, it shall be established at a location that allows for adequate planning and set-up time. Additionally:

1. Vehicles will be positioned with due regard for the safety of all involved persons.

2. All available warning lights shall be on. Care should be taken to avoid the blinding of oncoming traffic with spotlights and headlights.

3. Vehicle(s) shall not be occupied by officers. Officers should move to a reasonable and safe distance away from the roadblock vehicles.

4. Except in cases of extreme need, a roadblock shall be so located as to allow an escape path for the fleeing vehicle.

C. Motor Vehicles As Force

1. Intentional collisions, partial or complete roadblocks, or other similar methods, techniques, or actions will be viewed as the use of force so the action taken must comply with department policy.

2. As a general policy, officers should not pull alongside of or attempt to overtake or pass a fleeing suspect.

a. "Boxing in" maneuvers and so called "rolling roadblocks" create a high probability of contact between the officer's and subject's vehicle. As a result, these techniques may also be considered a use of force.

b. The use of any such methods, techniques or actions must be justifiable and in accordance with departmental guidelines.

IX. PURSUIT INITIATED BY OUTSIDE AGENCY

A. When a pursuit initiated by an outside police agency enters our jurisdiction, the initiating unit and jurisdiction remains responsible for the progress and conduct of the pursuit.

B. This agency's personnel and vehicles shall not become involved in any such pursuit unless they are directed to do so by proper authority, in accordance with this policy.

C. This order shall govern the conduct and actions of this agency's personnel once they are committed.

X. OFFICERS ASSIGNED TO OTHER AGENCIES

Officers of this department assigned to or assisting other law enforcement agencies will be guided by this policy.

XI. REPORTING AND REVIEW PROCESS

A. In incidents of pursuit, roadblocks and intentional collisions, a standard departmental incident report shall be completed. A Report of Pursuit will also

be completed and forwarded to the pursuing officer's immediate supervisor, who shall complete the Supervisor's Review section of the form before forwarding it to the Office of the Chief.

B. The report and supplement will be reviewed by the Chief and/or the Chief's designee(s). This administrative review will be for determining whether modifications to existing departmental rules, policies, procedures, or training are in order.

C. Copies of all pursuit reports will be collected and indexed to provide for the collection of pertinent safety related data.

D. An annual analysis should be conducted of all pursuit incidents by the **(Chief , Sheriff, Director)** or a designee.

XII. COMPLIANCE

Violations of this policy, or portions thereof, may result in disciplinary action.

XIII. APPLICATION

This order constitutes department policy and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employer's or employee's legal duty as imposed by law.

Policy History:

Accepted	April 12, 1993
Reviewed	November 11, 1993
Reviewed	October 6, 1994
Reviewed	October 25, 1995
Amended	October 15, 1996
Amended	October 14, 1997
Amended	September 30, 1998
Amended	September 29, 1999

Amended September 28, 2000
Amended September 26, 2001
Amended September 26, 2002
Amended July 16, 2004
Amended August 3, 2005
Amended September 19, 2007

CALEA Standard on Pursuits 41.2.2,
Roadblocks & Intentional Collisions 41.2.3

CHAPTER FOUR

RANGE SAFETY

Safety Specifications

Introduction

The safety and security of the students, staff and administrators is of the utmost importance when conducting an emergency vehicle operations course. The inherent dangers associated with fast moving vehicles, or vehicles being driven to build specific driving skills, creates the potential for serious injury, vehicle damage or other related emergencies. Academy administrators must remain alert to the potential hazards of emergency driving training. Instructors are encouraged to read Chapter 6 of the 2000 IADLEST Driver Training Reference Guide (Facilities Chapter) for range safety guidelines.

This chapter of the Instructor Manual contains the following important information regarding range safety: a) staffing, b) night driving, c) site considerations, d) emergency response mandates, and e) applicable forms and check sheets. Although the IADLEST Reference Guide 2000 contains valuable information regarding range safety and facilities, this chapter of the Manual specifically addresses considerations and mandates for the programs approved by the Michigan Commission on Law Enforcement Standards (MCOLES).

Instructors

EVOC instructors must meet the MCOLES requirements as specified in Chapter III or IV of the Policies and Procedures Manual. The instructor minimum requirements are:

- At least one year job experience; or
- Sufficient skills and expertise that relate to emergency driving; and
- Completion of a recognized instructor training program; and
- Be recommended by the academy director for MCOLES approval.

All MCOLES MITN program registrations become “recognized” instructor-training programs, although non-MITN programs can be approved if such programs are consistent with the minimum instructional content of prior approved schools.

In order to be designated as a primary (lead) precision-driving instructor, the instructor must first work as an assistant, under the tutelage of a primary instructor, for a minimum of 22 on-site hours during one academy training session.

During the cone courses and skills exercises, a designated facilities manager shall be in charge of the overall range operations. Strict control of each vehicle is critical and an instructor must be present in the vehicle during all evaluation runs. If possible, there should be radio communication with the students in the vehicles during the practice runs. In order to maintain firm control over the actions of the students and vehicles, there shall be no more that four students to one instructor during the evaluation or demonstration exercises. An instructor/student ratio of one-to-three is ideal. There may be occasions when the mandated instructor/student ratio is not safe. Such occasions shall be evaluated on a case-by-case basis, depending upon the type of exercise being conducted, the layout of the range, the experience of the instructor and the level of competence of the student. An instructor shall not demonstrate an exercise at speeds greater than those required of the students and all instructors shall be easily identifiable as such by their attire.

Should there be a vehicle accident during training, the designated range supervisor and school director or coordinator are required to report the incident to MCOLES on the form provided. See the recommendations for an emergency response plan and the sample form in this chapter.

All instructors shall reflect high standards of behavior and professional bearing in the classroom and during all basic training activities. It is important to remember that most instructors will be representing their law enforcement agency when instructing. Accordingly, instructor behavior during the academy training sessions, or after hours, must reflect positively on the profession.

Night Driving

Some law enforcement officers may spend their entire patrol shift driving in darkness. Accordingly, the MCOLES curriculum requires exposure to night driving. But driving at night can be problematic for a variety of reasons. Aside from reducing detail, the darkness can conceal the location of cones, roadway edges, curves, and other objects or conditions. Students will be making decisions, then, on sketchy or incomplete information. Further, the students will depend largely on their headlights, which will illuminate only a relatively short and narrow path ahead of the vehicle.

Some safety guidelines:

- Keep the panel lights dim;
- Reduce the speed through the cone courses;
- Keep the headlights clean and free of debris;
- Allow for a greater margin of safety; and
- Watch beyond the headlights.

Range Safety Specifications

The equipment, vehicles and range used by the students in a basic academy will, to some extent, be dictated by the sponsoring departments, or by availability through the individual training academy. However, the academy director, in preparing to conduct an emergency vehicle operation course, shall consider certain basic safety considerations.

Training Site Considerations

1. Adequate space for the safe performance of the cone exercises is essential. The size of the space will depend on:

    - the types of exercises to be performed;
    - the number of exercises performed simultaneously;
    - the number of personnel to be trained annually, and
    - the types of vehicles used.

2. A location should be selected where there will be minimal impact on the immediate residents due to the noise generated.

3. The exercise area should be flat and free of bumps or dips, unless it is required for an exercise. There should be sufficient grade to allow water to run off the surface, except in areas used for skid control.

4. The area surrounding the site should be free of curbing and obstacles.

5. Pursuit exercises require an area large enough to accommodate appropriate speeds or cumulative configurations. The overall design should minimize the risk of liability.

6. Signs, barricades, or fences should be used to close and isolate the training area from unauthorized personnel.

7. Drinking water and areas for eating must be on-site or in close proximity.

8. There must be outside communication for emergency situations. A police radio, conventional telephone, or cellular phone is required.

9. Fire equipment capable of extinguishing almost any type of fire must be readily available.

10. MCOLES encourages instructors and students to wear crash helmets during the exercises. Such helmets shall have a current and acceptable "Snell" or DOT ratings.

11. First aid supplies and equipment must be maintained on-site and made easily accessible to the instructors.

12. A list of range rules must be posted in a conspicuous location and handed out to each student. A sample is located in the IADLEST Reference Guide on page 435 (chapter 6).

Vehicles

1. Each vehicle must be inspected daily before it goes on the range. Use a checklist to ensure that all parts are checked and in good working order. If the vehicle has a major defect, it should not be used.

2. A fire extinguisher must be readily available. All vehicles must be equipped with lap and shoulder belts.

3. Vehicle doors must be locked. Locked doors lessen the chances of an occupant being thrown from the vehicle.

4. Training vehicles may be equipped with two-way radios for safety reasons and to ease the coordination of the exercises. The radios can be portable.

5. Training vehicles should be equipped with emergency warning lights. All other vehicles should activate emergency flashers or headlights when in use.

6. Frequent attention should be given to the wheels. The wheels should be checked for stress cracks several times a day. All vehicles should be maintained on a regular schedule.

Emergency Response Plan

Each EVO driver training facility must develop an emergency response plan to meet its specific requirements and constraints. The following are factors to be considered for inclusion in the plan:

1. Telephone communication from a central point on-site to the local fire department, EMS, and other emergency equipment.

2. Training students and/or staff to provide the following information when requesting emergency services:

- Caller's name
- Location
- Type of emergency
- Type and amount of equipment needed
- Number of people injured and nature of injuries
- Type of emergency care being provided

3. Designation of a person to escort the emergency response team from a main intersection, or an agreed-upon point, to the location of the incident.

4. Staff should be familiar with the procedures in the following areas:

   - Fire and ambulance procedures;
   - Red Cross or first aid certification;
   - Vehicle extrication;
   - Training in the emergency response plan.

5. Student medical history information should be on file at the academy. This information will assist with notifications and provide information should a medical emergency arise.

6. The emergency response plan should be filed with MCOLES and other appropriate agencies.

MICHIGAN COMMISSION ON
LAW ENFORCEMENT STANDARDS

Training Incident Report

All motor vehicle and personal injury accidents must be reported.

Date of Incident_____Time of Incident_____

Location_____Type of Incident_____

Number of vehicles involved in the incident_____

Range Instructors_____ _____

INJURED STUDENT

Name of Student_____

Address_____

Telephone:_____Date of Birth_____

INJURY INFORMATION

Student's description of what happened:

_____

_____

_____

Description of injury:

_____

_____

VEHICLE DESCRIPTION

Vehicle Year_____Make_____License Plate No._____

Extent of damages_____

Is the car driveable?_____yes_____no Vehicle mileage_____

MEDICAL TREATMENT INFORMATION

Does the student desire medical care?_____yes_____no

If yes, who transported?_____

If the student requested medical treatment, or was given medical treatment, complete the following:

Doctor:_____Address_____

Doctor's diagnosis (if available)_____

_____

Name of hospital (if applicable)_____

VEHICLE INFORMATION

Were seat belts used by driver? Car 1_____yes_____no Car 2_____yes_____no

Were seat belts used by passengers? Car 1_____yes_____no Car 2_____yes_____no

Road and driving conditions_____

_____

Police notified?_____yes_____no Agency_____

Helmets used_____yes_____no

Attach copy of UD-10 if reported to law enforcement.

REPORT INFORMATION

Report prepared by:_____

Signature_____Date_____

Agency or Department_____

Signature of Range Instructor_____

Signature of Academy Director_____

MICHIGAN COMMISSION ON
LAW ENFORCEMENT STANDARDS

Vehicle Inspection Form

Place a checkmark in the box to indicate that the following were inspected:

TIRES:
- ☐ Tire tread depth
- ☐ Inflation pressure
- ☐ Checks, cracks, cuts

WHEELS
- ☐ Rims
- ☐ Lug nuts

ENGINE
- ☐ Oil level
- ☐ Coolant level
- ☐ Brake fluid level
- ☐ Battery water level
- ☐ Accessory belts
- ☐ Power steering fluids
- ☐ Windshield washer level

DRIVER AND PASSENGER COMPARTMENT
- ☐ Brake operation
- ☐ Steering system
- ☐ Restraint system
- ☐ Two-way radio system
- ☐ Secure or remove loose objects
- ☐ Fuel level

TRUNK COMPARTMENT
- ☐ Spare tire and jack secure
- ☐ Special equipment secured on skid vehicle
- ☐ Secure or remove loose objects
- ☐ First Aid kit secured

CHAPTER FIVE

EVALUATION EXERCISES

MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

EVO EVALUATION

I. INTRODUCTION

This chapter describes the MCOLES mandatory EVO assessments, which are intended to evaluate the acquisition of emergency vehicle operations skills and knowledge. The demonstration of basic competencies is a key element of EVOC training.

Student competency shall be determined by satisfactorily performing five skill exercises (cone courses):

1. Forward/Reverse Serpentine
2. Evasive Steering
3. Straight Line Backing with Turnaround
4. Brake and Steer
5. 90-Degree Turn with Straight Line Braking

Students need demonstrate proficiency one time for each of the five exercises (cone courses).

