Office of the New York State Attorney General Letitia James

Office of Special Investigation

November 8, 2024

Report on the Investigation into the Death of Sofia Gomez Aguilon

SUMMARY

Governor's Executive Order 147, effective July 8, 2015, through March 31, 2021, required the New York Attorney General to investigate and, if warranted, to prosecute offenses arising from any incident in which the death of an unarmed person was caused by a police officer. (Executive Order 147 has been superseded by New York Executive Law Section 70-b.) When the Attorney General did not seek charges, Executive Order 147 required that the Attorney General issue a report. This is the report of the investigation conducted by the Attorney General, through her Office of Special Investigation (OSI), into the death of Sofia Gomez Aguilon, which was caused by Police Officer Ceasar Munoz, a member of Highway District 1 of the New York City Police Department (NYPD).

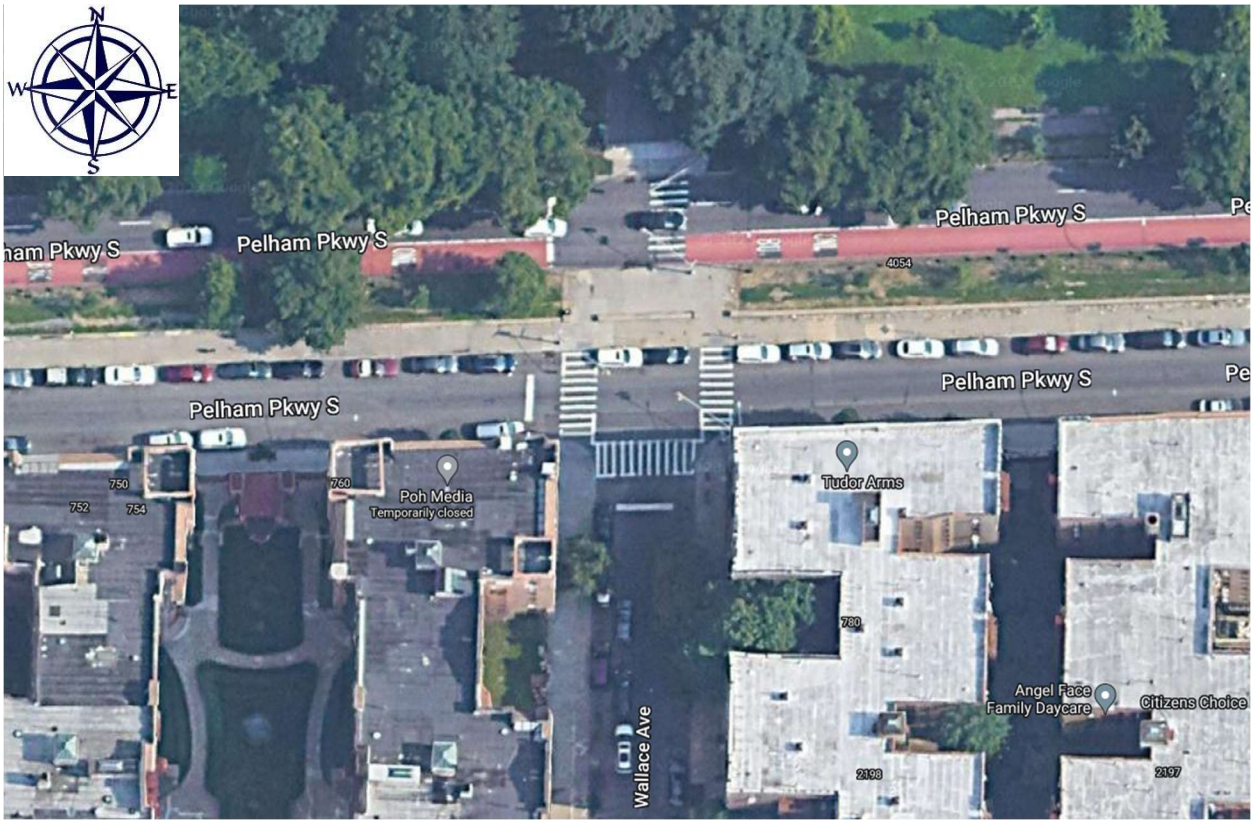
On October 5, 2020, at 3:23 p.m. in Bronx County, Officer Munoz began driving to the Throgs Neck Bridge, from Highway 1's barracks in the Bronx, in response to a call for "officer in need of additional units." Officer Munoz had his sirens and turret lights activated. As he drove, at 3:24 p.m., he heard a radio transmission over the Highway frequency of "shots fired" (though investigation indicates the transmission might not have been made by a member of law enforcement). As Officer Munoz drove eastbound on Pelham Parkway South, he approached the intersection with Wallace Avenue at more than 60 mph and went through a standing red light. At that moment, Ms. Gomez was crossing Pelham Parkway South in the crosswalk. As Officer Munoz entered the intersection he struck Ms. Gomez. She was taken to Jacobi Medical Center in grave condition and declared dead on October 8, 2020.