It is required that the instructor be in the vehicle with the student being evaluated during skills testing, to ensure that the student properly demonstrates the required competencies.

Each exercise shall be completed at the stated minimum speeds or within the stated minimum amount of time. The time limit begins when the student enters the exercise, that is, at the completion of the "approach", as indicated on the diagrams. Every effort must be made to ensure that the students meet these requirements.

Occasionally, inclement weather may affect the mandatory minimum speeds or the mandatory amount of time for the exercises. In such instances where ice, snow, rain, fog or other inclement conditions affect the assessments, the instructors shall drive the course and determine the optimal assessment speed or time for that course.

II. INSTRUCTOR DEMONSTRATION

Instructors shall drive the training vehicle at a reasonable speed through the designated skill area with no more than four students in the vehicle. During the process, instructors shall demonstrate the correct psychomotor skills and verbally communicate to the students what he or she is doing, and what is expected of the students.

After the demonstration has been completed, the instructor shall entertain questions to ensure the students' complete understanding of the driving techniques necessary to satisfactorily complete the exercise.

III. EVALUATION CHECKLISTS

The evaluation form, or checklist, for each driving skill contains the following:

1. An overview page specifying the purpose of the skill area and the general procedure for the exercise, indicating the expectations for both students and instructors.

2. A checklist for evaluators to document student competency, to be completed and signed as indicated.

3. A diagram of the competency course, including the length of the maneuver, lane width, entry point, exit point, and cone spacing. The exercises are not drawn to scale, therefore, the number of cones shown and the cones required for the exercise do not necessarily coincide.

IV. GRADING PERFORMANCE

The final grade for the MCOLES EVO cone courses shall be pass-fail. For a particular exercise, the student must satisfactorily perform the listed requirements on the evaluation form. A checkmark by the evaluator for each requirement indicates satisfactory performance. Students must satisfactorily demonstrate their abilities one time on each skill exercise in order to pass the MCOLES EVO course.

In order to pass a particular exercise the students must demonstrate proficiency once given four attempts. Those unable to demonstrate proficiency on the first attempt shall be given a second attempt. If the student fails the second attempt he or she shall be given re-mediation. Then, a third attempt shall be offered to the student. If the student fails the third attempt, he or she willl be offered a fourth attempt. **Failing the fourth attempt results in failing the Emergency Vehicle Operations course.** The students shall be offered further attempts only on the cone course performed unsatisfactorily.

Striking a cone during an attempt, except for the reality-based exercise, means a student has failed that attempt. The evaluator shall enter the number of cones struck on the course evaluation form in the appropriate space and column.

The reason for not meeting a requirement shall be noted in the “remarks” section of the evaluation form. A student who fails to make improvements at a normal rate should be reassigned to another instructor. Similarly, a student who fails an assessment should be reassigned to another instructor for formal re-mediation.

The Commission’s P&P 6.03 shall apply to students who are injured or who may be victims of an emergency during training, which may have prevented them from completing the training, exercises or the assessments.

V. REMEDIATION

Instructors shall provide re-mediation to a student who fails an exercise. Instructors shall then offer the student a re-assessment for that exercise. The students need to be re-assessed only on the cone course that was performed unsatisfactorily. Each course shall be assessed separately.

Any student who is being re-mediated shall be given a reasonable amount of re-mediation in terms of the time allotted for individual attention and the number of practice runs offered. "Reasonableness" shall be determined by the lead instructor based upon the individual skill of the student, the amount of progress being made, scheduling and time constraints, consultations with the academy director, and when the instructor and student believe they are ready for the second assessment. Students are required to pass the MCOLES EVO course by the completion of the academy session.

VI. CONE COURSES

Although the cone courses are not drawn to scale, it is important to space the cones according to the exact measurements as depicted in the schematics. Technical assistance was obtained in determining the measurements and any modifications to the distances will alter the dynamics of the vehicles, particularly during cornering.

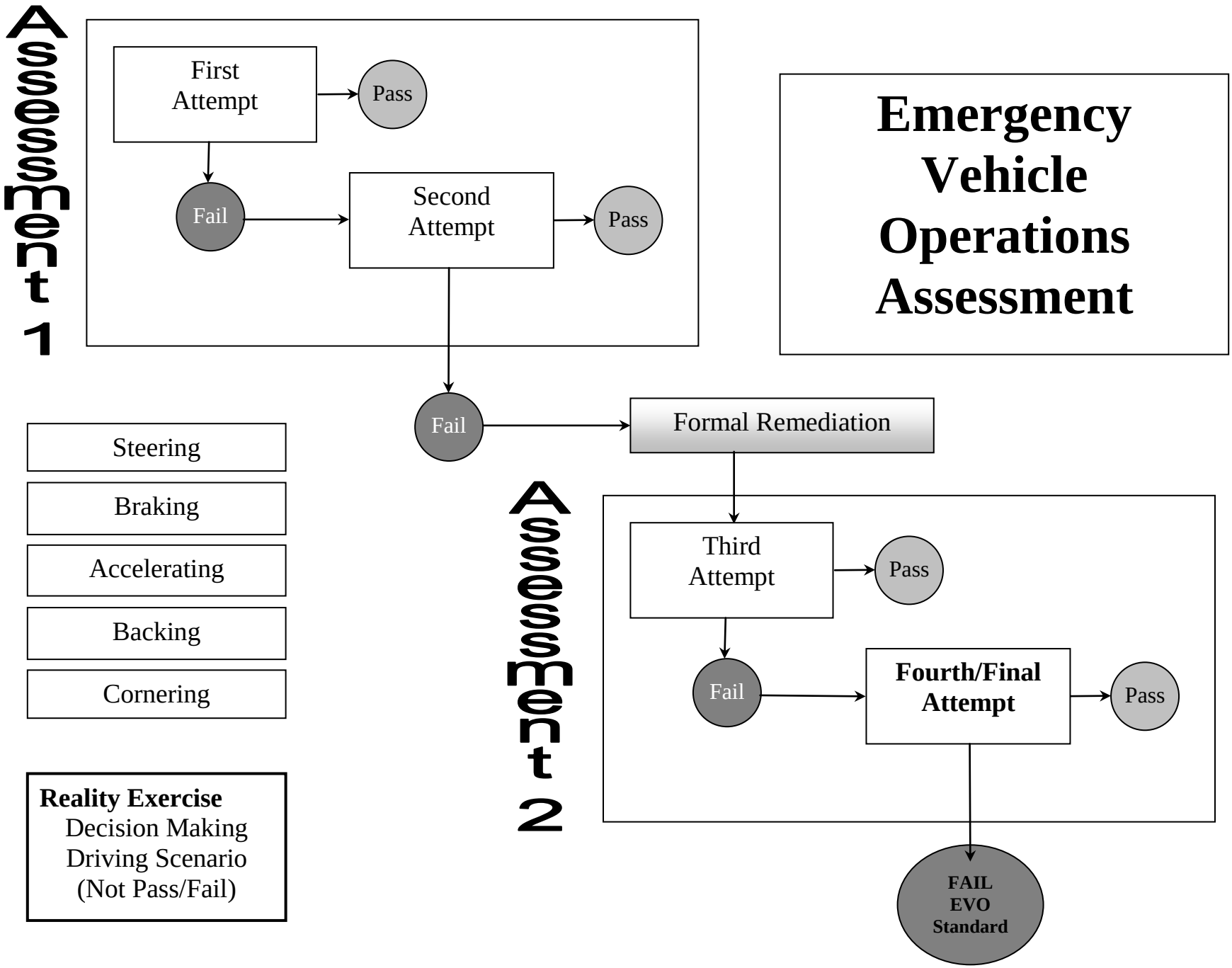
For these courses, the instructor shall use only those vehicles that are rated for pursuit and emergency use, as designated by the manufacturer. Special Service Package vehicles are not suitable for pursuit or emergency driving according to the manufacturers.

VII. SUMMARY

The MCOLES EVO evaluation consists of the following main components:

- Competency in all five skill areas (the reality-based exercise is not pass/fail);
- Demonstrated proficinecy one time per cone course;
- Two attempts to pass an exercise before a remediation and then two attempts again; and
- Satisfactory completion of the course by the end of the academy session.

Emergency Vehicle Operations Assessment



MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

FORWARD/REVERSE SERPENTINE COURSE EVALUATION

Student's Name Date Academy

Initial Qualification _____Yes _____No

Re-qualification Attempt Number_____ Road Conditions_____

A check indicates satisfactory performance:

Evaluation Run Number		**1**	**2**	**3**	**4**
Forward Serpentine:					
A.	Maintained required course speed (25 +- 2 mph)	o	o	o	o
B.	Maintained 9-3 hand position	o	o	o	o
C.	Demonstrated controlled acceleration	o	o	o	o
D.	Demonstrated controlled use of brakes at transition	o	o	o	o
E.	Vehicle remained under control at all times	o	o	o	o
Reverse Serpentine:					
F.	Maintained 12 o'clock hand position	o	o	o	o
G.	Performed course smoothly	o	o	o	o
H.	Viewed squarely out back window	o	o	o	o
I.	Demonstrated controlled acceleration	o	o	o	o
J.	Vehicle remained under control at all times	o	o	o	o
Number of cones struck (must be zero to pass)		__	__	__	__

Remarks:

The student passed this evaluation run. I have informed the student of his/her performance.

Instructor's signature_____Date_____

MICHIGAN COMMISSION ON LAW
ENFORCEMENT STANDARDS

FORWARD/REVERSE SERPENTINE EXERCISE

PURPOSE:

(Forward Serpentine) To evaluate the basic skills of coordinating acceleration, timing of steering movements, and the use of the 9-3 hand position; to evaluate the ability to judge the relationship of fixed objects to the vehicle.

(Reverse Serpentine) To evaluate the basic skills of coordinating acceleration, timing of steering movements, and the use of the 12 o'clock hand position; to evaluate the ability to judge the relationship of fixed objects to the vehicle and to control front-end swing during backing.

PROCEDURE:

INSTRUCTOR

- Explains purpose of exercise and reads the requirements to the student.
- Demonstrates the course at required speed.
- Has the student wear leather duty gear (optional).
- Conducts the forward and reverse serpentine as one continuous exercise.
- Requires no mandatory mph for the reverse serpentine.

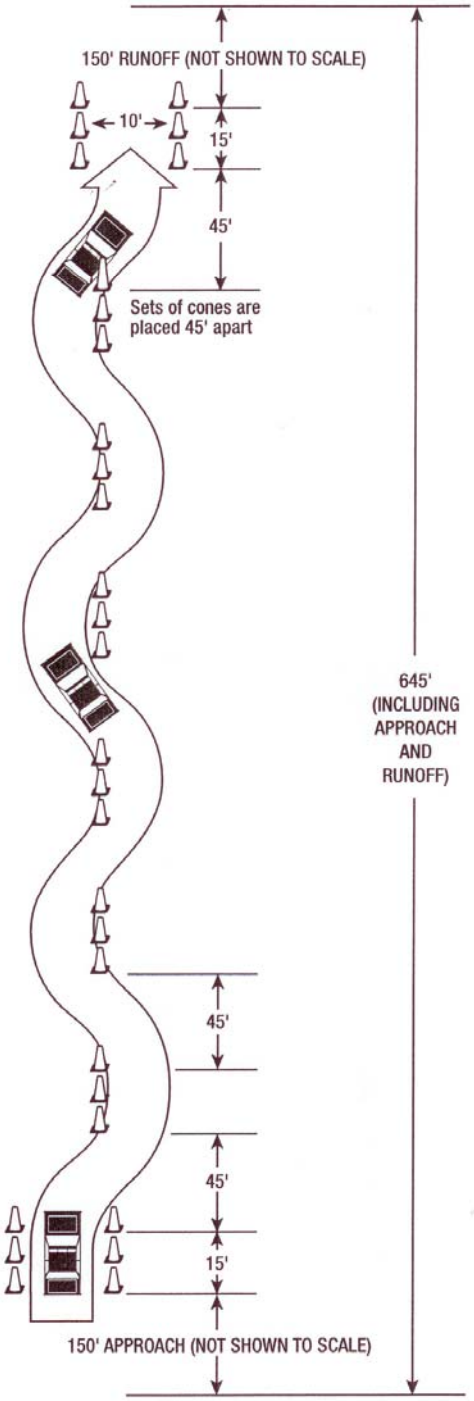
STUDENT (FORWARD SERPENTINE)

1. Assumes proper driving position; seat, mirror, seatbelt.
2. Maintains course speed of 25 + or – 2 mph (minimum).
3. Negotiates the course smoothly.
4. Keeps steering movements constant and even.
5. Maintains 9-3 hand position.
6. Does not use brakes during forward serpentine.
7. Passes closely to the cones.
8. Stops at transition point.

STUDENT (REVERSE SERPENTINE)

1. Maintains safe speed while backing.
2. Negotiates the course smoothly.
3. Keeps steering movements constant and even.
4. Does not use brakes during reverse serpentine.
5. Passes closely to the cones.
6. Exits course at direction of the instructor.

Forward Serpentine Exercise

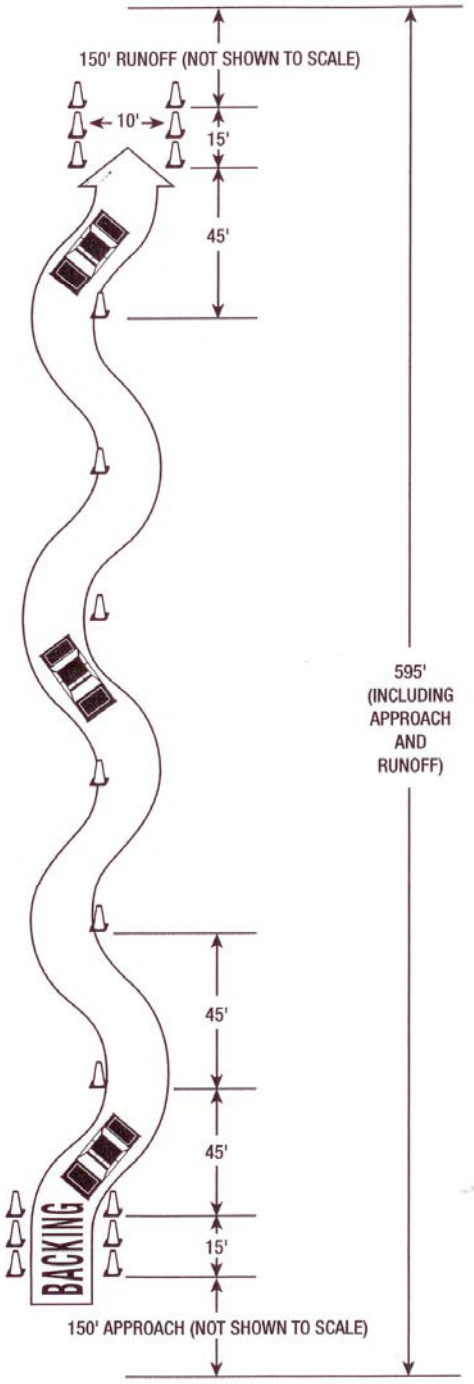


Exercise Requirements

645' x 70' including Approach and Runoff

Requires 30 Traffic Cones

Reverse Serpentine Exercise



Exercise Requirements

595' x 70' including Approach and Runoff

Requires 30 Traffic Cones

MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

EVASIVE STEERING COURSE EVALUATION

Student's Name Date Academy

Initial Qualification _____Yes _____No

Re-qualification Attempt Number_____ Road Conditions_____

A check indicates satisfactory performance:

	Evaluation Run Number	**1**	**2**	**3**	**4**
A.	Maintained required entry speed (35 mph minimum)	o	o	o	o
B.	Maintained 9-3 hand position	o	o	o	o
C.	Demonstrated controlled acceleration	o	o	o	o
D.	Demonstrated steering control/3-point steering	o	o	o	o
E.	Steered into proper lane	o	o	o	o
F.	Vehicle remained under control at all times	o	o	o	o
	Number of cones struck (must be zero to pass)	__	__	__	__

Remarks:

The student passed this evaluation run. I have informed the student of his/her performance.

Instructor's signature_____Date_____

MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

EVASIVE STEERING EXERCISE

PURPOSE:

This exercise simulates being confronted with a sudden obstacle: pedestrian, stopped vehicle, etc. The purpose of this exercise is to evaluate the driver's ability to handle alternatives to braking and for the driver to experience the feel of the vehicle's maneuverability and stability. The driver also becomes aware of personal capabilities and limitations.

PROCEDURE:

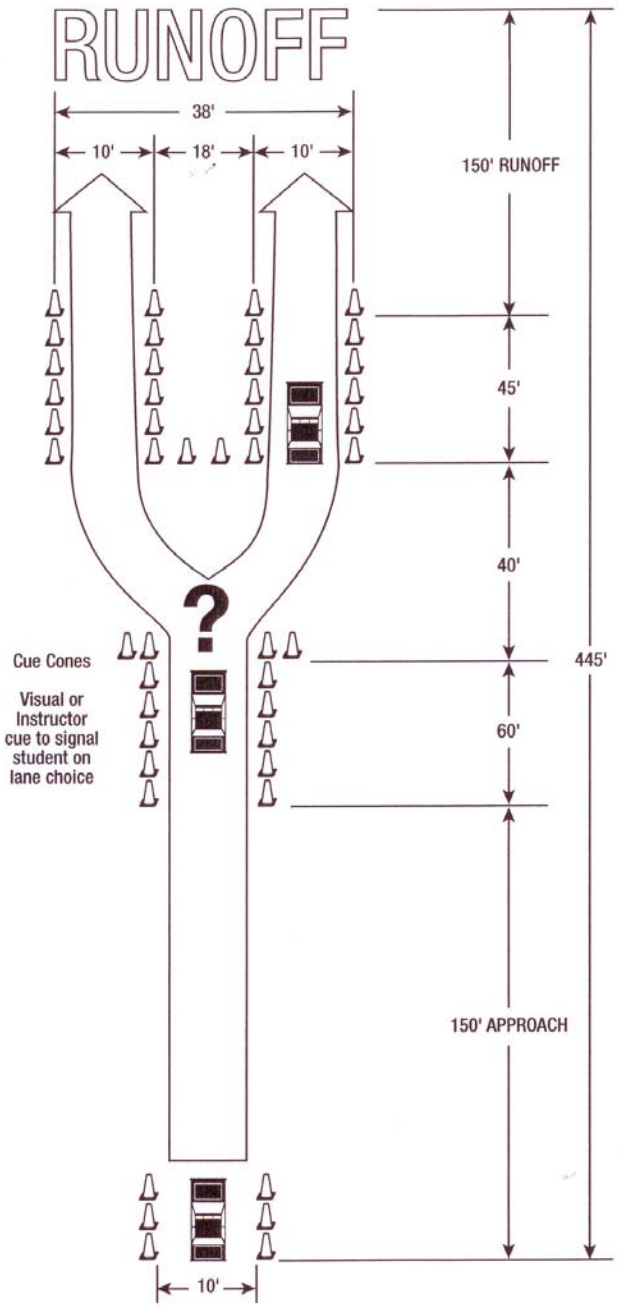
INSTRUCTOR

- Explains purpose of exercise and reads the requirements to the student.
- Demonstrates the course at required speed.
- Cues the driver on which lane to use.
- Has the student wear leather duty gear (optional).

STUDENT

1. Assumes proper driving position; seat, mirror, seatbelt.
2. Maintains course speed of 35 mph (minimum).
3. Negotiates the course smoothly.
4. Keeps steering movements constant and even.
5. Maintains 9-3 hand position.
6. Performs 3-point steering maneuver.
7. Does not use brakes.
8. Passes closely to the cones.
9. Steers into exit lane.
10. Exits course at direction of instructor.

Evasive Steering Exercise



Exercise Requirements

445' x 60' including Approach and Runoff

Requires 46 Traffic Cones

Optional: Visual cueing device

MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

STRAIGHT LINE BACKING WITH TURNAROUND COURSE EVALUATION

Student's Name Date Academy

Initial Qualification _____Yes _____No

Re-qualification Attempt Number_____ Road Conditions_____

A check indicates satisfactory performance:

Evaluation Run Number		**1**	**2**	**3**	**4**
A.	Course completed in 40 seconds	o	o	o	o
B.	Used 12 o'clock hand position	o	o	o	o
C.	Viewed squarely out the back window	o	o	o	o
D.	Demonstrated proper palm steering technique	o	o	o	o
E.	Demonstrated smooth acceleration	o	o	o	o
F.	Vehicle remained under control at all times	o	o	o	o
Number of cones struck (must be zero to pass)		__	__	__	__

Remarks:

The student passed this evaluation run. I have informed the student of his/her performance.

Instructor's signature_____Date_____

MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

STRAIGHT LINE BACKING WITH TURNAROUND EXERCISE

PURPOSE:

To evaluate the basic skills of coordinating acceleration, timing of steering movements, and the use of the 12 o'clock hand position and the palm hand position; to evaluate the ability to judge the relationship of fixed objects to the vehicle and to control front-end swing during backing.

PROCEDURE:

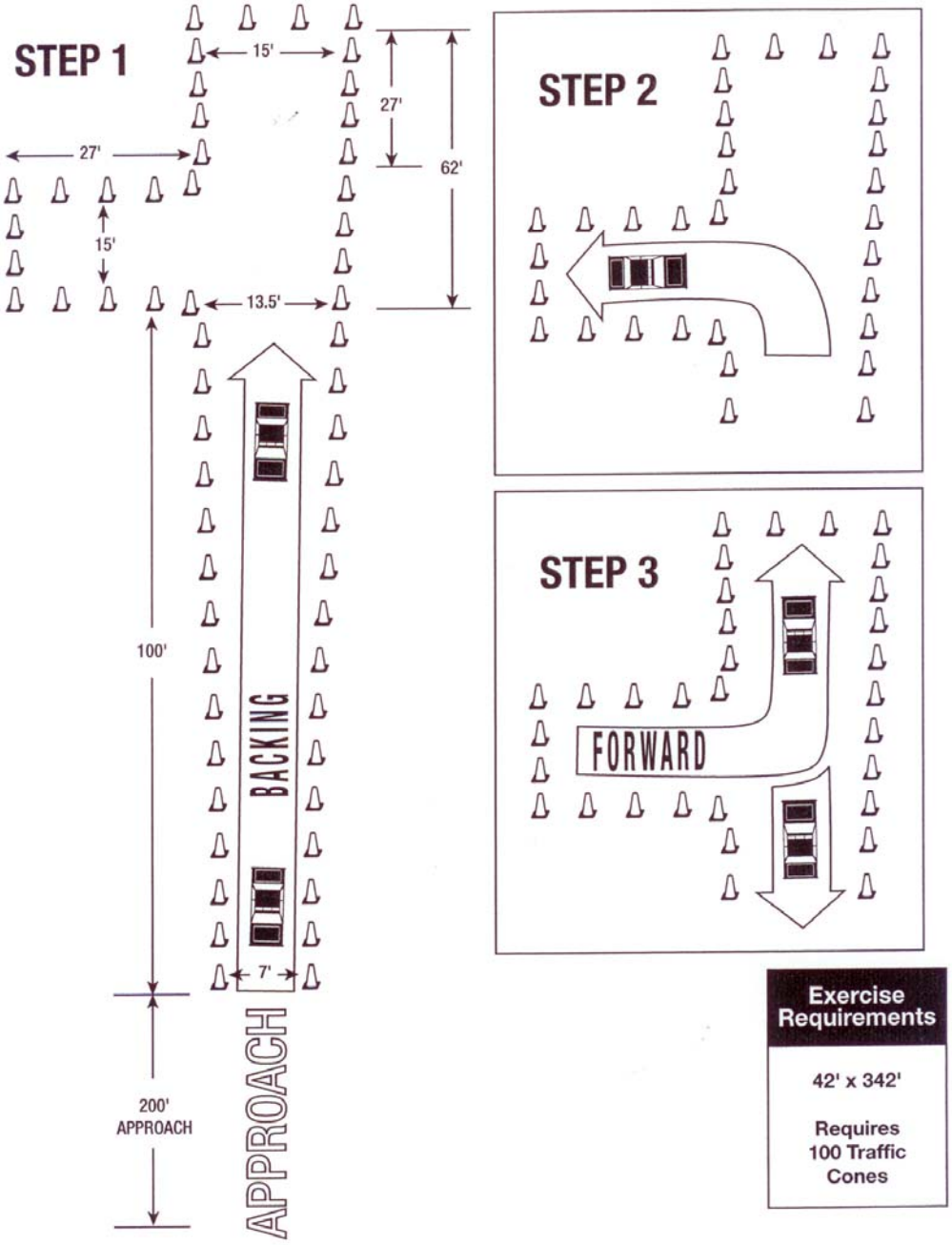
INSTRUCTOR

- Explains purpose of exercise and what is expected of the student.
- Demonstrates the course at required speed.
- Has the student wear leather duty gear (optional).

STUDENT

1. Assumes proper driving position; seat, mirror, seatbelt.
2. Starts from a stopped position.
3. Negotiates the course smoothly.
4. Uses 12 o'clock hand position.
5. Looks squarely over the right shoulder while backing.
6. Uses one hand steering during turns (palming the steering wheel).
7. Does not rely mirrors.
8. Maintains constant speed
9. Turns made in one movement.
10. Centers vehicle in lane after completion of turn.
11. Completes the course in 40 seconds.