Having thoroughly investigated the matter and analyzed the law, OSI will not seek charges against Officer Munoz, concluding that a prosecutor would not be able to prove beyond a reasonable doubt that Officer Munoz committed a crime when he caused Ms. Gomez's death.

FACTS

Pelham Parkway South and Wallace Avenue

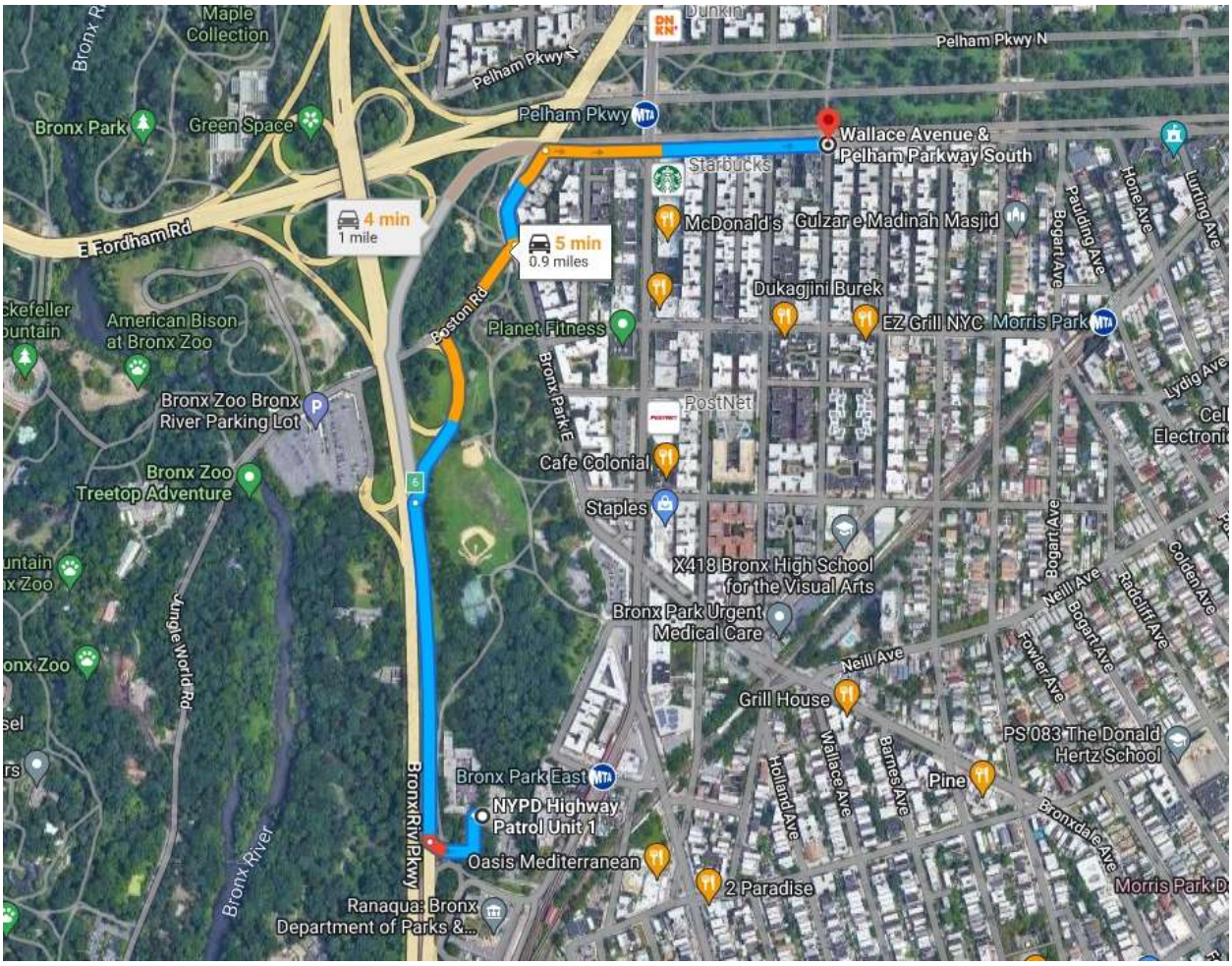
Pelham Parkway South had four travel lanes going eastbound. Three main driving lanes, left, center, and right, the right being bus-only, on the north side of a median, and a one-lane service road on the south side of the median. The posted speed limit on Pelham Parkway South in the vicinity of Wallace Avenue was 30 miles per hour (mph). The intersection had overhead traffic signals and pedestrian signals.