Straight Line Backing with Turnaround Exercise



Exercise Requirements

42' x 342'

Requires 100 Traffic Cones

MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

BRAKE AND STEER COURSE EVALUATION

Student's Name Date Academy

Initial Qualification _____Yes _____No

Re-qualification Attempt Number_____ Road Conditions_____

A check indicates satisfactory performance:

Evaluation Run Number		**1**	**2**	**3**	**4**
A.	Maintained required entry speed 35 mph	o	o	o	o
B.	9-3 hand position	o	o	o	o
C.	Steering control/3-point steering	o	o	o	o
D.	Achieved controlled braking	o	o	o	o
E.	Evaded into designated lane	o	o	o	o
F.	Stopped vehicle in original path of travel lane	o	o	o	o
G.	Vehicle remained under control at all times	o	o	o	o
Number of cones struck (must be zero to pass)		__	__	__	__

Remarks:

The student passed this evaluation run. I have informed the student of his/her performance.

Instructor's signature_____Date_____

MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

BRAKE AND STEER EXERCISE

PURPOSE:

To evaluate the driver's ability to use threshold braking while controlling the direction of the vehicle.

PROCEDURE:

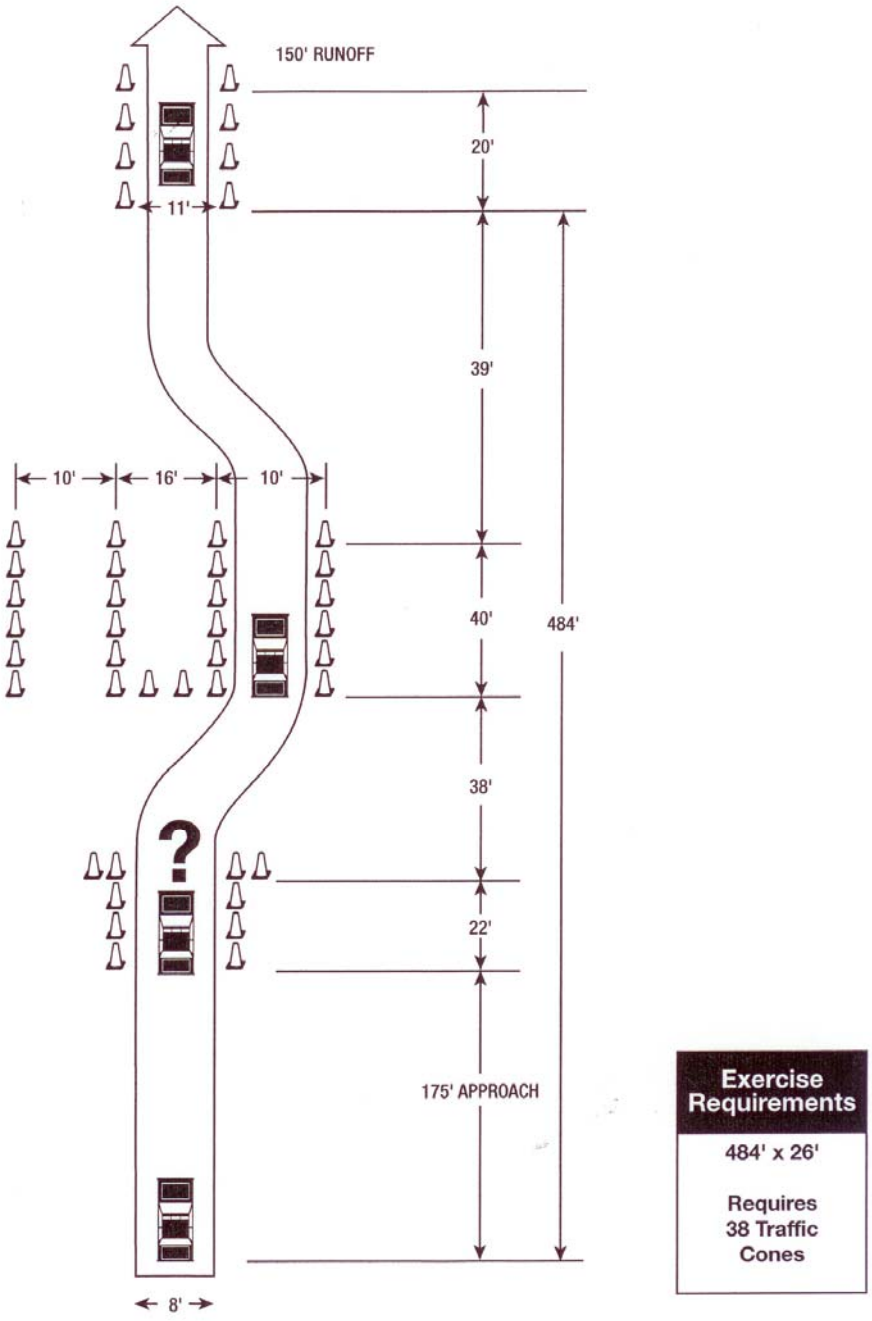
INSTRUCTOR

- Explains purpose of exercise and what is expected of the student.
- Demonstrates the course at required speed.
- Cues driver when front of the vehicle is even with the cue cone.
- Has the student wear leather duty gear (optional).

STUDENT

1. Assumes proper driving position; seat, mirror, seatbelt.
2. Enters exercise at 35 mph (minimum).
3. Negotiates the exercise smoothly.
4. Maintains 9-3 hand position.
5. Properly performs threshold braking.
6. Continues into designated lane.
7. Exits course at the direction of the instructor.

Brake and Steer Exercise



MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

90-DEGREE TURN WITH STRAIGHT LINE BRAKING COURSE EVALUATION

Student's Name Date Academy

Initial Qualification _____Yes _____No

Re-qualification Attempt Number_____ Road Conditions_____

A check indicates satisfactory performance:

	Evaluation Run Number	**1**	**2**	**3**	**4**
A.	Maintained required entry speed (35 mph minimum)	o	o	o	o
B.	Maintains proper steering	o	o	o	o
C.	Demonstrated controlled acceleration	o	o	o	o
D.	Demonstrated proper controlled braking technique	o	o	o	o
E.	Demonstrated proper steering technique	o	o	o	o
F.	Vehicle remained under control at all times	o	o	o	o

Number of cones struck (must be zero to pass) __ __ __ __

Remarks:

The student passed this evaluation run. I have informed the student of his/her performance.

Instructor's signature_____Date_____

MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

90-DEGREE TURN WITH STRAIGHT LINE BRAKING EXERCISE

PURPOSE:

To evaluate the driver's ability to combine braking and steering skills.

PROCEDURE:

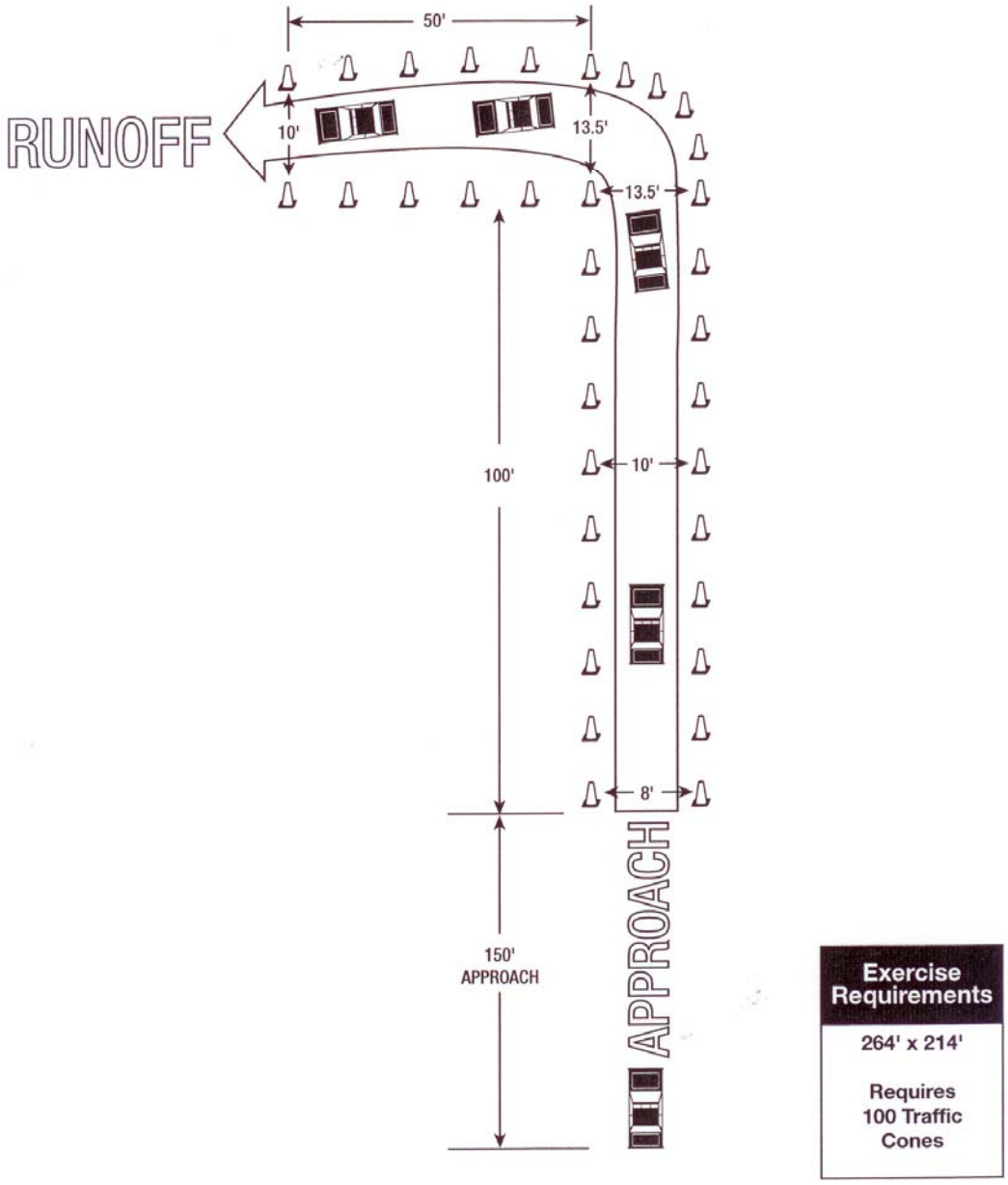
INSTRUCTOR

- Explains purpose of exercise and what is expected of the student.
- Demonstrates course at required speed.
- Has the student wear leather duty gear (optional).

STUDENT

1. Assumes proper driving position; seat, mirror, seatbelt.
2. Enters course at 35 mph (minimum).
3. Maintains proper steering.
4. Demonstrates threshold braking.
5. Performs apex selection.
6. Maintains constant and even steering movements.
7. Passes closely to the cones.
8. Accelerates smoothly.
9. Exits course at direction of instructor.

90° Turning - Straight Line Braking



MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

SAMPLE REALITY-BASED EXERCISE

Student's Name _____ Date _____ Academy _____

Performed _____Yes _____No

Road Conditions_____

A check indicates satisfactory performance:

Run Number		1	2	3	4
A.	Demonstrated proper backing technique	o	o	o	o
B.	Demonstrated proper evasive steering technique	o	o	o	o
C.	Demonstrated proper turn-around	o	o	o	o
D.	Demonstrated controlled turning and steering	o	o	o	o
E.	Demonstrated forward serpentine smoothly	o	o	o	o
F.	Demonstrated smooth acceleration and braking	o	o	o	o
G.	Vehicle remained under control at all times	o	o	o	o
Number of cones struck		__	__	__	__

Remarks:

_____

_____

_____

_____

_____

_____

The student completed the reality-based exercise. I have informed the student of his/her performance.

Instructor's signature_____Date_____

MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

REALITY-BASED ASSESSMENT

PURPOSE:

To develop within the student the confidence to apply the learned accident avoidance, vehicle dynamics, and vehicle turnaround exercises during a simulated emergency run. The student is to complete the reality-based exercise by applying the techniques taught in the MCOLES Emergency Vehicle Operations course. This is a reality-based training exercise, not a pass/fail assessment.

PROCEDURE:

INSTRUCTOR

- Explains purpose of exercise and what is expected of the student.
- Demonstrates the course at moderate speed.
- Cues the driver on which lane to use.
- Has the student wear leather duty gear (optional).

STUDENT

1. Assumes proper driving position; seat, mirror, seatbelt.
2. Negotiates the course smoothly and evenly.
3. Keeps steering movements constant and even.
4. Passes closely to the cones.
5. Steers into lanes, as directed
6. Exits course at direction of instructor.

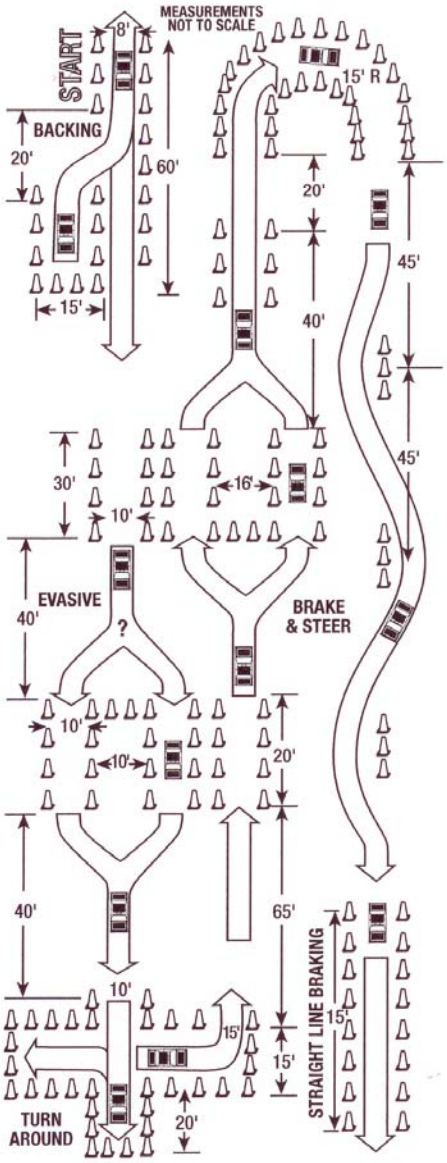
Note to Instructor:

A sample realtiy-based course has been mapped-out for your use. Instructors may set their own course to measures the five basic components of the other exercises: steering, braking, accelerating, backing, and cornering. Insert real life context into the exercise (radio, stops signs, etc.).

The instructor may drive their course to determine what is required for the students or to identify the "critical" cones. If the student strikes a critical cone, he or she may not perform the course satisfactorily. If the student strikes other cones, either a threshold number of other cones shall be determined for assessment or additional time may be added to the student's overall time for the run.

For example, critical cones may include: entrance or exit cones (for braking and steering) or corner cones (for turning or accelerating). Time example: add three seconds for each cone struck.

Cumulative Skills Assessment



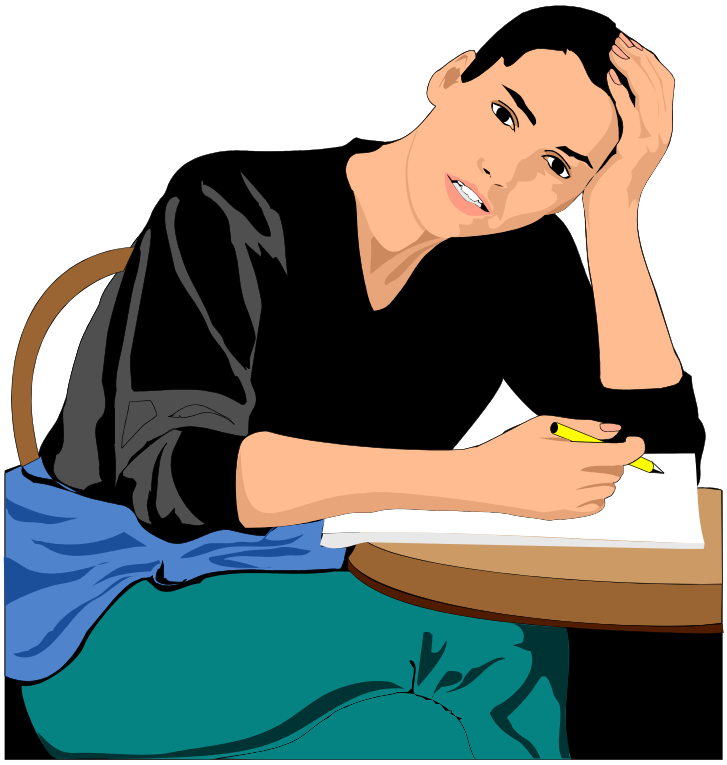
Exercise Requirements

110' x 300'

Requires 250 Traffic Cones

CHAPTER SIX

TABLE TOP SCENARIOS



USING ROLE PLAY SCENARIOS AS TEACHING AND EVALUATION TOOLS

I. Introduction

Using a reality based role-play scenario is perhaps the best way to develop competency since improving behavior on the job is the ultimate goal of law enforcement training. In an ideal setting, you will have enough time and resources to administer authentic scenarios using role players or volunteer actors. In a scenario the students are required to demonstrate their competency through performance and behavior. Such an exercise gives you an opportunity to evaluate and assess student competency in a real-life situation based on desired behavioral outcomes. Real life situations provide the required context in the learning environment. Training experts believe that memory works best, and that information will be retained longer, if the learning experience represents real life. And, scenario training moves beyond merely observing the ability of a student to demonstrate isolated mechanical skills. It also involves performance within the context of real life.

Experienced instructors know that students who learn mechanical skills in isolation, for example shooting at a target or driving through a cone course, may not always perform well when the pressures of real life are inserted into the exercise. Once context is added decision making and judgment are required to perform properly. Developing skills, as important as it is to do, is only the first step in building overall competency. *Performance* is the best demonstration of competency so use real-life scenarios whenever possible. Your training must match the realities of the job. Providing context in the training environment solidifies the links among actual job tasks, the training objectives, and positive behavioral change.

Take a moment and review the training objectives and sub-objectives for the material you are teaching. Note how the major objectives are written in terms of behavioral outcomes.

Also note that the sub-objectives represent the basic knowledge and skills needed to achieve the major objective. Both can be used as measures of performance in a scenario. In general, role play scenarios are intended to address:

- judgment;
- situational awareness;
- basic skills;
- problem solving; and
- reactive decision making.

II. Designing The Scenario

As a general rule, role-play scenarios should be achievable by the students and the required outcomes should represent "success." Start with simple fact patterns first and then create more complex situations as the training unfolds. Think about walking the students through the situation as a first step and stop the scenario when serious mistakes are made (officer safety, e.g.). Do not place the students in a complicated scenario too soon and be sure to use a building-block approach. The fact patterns can range from very-focused to very-broad and make sure all role players stay on script. From time to time, you can create a challenging scenario where the students will struggle, but be sure to de-brief thoroughly afterward. Use a variety of fact patterns, various scripts for role players, and various difficulty levels. Students quickly learn what is expected of them in a *known* scenario, so provide fresh fact patterns as much as possible. Be sure to debrief and provide immediate feedback after performance, or sometimes during the performance, so you are not developing or reinforcing bad habits.

Scenarios can be used for both training and assessment. Experts believe that information can be embedded in long-term memory through repetitive participation (practice) in a series of performance exercises, each with different fact patterns. Think about shortening the gap between desired behavior and actual behavior and do not let the process itself become too

mechanical. Performing in a reality-based scenario forces the student to actively engage training content, recall information, and demonstrate skills. Annie Paul, a New York *Times* writer, puts it this way, "Every time we pull up a memory, we make it stronger and more lasting, so that testing doesn't just measure, it changes learning." Even though repeated exposure to situations is essential, the real challenge is to change the environment often enough so the participants do not acquire muscle memory, which may create automatic responses to the same set of fact patterns. Through experience and over time, active duty officers encounter a wide variety of circumstances, even within the similar types of calls, so try to duplicate this in the training environment.

III. The Scenario Process

In the book *No Easy Day,* author "Mark Owen" , a member of Seal Team Six, recounts the true story of the killing of Osama Bin Laden. The author participated in the raid. In a recent interview with *60 Minutes*, he recalled the team practiced and prepared for the mission. Each member had a role and each understood his responsibility. As the real mission unfolded, however, the team had to make quick adjustments to their rehearsed responsibilities because one of the two helicopters crashed at the Bin Laden compound. Several occupants of the house were killed during the mission in addition to Bin Laden. During the *60 Minutes* interview, Owen was able to recite the rules of engagement, one at a time in checklist fashion, which justified the killings. He also recalled how decision making under pressure was needed as the events changed in real time. The lessons for law enforcement training are clear. Make sure your students are able to articulate why they performed in a certain way (legal authority) *and* make sure they have the ability to make judgments "on the fly." In other words,

articulation by the students after a training scenario is important as is the *respond—feedback—adjust* cycle for successful behavior on the street.

As part of the de-briefing and feedback sessions, first have a conversation with the participants and ask them to rate their performances in their own words. Be sure to re-affirm goals and objectives and explore behavioral cause and effect (context) through these conversations. Perhaps discuss a variety of alternative resolutions to the situation, if several exist, and make sure the students understand how important making decisions and making adjustments under pressure can be. Additionally, consider the "If this happens…….Then what do you do" model to provide greater depth into their thinking.

Real accountability exists. Determine how the fact patterns in the scenarios actually relate to what is done on the job and determine how the training will pay off for the student. Make it in their self-interest to perform well. Students often come from real life experiences, enter a contrived training environment, and then return to real life experiences. You therefore have a limited amount of time to create or improve competency in the classroom. Make sure the students understand that there are consequences to their performance, consequences that may surface later when working the job. Contrived scenarios in the classroom eventually give way to real calls for service with real victims. Students must be adequately prepared.

Role-play scenarios may <u>not</u> be ideal in all situations. Sometimes a lecture will work for basic knowledge and skills. Again, we are not suggesting that skills training be abandoned. On the contrary, such training is an essential part of the learning experience and must continue. In fact, being able to perform well without fundamental knowledge or skill may not be possible. We want you to create the desired performance outcomes based on the ability of the student to combine knowledge, skills, emotion, and judgment in the best manner to

perform effectively on the job. All must work together in such a way so an officer has the ability to handle real events in the most effective manner. Use the curriculum objectives as your guide.

IV. Core Competencies

Interpreting performance accurately during a scenario can be challenging. Therefore, we suggest using *core competencies* as measuring criteria when evaluating how well students handle situations presented to them. We suggest you move beyond observing isolated mechanical skills on a checklist and instead determine to how well a student demonstrates their knowledge and skills when placed in real-life environments. A proper outcome must be achieved by the participant yet at the same time he or she must at all times remain safe, communicate well, act with legal authority, and make proper decisions. These so-called *core competencies* are general capabilities that have broad applicability to all types of law enforcement situations. They include the overall abilities necessary to adequately perform the tasks of a law enforcement officer regardless of the type of call.

Consider the following list of core competencies. Note that they can be used to assess performance in most any type of role play scenario regardless of the fact pattern. To successfully complete the requirements of the scenario, the student must use basic knowledge and skills to:

- Achieve a desired result (as determined by the instructors);
- Act with proper legal authority throughout;
- Maintain officer safety at all times;
- Perform according to agency policies and procedures;
- Communicate effectively and clearly; and
- Demonstrate decision-making ability.

Notice that the above list contains no requirement to recite knowledge, organize details, memorize information, or make a list. Instead, they represent overall scenario outcomes and

the students are required to perform accordingly. As an instructor, you can better identify the depth of a student's understanding of a topic by observing actual performance.

Using core competencies as measuring criteria is an improvement over using a checklist of skills. Not too long ago, instructors at the University of Florida medical school wanted to observe student intern behavior in reality-based scenarios. They placed the participants in a series of clinical settings and required them to evaluate patients. They used a sequential checklist of activities to measure success or failure. For example, the students were required to conduct initial patient surveys, ask a specific set of questions, order correct lab tests, and so on. The instructors then asked experienced clinicians to perform in the same scenarios. To their surprise, most flunked the exercise. As it turns out, experienced practitioners knew which activities they could skip on the checklist depending on the answers to their questions. The lesson here is that true competency on the job is measured in terms of outcomes, rather than a demonstration of memorized skills. Use core competencies to address the issue.

V. Measuring Performance

When using a scenario you must be able to distinguish acceptable performance from unacceptable performance. Consider the training curriculum. Each major training objective in the curriculum represents what is expected as a learning outcome, but the associated sub-objectives represent the steps needed to achieve the outcome. Similarly, the objectives and sub-objectives can be used as a guide when writing performance requirements (skills) that anchor or support the core competencies (outcomes).

Consider the core competency entitled, "Complies with agency policies and procedures." In a sexual assault scenario, for example, acceptable proficiency would include properly:

a) interviewing the victim,
b) interrogating the suspect,
c) formulating appropriate questions,
d) taking photographs,
e) collecting evidence, and
f) arranging for a medical examination, etc.

Failure to demonstrate a number of these skills would result in failing to achieve the core competency. Similarly, for the same scenario, consider the core competency entitled, "Act with proper legal authority throughout." Success includes the demonstrated the ability to:

a) obtain a search warrant,
b) read Miranda rights,
c) detain witnesses at the scene,
d) maintain the chain of evidence, etc.

Your evaluations can be used to measure student progress through the learning experience, which helps you to understand the depth of their knowledge and their comprehension at various points during their training experience. Your observations can even be used as upfront diagnostic measures at the outset of the training program, which gives you a baseline indication of competency. And, they can be used to monitor and evaluate competency at various points throughout training. Be sure to measure each student's ability in the scenario separately and individually. Avoid measuring "team" or "buddy" competencies.

We know that scenarios can be expensive, time consuming, and challenging, but we urge you to use them whenever possible. In other words, what is needed is a process that shifts the nature of the evaluation from observations of specific skills to a more meaningful assessment based on objectively observed behavior, where both skill and outcomes can emerge and be explored by both you and the student.