Aerial view of intersection at Pelham Parkway South and Wallace Avenue, from [Google Maps, Pelham Parkway South and Wallace Avenue](#).

Pre-Collision

Police Officer Ceasar Munoz became employed by the NYPD in 2010 and was assigned to Highway 1 at the time of the incident. OSI's review of the dispatch records shows that on October 5, 2020, at 3:20 p.m., Detective Charlie Viera, assigned to Highway 3, transmitted a "10-85" (officer in need of additional units) over the Highway radio frequency to ask for assistance in arresting a motorist on the Throgs Neck Bridge. Officer Munoz, in uniform and driving a marked police car, responded by leaving the Highway 1 barracks and traveling toward the Throgs Neck Bridge. His travel route is shown below.



Aerial view of the path Officer Munoz took from Highway 1 barracks to the intersection at Pelham Parkway South and Wallace Avenue, from Google Maps, direction from Highway 1 to Pelham Parkway South and Wallace Avenue.

Officer Munoz's police car was equipped with a dashboard camera (dashcam) that recorded video, and the recording shows the time of the events and how fast his vehicle was traveling. The dashcam recording showed that at 3:23:01 p.m. he left the Highway 1 parking lot and traveled northbound on the Bronx River Parkway to Exit 6, Boston Road.

The dashcam showed that Officer Munoz had a steady green light when he turned right onto Boston Road and crossed Bronx Park East at 3:23:59 p.m. OSI's review of the records from dispatch and recorded police radio transmissions shows that at 3:24:00 p.m., a transmission of "shots fired"[1] was broadcast over the Highway frequency; at that time the dashcam showed

[1] OSI interviewed an NYPD tapes and records department representative, who said the transmission for "shots fired" could not be attributed to anyone in law enforcement. The Improved Computer-Aided Dispatch (ICAD) sprint reports (automated records of radio transmissions) did not designate the source of the transmission, and the audio recording did not contain a distinctive "chirp" sound that should be heard after each radio transmission from a law enforcement source. See Exhibit 1 for Tape Room Lab Report.

Officer Munoz driving on Boston Road at speeds from 18 to 33 mph. Officer Munoz, travelling at 18 mph, made a right turn from Boston Road onto Pelham Parkway South, through a steady red light, crossing an intersection with no pedestrians in the crosswalk, as shown below.