We also want you to think about the value of student articulation, feedback, and report writing. You can obtain a deeper understanding of student behavior and their thinking by

requiring them to articulate why they behaved in a certain manner in a certain circumstance. At the end of the scenario, don't be too quick to tell students how they can improve their performance without first listening to the why they acted in a certain way.

We suggest you use a "yes"—"no" rating for student performance rather than a rating scale numbered, say, 1-5 or 1-7 where partial credit is given. Determine whether the student achieves each core competency or not. Rating scales have their place but they do not always generalize to the student's *overall* level of proficiency. Instead, use written observations and comments (declarative sentences) to support your choice of "yes" or "no." The intent is to capture the quality of the performance and to justify your feedback. The end result is a much more useful assessment, one that reflects whether the student acted in the right way for the right reasons. And, thoroughly document your findings regarding the quality of the performance. For example, avoid statements like, "Failed to act properly." Instead, write statements like, "The student articulated the following reasons for an investigative stop of the subject…..etc."

Students must know what is expected of them. In the classroom feel free to share the required core competencies and descriptors with them prior to the scenario. Students will typically demonstrate intermediate levels of success and will fall somewhere between complete success and complete failure. Partially correct outcomes will unquestionably be the norm. It is important for you to identify deficiencies and design targeted remediation for improvement, if necessary. And, given the wide variety of student performance, give credit for achievement that is "mostly correct", "somewhat correct", "sufficiently correct" or "generally correct." Place a checkmark in the "yes" box for these outcomes. Be sure to consider each bulleted anchor carefully. Then, make a reasonable determination of a "yes" or

"no" on the check sheet as supported by your open-ended comments. At the heart of any performance evaluation is your ability to identify deficiencies and to provide precise information that can be used to improve competency. The very process of assessment itself should foster further learning. Consider the following example in Section VI.

VI. A Sample Template

Consider the following example evaluation template using *domestic violence* as the topic:

CURRICULUM OBJECTIVES

Nature and Prevalence of Domestic Violence.
Laws Regarding Domestic Violence.
Domestic Violence Response Procedures.
Interpersonal Communication Skills

THE SCENARIO:

The officer is dispatched to a residence to handle an "unknown trouble" call. A caller states that he heard loud noises, arguing, and shouting coming from his neighbor's house.

At the scene, a man meets the officer at the front door. He tells the officer that this is a private matter. He asks the officer to leave and asks to see a search warrant. But very soon he yields to the officer's inquiries and gives permission to the officer to enter the home.

In the home, the officer observes a woman, who appears angry, standing in the front room. There is a visible, dark bruise on her cheek. She says she argued with the man earlier in the evening and he became very angry, hitting her in the face twice with his hand.

The man is calm and denies hitting the woman but says she is the one who became angry. He promises to stop arguing with her and says he is sorry for disturbing the neighbors. The woman also agrees to stop arguing with her husband and wants the officer to leave the home.

There are no weapons in the home and no other occupants. Neither the husband nor the wife are drunk and neither have been drinking. There is no personal protection order (PPO) or restraining order on file.

INSTRUCTIONS TO ROLE PLAYERS:

OFFICER:

Respond to a residence and handle an "unknown trouble" call.

WOMAN:

You and your husband were watching television, but could not agree on which show to watch. He became very angry. You and he argued loudly and he hit you twice in the face with his open hand. You noticed swelling and redness on your face but decided not to call the police. This is the first time your husband has struck you. Act upset about what happened at first, but soon calm down and answer the questions from the officer. If asked, decline medical help. Do not volunteer that the man is actually your husband, unless asked by the officer. Note that there may be two officers at the scene if the primary officer calls for a backup. If asked, indicate that you are not afraid of your husband. If your husband is placed under arrest, ask the officer not to arrest him.

MAN:

As the officer arrives at your door, you are upset that the police have been called. Ask the officer to leave, then ask to see a search warrant, but quickly give the officer permission to enter the home if asked. Do not volunteer that the woman is your wife, unless asked. Act calm and admit that you and your wife had argued about what to watch on television. Deny hitting her. Tell the officer that your wife ran into a door, causing her bruising. There is no bruising on your body. Say your wife became very angry and shouted at you. Answer the officer's questions, but volunteer little. If a male officer is on the scene, try to become his "buddy" by saying things like, "You know how women can get", etc. Become apologetic and promise not to argue anymore. Do not resist if placed under arrest.

BACK-UP OFFICER (IF REQUESTED):

Act as the secondary officer, not the primary officer. Follow the lead of the primary officer.

Note to Role Players:

Do not set the officer up for failure. Instead, follow his or her directives and do not argue or become physical with the officer.

EVALUATOR INSTRUCTIONS

Evaluate the officer's performance against the core competencies that appear on the front of the evaluation form. If a "no" is checked in any of the assessment areas, the officer shall fail the exercise— if the scenario is used as a pass-fail evaluation. However, if the scenario is used for training, provide feedback so weaknesses in performance can be targeted for remediation. In a similar manner, reinforce strengths. As in real life, most officers will not perform correctly all the time, therefore, officer performance that is "mostly correct" or "somewhat correct" shall be rated as a "yes" in the checkboxes numbered 2 through 6. However, the officer must achieve the desired outcome.

Use the following skills (anchors) to guide your determination of "yes" or "no" in the assessment areas:

1. ACHIEVES DESIRED RESULT

The officer responds to the incident and arrests the husband as the dominant aggressor for domestic violence assault and battery.

2. MAINTAINS LEGAL PRINCIPLES

- Enters the home legally
- Recognizes that a domestic violence assault and battery has occurred
- Identifies a dominant aggressor by determining probable cause
- Arrests the husband only, not the wife, based on valid probable cause
- Uses the proper amount of force in affecting an arrest
- If questioning takes place regarding the incident after custody, reads the Miranda Rights to the suspect

3. DEMONSTRATES OFFICER SAFETY

- Parks vehicle away from the front of the house
- Calls for a back-up unit before entering the home
- Safely approaches the house
- Enters the home cautiously and carefully
- Asks about other occupants
- Controls movement of those in the room; separates parties
- Asks about weapons or other individuals in the home
- Maintains eye contact with partner, if backup is on scene
- When handcuffing, maintains control through approach and positioning

4. PERFORMS ACCORDING TO AGENCY POLICIES

- Enters home legally, consistent with policies and procedures
- Checks for injuries at the scene
- Takes photos and obtains statements
- Checks for restraining orders
- Obtains information necessary for an incident report
- Arrests the dominant aggressor
- Provides notice of victim rights

5. DEMONSTRATES COMMUNICATION SKILLS

- Notifies dispatch upon arrival
- Obtains relevant information from the man at the door
- Engages in conversation in order to obtain permission to enter the scene
- Utilizes effective listening and questioning techniques when talking with the victim
- Observes non-verbal communication cues in both victim and aggressor
- Interviews the parties separately
- Identifies the relationship between the man and woman through questioning

6. DEMONSTRATES ABILITY TO PROBLEM SOLVE

During debriefing and feedback, require the officer to articulate his or her thoughts regarding the response to this situation. Or, have the officer submit this information in written form, perhaps by writing an incident report. Be sure to listen to the thoughts of the officer first, before offering your comments and evaluation. Through questioning, discover to what extent the officer was able to make the right decisions for the right reasons. Here, assess their ability to problem solve and think critically. Remember, self-assessment and self-reflection on the part of the officer are at the core of qualitative assessments. In general, identify whether the officer:

- Identified and understood the problem posed in the scenario
- Considered a range of alternative courses of action
- Justified reasonable courses of action
- Ensured that the response was consistent with law and agency policies
- Analyzed and evaluated the results (articulated a self-assessment)

<u>Sample De-Brief Questions</u>:

- What seems to be the main problem in this situation? Identify the issues here.
- What steps did you take to handle this situation? Did you consider more than one solution or response?
- Knowing your policies and procedures, explain what you should do in this situation.
- What constitutional principles did you consider?
- Justify your actions in this scenario.
- How did you go about obtaining information in this situation?
- How would you address your performance difficulties in this scenario?
- What would be expected of you by the community in this situation?
- If you made an arrest, discuss how you established probable cause to do so.
- Evaluate your performance. Is there a more effective way to handle this situation?
- What are the advantages and disadvantages of your approach?
- What long-term approaches should be considered to address this situation? Who can help?

SCENARIO EVALUATION FORM

OFFICER_____

EVALUATOR_____

SCENARIO_____ **DATE**_____

ASSESSMENT AREA	**YES**	**NO**	**N/A**
1. Achieves Desired Result	□	□	□
2. Maintains Legal Principles	□	□	□
3. Demonstrates Officer Safety	□	□	□
4. Performs According to Agency Policies	□	□	□
5. Demonstrates Communication Skills	□	□	□
6. Articulates Ability to Problem Solve	□	□	□

_____

Evaluator Signature

OBSERVED BEHAVIORS:

Parks vehicle safely_____

_____

Calls for backup_____

_____

Safely approaches house_____

_____

Enters home legally and cautiously_____

_____

Asks dispatch or participants about other occupants or weapons _____

_____

Controls movement; separates parties_____

_____

Maintains eye contact with partner_____

_____

Maintains control while handcuffing_____

_____

Checks for injuries_____

_____

Takes photos and obtains information_____

_____

Provides appropriate assistance to victim_____

_____

Identifies dominant aggressor_____

_____

Performs professionally_____

ADDITIONAL OBSERVATIONS:

Evaluator

Date

VII. Safety Guidelines

When conducting a scenario, particularly those depicting high risk situations (EVO, e.g.) it is crucial for you to enhance the safety of everyone involved, including the general public. The reduction of risk, based on planning and the recognition of high risk circumstances, is the first step to maintaining a safe training environment. Each type of scenario offers specific advantages and disadvantages and will vary in terms of realism, equipment, facilities, logistics, expense, number of instructors, and risk. Make sure appropriate safety protocols are in place. The ultimate goal is to manage risk and prevent serious injury or even death.

When you use sworn law enforcement officers in scenario training in any capacity (e.g., role player, monitor, officer backup, etc.), extra precaution must be taken to ensure their firearms, ammunition, and other potentially dangerous equipment are secured at a safe location and kept out of the secured training area.

Scenario training involving any weapon shall only occur after the student has been thoroughly trained and has demonstrated proficiency and knowledge of its use (e.g., firearm, impact weapon, pepper spray, electronic device, etc.). If you use weapons that fire a projectile (e.g., marking cartridge), never shoot at a person within 3 feet or shoot at a person's head. You have the responsibility to manage the scene and to be ready to instantly stop the action if it becomes too dangerous.

When a scenario script demands the use of a vehicle reinforce the training site's driving policy and rules, the MCOLES vehicle policy, and relevant provisions of the Motor Vehicle Code. Make sure students adhere to all traffic laws. The exceptions include pursuit movements and turns made within the context of the Emergency Vehicle Operations Module,

but make sure the scenario is supervised by an EVO instructor and confined within a secure training site that has been closed to the general public.

We recommend having a uniformed law enforcement officer on the scene of simulation training if possible. Everyone that enters the secured training area must be checked for weapons, ammunition, and other dangerous equipment. Whenever anyone leaves the pre-designated "secured training area," they must be checked again prior to reentry to ensure that they are not in possession of any unauthorized weapons, live ammunition, or other dangerous equipment.

MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

INTERACTIVE LEARNING

A GUIDE FOR INSTRUCTORS

July 2017

CREATING AN INTERACTIVE LEARNING ENVIRONMENT

Introduction

The information in this chapter is based on the latest findings in the cognitive sciences on decision making and judgment. It is the perspective instructors should have when preparing lesson plans or training materials for classroom instruction. Basic policing skills must continue to be reinforced so they become ingrained, particularly officer safety tactics, but instructors should be familiar with the evidence-based methods outlined here, and create an interactive classroom, so training matches the way officers actually make decisions on the job. All of us make choices in much the same way and the latest findings in the psychological sciences have important implications for law enforcement training, learning, and performance. This chapter is about how to teach officers to make better decisions.

Patrol officers make important choices every day. Police-citizen encounters require an ability to use judgment in rapidly changing environments and an officer's approach in any given situation is most often based on an intuitive feel for what is right or wrong. And, over time, an officer will acquire an operational demeanor and worldview that are shaped by prior work experiences and underlying beliefs. Yet contemporary law enforcement training seems to focus on basic knowledge and skills rather than reasoning, intuition, and what can be learned from the past.

Although the basic skills are essential for competency, the ultimate goal of training should be to improve the day-to-day decisions officers make on the job, which in turn can lead to positive behavioral change. To accomplish this goal, training must be interactive, outcome-based, and address the intuitive nature of decision making. In most situations officers need to react quickly because there simply is not enough time to consider a list of workable options to

resolve a situation. Moreover, some street encounters can escalate quickly, forcing officers to react on impulse and intuition alone. Training must also prepare officers for the rapid decisions that take place in life-threatening situations. There is little room for error.

Over time a veteran officer will acquire a "working personality" or operational style as perfected through trial and error. What an officer learns through past work experiences can create a range of practical options as new situations present themselves. In the classroom instructors should discuss, evaluate, and reinforce time-tested tactics and provide immediate feedback so prior work experiences have meaning and value. What an officer does today is based almost entirely on what he or she did before. Training must address this reality.

Traditional law enforcement training usually includes lecture, PowerPoint, and note taking. But such methods target basic knowledge, memorization, and short-term recall rather than intuition and reasoning. Instructors should not discard lectures entirely, but the idea is to integrate information and reasoning into an interactive learning experience. Instructors should use the methods outlined here. The techniques are intended to enhance a student's ability to move information from short-term memory into long-term memory for later recognition and recall on the job.

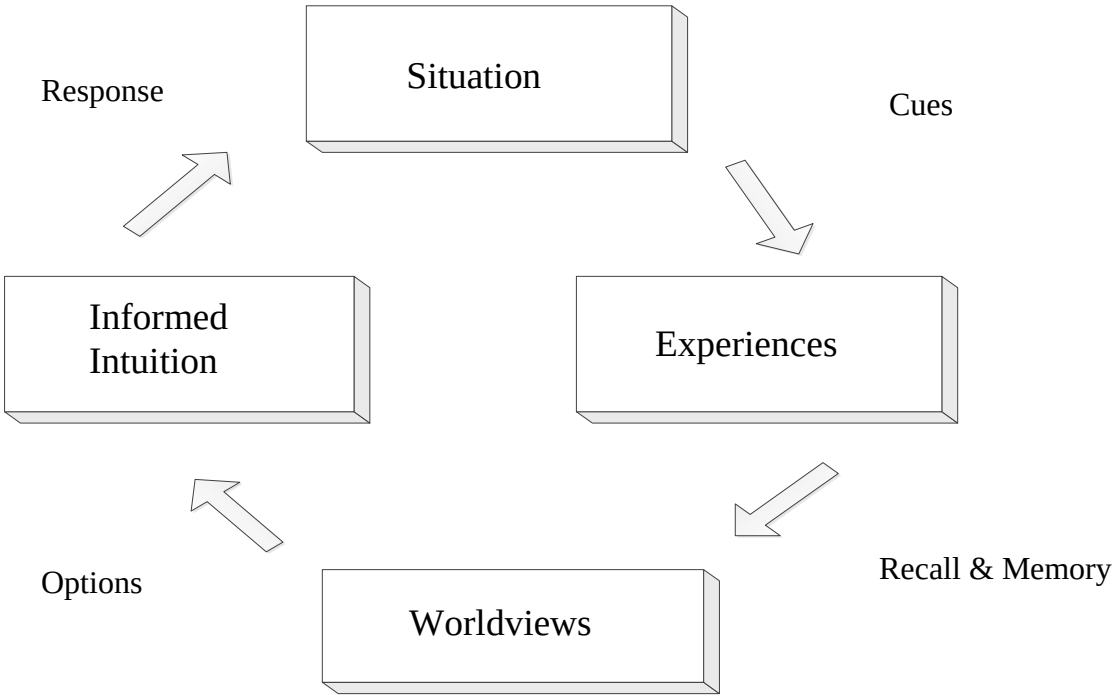
Evidence-Based Training

The latest findings in the cognitive sciences show that all of us have an intuitive part of our brain (System 1) and an analytical part of our brain (System 2) that work together when we make decisions. The intuitive system is unconscious and its job is to constantly monitor the environment and make quick, implicit choices with little mental effort. We encounter millions of pieces of information every day and System 1 filters and categorizes incoming data from the world around us, which is necessary for our existence as human beings.

System 2 is slow, lazy, and takes effort to engage, but is analytical and logical and is needed for complex decisions. For example, reading this sentence takes little effort and is the work of System 1, but multiplying two large numbers together requires a wake-up call to System 2. The two systems work together and it would be impossible to function without this complex mental interplay. But intuitive thinking usually comes first and all of us are prone to jump to conclusions. We do not engage System 2 as often as we should. Or, more specifically, System 1 usually filters incoming information so System 2 often acts on incomplete data. As an experiment, explore a popular computerized version of how the unconscious mind takes the lead in making rapid decisions. Go to www.implicit.harvard.edu and perform one or two of the sample demos. The results may be surprising.

Step-by-step analyses are fine for learning information in the classroom, but on the job officers usually do not select the *best* option when making a decision to act. Instead, they typically choose something workable and practical based on past experiences because there is little time to do otherwise. Prior work experiences need to be interpreted correctly so meaningful feedback through interactive learning should be an important component of training. The three-step decision making model displayed on the following page is adapted from *Sources of Power* by Gary Klein and *Peak: Secrets from the New Science of Expertise* by Anders Ericsson and Robert Pool. Their findings are based on decades of field research and represent the way professionals and first responders such as nurses, firefighters, and military strategists, make decisions in dynamic situations. In other words, they took the science out of the lab and explored decision making in authentic settings. They discovered that decision making on the job is much more fluid than previously thought. See Figure 1.

Figure 1
A Decision Making Model



Scientists know more now about the way the unconscious works than ever before. Experiments show that most of our choices are usually implicit and that reasoning is less engaged than originally believed. Some say that reasoning actually confirms our gut feelings rather than informs us about new information so the idea in training is to improve judgment by overcoming the unconscious biases we all have.

When teaching, instructors should address how underlying belief systems (worldviews) can impact an officer's judgment. These belief systems, or worldviews, are the conscious and unconscious ways we all frame the environment, interpret events, and assign meaning to new information. On the job, poor decisions generally emerge from narrow worldviews, yet wider worldviews enable an officer to consider a greater range of workable options. How an individual mentally frames a situation is formed through a lifetime of experiences, events, and

influences so worldviews are very difficult to change in the classroom or during training. Patrol officers make decisions like the rest of us—quickly and intuitively—so training must match this reality. The idea is for officers to acquire *informed intuition* based on their training and past work experiences. Veteran officers will have experiences to call upon but recruits will need reality-based scenarios, as guided by the instructors, to start them along.

Instructors should make sure the students recognize how implicit thinking shapes, or frames, situations and events. For example, if an officer does not know how trauma can influence memory and recall the statements of a sexual assault or domestic violence victim may not make sense at the scene. Officers should not second guess themselves all the time but snap decisions can lead to biased policing practices.

Instructors should have conversations with the students that address their subconscious attitudes and beliefs. Understanding that we all have biases is the first step in overcoming those biases. Sometimes intuitive thinking can lead an officer astray so it is best to use reasoning whenever possible. Instructors should encourage the students to consider other worldviews and make them challenge their entrenched beliefs. We all have a strong tendency to only consider information that supports what we already believe, but learning occurs through interaction with ideas that are contrary to existing worldviews.

The MCOLES Basic Training Curriculum

Instructors should be creative in the classroom and bring major training objectives and sub-objectives to life through interactive teaching methods. Instructors are directed to the MCOLES website at www.michigan.gov/mcoles to locate the current basic training curriculum. Specific training objectives can be found using the bookmarks or using word-search.

The basic training curriculum is divided into six major functional areas, as displayed in Table 1. Also, see the training objective template on the following page. Two sample objectives were selected at random to display the general structure of the training objectives. Each major objective is accompanied by a set of sub-objectives that determine how the outcome can be achieved. The major objective is a behavioral outcome and the sub-objectives are the pathways to the objective. In training, instructors should address all the major objectives in a module. Notes and commentaries are provided to help along the way.

Table 1
Curriculum Functional Areas

Functional Area	Min. Hours	Percent
Administrative Time	31	5.2
Investigations (Legal Matters)	115	19.3
Patrol Procedures	65	11.0
Detention and Prosecution	15	2.6
Police Skills (Firearms, EVO, etc.)	265	44.6
Traffic	70	11.8
Special Operations	33	5.5
Total	594	100

The MCOLES website also contains instructor guides for the advisory in-service standards for veteran officers. The active duty firearms standard is a mandate. The instructor guides are useful when teaching experienced officers in topics such as Officer Safety, Emergency Vehicle Operations (EVO), Legal Update, The Response to Persons with Mental Disorders, Firearms, and Subject Control. The guides were all approved by the full Commission and are made available to trainers and administrators across the state.

Sample Training Objectives

At the conclusion of this module, the officer shall be able to…

I.D.1.6. Track a Person From a Scene.

Core Task from the JTA written as an observable outcome.

a. Tracks a person from scene by:

Worker requirements or competencies (*Use action verbs here*)

(1) locating the prints (e.g., footprints, snowmobile tracks);
(2) determining the person's direction of travel;
(3) following the prints while preserving them for identification; and
(4) looking for additional evidence (e.g., an object the person may have dropped).

Communicates all relevant information including the:
(1) location of suspect's tracks (e.g., by providing a description of landmarks);
(2) number of suspects (e.g., based on nature of prints); and
(3) size and nature of footprints (e.g., size, other characteristics, etc.).

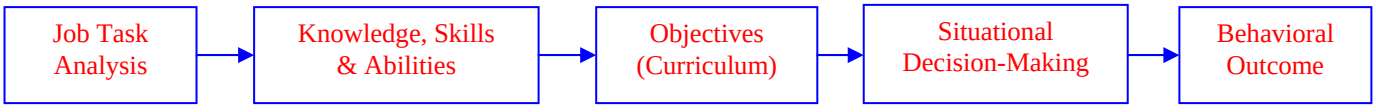
Knowledge, skills, abilities, and competencies to perform core task

At the conclusion of this module, the officer shall be able to…

I.D.1.7. Search For Persons Using Proper Techniques.

a. Describes person being sought to other officers, including information such as:
(1) name, sex, age, and height;
(2) weight, hair color, eye color;
(3) distinguishing features (e.g., marks, scars, limp);
(4) clothing description from head to foot;
(5) unusual behavioral characteristics (e.g., possible mental disorder);
(6) reason person is wanted (including reasons for using additional caution);
(7) direction of travel or area last seen; and
(8) vehicle description.

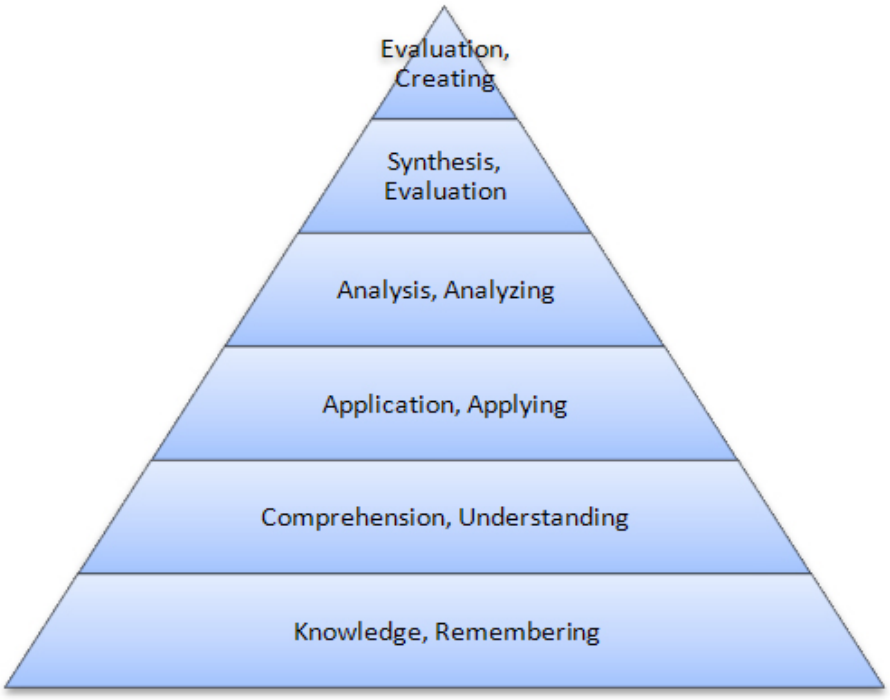
Students must understand how their underlying beliefs, critical thinking, and intuition affect decision making on the job. Impartial policing practices can be acquired through interactive learning methods.



Principles of Interactive Learning

MCOLES believes the best way to improve judgment is to use interactive learning methods in the classroom. Bloom (*Taxonomy of Educational Objectives*) defines this higher level thinking as: a) analysis, b) synthesis (organizing) and c) evaluation (assessment). See Figure 2.

Figure 2
Bloom's Taxonomy—Cognitive Domain



Source: Bloom's Taxonomy of Cognitive Learning, Center for Teaching Excellence, University of Maryland

Instructors may be uncertain how to proceed when first using interactive teaching methods. Therefore, a set of guiding principles is provided below to help instructors motivate the students and use creativity moving forward. Judgment and reasoning are abstract and conceptual, yet training for officers must be concrete and practical, which challenges instructors to experiment with a wide range of teaching and learning approaches in order to make content stick. Instructors start slowly with a few interactive teaching techniques and

then build expertise over time, using a step-by-step approach. The ultimate goal is to improve decision making on the job by widening underlying belief systems (worldviews) and creating informed intuition.

> The interactive learning principles listed below are adapted from the Facilitator Training Course Student Handbook, created by the Jefferson County Police Department, Louisville, Kentucky. Also, see *The Righteous Mind* by Jonathan Haidt, *Subliminal* by Leonard Mlodinow, and *Thinking, Fast and Slow* by Daniel Kahneman.

1. **Students must be partners in the learning experience.**
   The students can influence the direction of the training. Stay on-point with the objectives, but create buy-in and relevance.

2. **Students are capable of taking responsibility for their own learning.**
   Insert self-directed learning activities into your lesson plans and training methods.

3. **Students benefit from dialog so have a conversation with the class.**
   Reduce lecture time and have class discussions. Learning improves and lasts longer if new information is linked with existing information and past experiences.

4. **Students learn best when the content is useful to them.**
   Connect the training content with real job responsibilities and provide context. Make the training personal and create informed intuition.

5. **A student's attention span is a function of their interest in the experience.**
   Allow time to "process" the learning activities. Take breaks and pace your teaching.

6. **Students learn through conscious reflection.**
   Connect new information with existing information so real learning takes place. Have the students reflect on their past experiences and worldviews.

7. **Reasoning and intuition come together to form judgment.**
   Reasoning takes effort so force the students to analyze. Intuition is effortless but sometimes gut feelings can lead a person astray. Reasoning and intuition are not always in sync and don't work together as they should.

8. **Students will only consider information that supports what they already think.**
   Information is always filtered through the unconscious before reasoning kicks-in. Better decisions emerge from wider worldviews whereas narrow worldviews can lead to biases and prejudices so force the students to consider alternative viewpoints.

9. **Reasoning can improve through interaction with other students.**
Assign roles and develop openness during discussions even though students may resist such activities. Make sure entrenched beliefs are challenged by others.

10. **The rate of forgetting starts immediately after learning.**
Students usually forget what they learn within a short time so repeat ideas to overcome "rapid forgetting." Present information at intervals so the main ideas are covered.

11. **Learning is aided by active practice rather than passive reception.**
Performance is the demonstration of competency. Practice and feedback lead to expertise. Deliberate practice sharpens mechanical skills and procedural practice through reality-based scenarios improves decision making.

12. **Decisions are based almost entirely on past experiences.**
Immediate and meaningful feedback is necessary so students interpret their experiences accurately. Lay the groundwork so the students learn from their experiences on the job. Immediate feedback is essential.

Problem-Based Learning

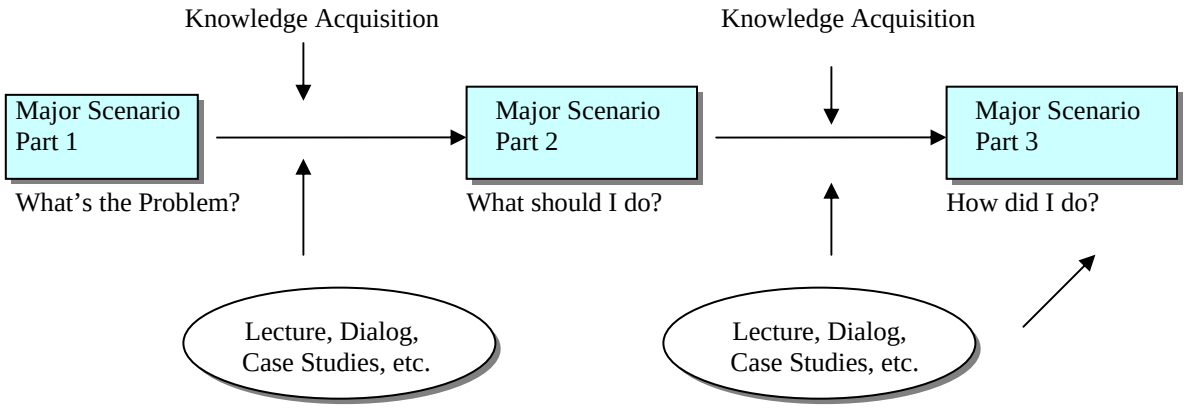
Problem-based learning (PBL) is an interactive learning approach intended to improve decision making by guiding the participants through real world situations in order to acquire knowledge. MCOLES encourages instructors to adapt PBL into their lesson plans. In that way, students can learn new things *and* improve decision making at the same time.

Instructors should think of PBL as an expanded version of the case-study, which creates curiosity by closing the gap between what the students know and what they need to know. In basic training, the recruits can begin to acquire experience by solving real problems and participating in reality-based scenarios. For veteran officers, trainers need to focus on entrenched belief systems so they can be widened if necessary.

Figure 3 displays a PBL model. It is taken from the Royal Canadian Mounted Police (RCMP). This is one approach to interactive learning that gets at the heart of decision making. The idea is to divide a single scenario or case study into three main parts and then

insert learning activities between each part. The model calls for each part of the scenario to be presented to the class in sequence and the exercise can unfold over several days of training.

Figure 3:
The Canadian PBL Model (RCMP)



Learning activities provide a variety of ways to acquire knowledge and can include conventional lectures, PowerPoint presentations, writing assignments, articulation exercises, research assignments, group activities, class discussions, role-plays, and so on. In a traditional training environment a reality-based scenario is presented after learning new information but in the PBL world the scenario introduces the training content and provides the necessary context and buy-in. Instructors should use the MCOLES curriculum and training objectives as a guide when designing the scenarios. At the end of the day, the students must be taught the objectives and sub-objectives in the module.

Instructors should create scenarios that are authentic, open-ended, and contain unknowns yet lead to several acceptable resolutions. Using a scenario that has one, and only one, solution should be avoided because it will oversimplify procedures and may produce a

reliance on scripted responses. Real life examples help the participants focus on meaning, so be sure to select fact patterns that reflect contemporary policing issues.

Professor John Medina, author of *Brain Rules,* believes that long term memory works best when the training is connected to emotions, so instructors should "personalize" the training by making it in the students' self-interest to learn. Situations should be based on actual encounters on the job and training should tap into the intuitive nature of decision making. PBL requires the students to resolve problems and then reflect on their learning and understanding. Instructors should ensure the students analyze and evaluate situations and identify practical solutions moving forward. In class, instructors should speak to both System 1 and System 2 and emphasize the intuitive nature of choice once on the job.

To keep the discussions free flowing, and the case studies meaningful, instructors should consider the list of sample questions below. The items can be used as a guide during case studies, situational debriefs, table-top exercises, reality-based scenarios, and so on. The prompts are intended to keep the students on-task and the dialog moving.

Sample Prompts For Critical Thinking Exercises:

- Knowing best practices explain what you would do in this situation and why.
- Based on your real life experiences, what do you think the right and reasonable thing to do in this situation? Provide a rationale.
- Identify the two or three most important issues that are involved in the scenario.
- Why did you select a particular resolution to this situation?
- Write a descriptive memo that analyzes the situation.
- Select one word that describes this situation—then, explain why you chose that word.
- What basic principles would you use to solve this problem?
- To what extent does this situation match what you have done in the past?
- What does your intuition tell you to do? Why?

Sample Prompts For Problem Identification Exercises**:**

- Who is involved and who are the stakeholders?
- What seems to be the problem?
- What skills and knowledge that you previously learned or experienced would help now?

- What new skills and knowledge do you need?
- What does this situation make you think about?
- How does this problem make you feel?
- Identify the issues and make a list.
- Identify needed sources of information.
- Identify potential partners in the community who can help.
- Does the problem have several components? How would you break them out?
- How would you frame this problem?

Sample Prompts For Problem Solving Exercises:

- What additional skills and abilities are needed to handle the situation?
- What immediate information is needed?
- Who can help with the immediate solution?
- What do your experiences tell you about what will work here?
- What steps have you taken in the past?
- Do you have the legal authority to act?
- Shape a specific response to a specific issue in the scenario.
- What skills and knowledge would assist the subsequent investigation?
- What pieces of evidence would be useful in court?
- Should an arrest be made?
- What pieces of information help determine probable cause?
- Is the individual in the scenario committing a criminal offense?
- How can the officers provide service?
- What resource materials can help?
- What is required by agency policies or state statutes?

Decision Making Under Stress

It is important for the students to *demonstrate* acquired skills under stress. Instructors should design reality-based training exercises that require the students to use technical skills over and over in a stressful environment so certain tactics become habitual. Students should be provided with a variety of situations and be de-briefed thoroughly afterward. Some refer to this type of training as "stress inoculation" which is based on practice, rehearsal, and immediate feedback. Too much stress can be counterproductive so just the right balance must be maintained.

Further, instructors should think for a moment about the role *time* plays in making decisions. Field practitioners and researchers believe that decision making can be improved by essentially slowing down the perception of time. In that way the situation itself seems to unfold at a slower pace, giving an officer the ability to think more clearly and weigh workable alternatives. In other words, through training officers have the potential to switch a situation from reflexive decision making to reflective decision making so incidents do not spiral out of control. Using tactics to change a situation from a split-second time frame to a more reasonable time frame allows the officer to get a proper "read" of behavioral cues so better decisions can be made moving forward. One cannot really slow time down, of course, but instructors can change an officer's perception of time by teaching him or her to use sound tactical approaches, particularly as the encounter begins to unfold, which leads to improved performance.

Situations do not need to reach the level of "quick decision making" if officers perform as trained. James Fyfe, former head of training at the New York Police Department, is quoted in *Blink* by Malcolm Gladwell. Fyfe says, "If you have to rely on your reflexes, someone is going to get hurt—and get hurt unnecessarily. If you take advantage of intelligence and cover, you will almost never have to make an instinctive decision." Although officers cannot eliminate high risk encounters entirely they can perhaps avoid them by using sound safety tactics. What an officer does before an encounter is as important as what he or she does during and after the encounter. From a training perspective, rehearsal, practice, and preparation are the keys to success.

A Quick Reference Guide for Interactive Learning

Examine the chart on the following page. It summarizes a variety of classroom teaching methods that can help create an interactive learning environment. Ultimately, MCOLES will rely on the individual creativity of the instructors to determine what will work best depending on the learning environment and audience. What works also depends on the nature and extent of the interaction with the students. Instructors should have a conversation with students and use the instructor notes and commentaries for guidance and direction.

Training for veteran officers should look different than recruit training because the instructor has an opportunity to bring meaning to past experiences. Some mechanical skills deteriorate over time and will need practice but at the end of the day trainers need to assist officers to derive real meaning from their past experiences. For recruit officers, their experiences will consist of performance in reality-based scenarios but the guidance you can provide will start them along their professional paths to success. In the end law enforcement training, regardless if it takes place at the recruit level or the active duty level, must be evidence-based, remain contemporary, and accurately reflect the profession as it exists today.

METHOD	THE PARTICIPANT SHALL…..
Table-Top Scenarios	Identify a problem, determine resolutions, evaluate outcomes
Focus Statements	Generate statements or ideas that describe a single issue or problem
Concept Mapping	Identify the relationships among concepts or ideas of a single issue
Writing	Complete an offense report or write a brief position paper
Articulating	Present thoughts or articulate ideas to the full class or to small groups
Walk and Talk	Identify a partner and walk while discussing an issue
Case De-Briefing	Evaluate the merits of a court decision or the actions of responders
Case Study	Identify solutions to new problems by examining or adapting old solutions
Policy & Procedure	Create or evaluate an agency P&P based on a situation or incident
Pro and Con Exercise	Recognize competing or alternative sides of an issue
Categorizing Grid	Find out "what goes with what" conceptually
Analytic Memos	Write about an issue or situation and evaluate outcomes
One-Sentence Summaries	Summarize an issue with a single, informative, grammatical sentence
Journaling	Identify one word to describe and issue and write a rationale for the choice
Three-Part Scenarios	Identify the problem, decide on resolutions, and evaluate actions
Vignettes	Identify problems and solutions based on short fact patterns
Panel Discussions	Listen to content experts discuss a case or situation from their perspectives
Video Tape De-Briefs	Study videotaped scenarios, 9-11 calls, offenders talking, victims talking, etc.
Reality-Based Scenarios	Perform in a scenario with role players
Moot Court Exercise	Testify on the witness stand regarding the facts or actions taken
Role Reversal	Assume another discipline and evaluate a situation from that perspective
Skills Demonstration	Demonstrate a skill by performing it (driving, firearms, etc)
Expert portrayals	Discuss the actions of experienced practitioners to learn alternative solutions
Ethical Dilemmas	Evaluate ethical issues embedded in a situation or fact pattern
Performance De-Briefs	Discuss "emotional intelligence" after performance in a role-play scenario
What-If…	Determine alternative resolutions to constantly changing fact patterns
WIIFM	Consider "What's In It For Me" to create a buy-in and relevance.