Still from Officer Munoz's dashcam showing the turn from Boston Road to Pelham Parkway South.

Officer Munoz drove on the main driving lanes of Pelham Parkway South, gradually increasing his speed and entering the bus lane, as shown below.

At the intersection of White Plains Road, where pedestrians were crossing, Officer Munoz drove through a steady red light as he slowed down to 33 mph, as shown in the photo below.

After the intersection at White Plains Road, Pelham Parkway South was a clear straight, roadway. The posted speed limit on this section of Pelham Parkway South was 30 mph. As he approached the intersection at Wallace Avenue, Officer Munoz reached 65 mph, as shown below.

As Officer Munoz approached the intersection at Wallace Avenue, with lights and sirens activated, he drove in the bus lane, the rightmost of the three lanes, because cars were stopped at the red light in the left and center lanes. The dashcam showed that Officer Munoz's view of the left and center lanes of the crosswalk was obstructed by the cars stopped at the red light.[2]

OSI reviewed dashcam footage from a civilian's vehicle which was stopped at the red light in the left lane of Pelham Parkway South at Wallace Avenue. The footage showed Ms. Gomez walking south in the crosswalk from the northeast corner of Pelham Parkway South and Wallace Avenue.

Aerial view of the intersection of Pelham Parkway South and Wallace Avenue. The arrow indicates the direction Ms. Gomez was walking.

[2] According to a report done for OSI by John Kwasnoski, a collision reconstruction expert, the dashcam had a slightly better view of the crosswalk than the driver because it was located on the dashboard to the right of the driver.

Still from civilian dashcam showing Ms. Gomez crossing Pelham Parkway South.

The Collision

The civilian dashcam, which showed Ms. Gomez walking from left to right across Pelham Parkway South, showed that she began to run immediately before the collision.[3]

Still from civilian dashcam showing Ms. Gomez beginning to run.

[3] The civilian's dashcam can be viewed here. The audios of all dashcams are part of the original footages.

Officer Munoz's dashcam showed that he passed the cars stopped at the red light and entered the intersection against the light at 58 mph. Ms. Gomez was crossing in the crosswalk directly in front of him from left to right, and he struck her at 58 mph. Less than a second passed from the moment Ms. Gomez appeared in the dashcam (at 3:24:28 p.m.) to the moment of impact (at 3:24:29 p.m.), as shown in the two photos below.[4] The dashcam showed that Officer Munoz veered to the left in the moment before the impact.

Still from Officer Munoz's dashcam from 3:24:28 p.m. showing Ms. Gomez in the crosswalk.

[4] Officer Munoz's dashcam can be viewed here.

Still from Officer Munoz's dashcam from 3:24:29 p.m. showing his car hitting Ms. Gomez.

Security video from the southeast corner of Pelham Parkway South and Wallace Avenue showed that Officer Munoz got out of his car and rendered aid to Ms. Gomez after the collision. At 3:25 p.m., Officer Munoz transmitted the first of three requests for an ambulance. Officer Munoz's dashcam showed that FDNY EMS arrived at 3:31 p.m. and assumed care of Ms. Gomez. EMS transported her to Jacobi Medical Center where she was pronounced dead on October 8, 2020.

Witness Interviews

GL[5]

GL said he was near Wallace Avenue and Pelham Parkway South, playing chess, when he heard police sirens. GL said he looked up and saw a police car two blocks down Pelham Parkway South with its lights and sirens on. GL said he continued playing chess and heard a loud crash. He did not see Ms. Gomez before the crash. He saw her on the ground afterwards.

KH

KH said he and his friends, TM and DN, were walking on the grassy median on Pelham Parkway South heading west against the flow of traffic when he saw the police car with its lights and sirens on. KH said the police car was driving "pretty fast," more than 40 mph. He

[5] OSI identifies civilian witnesses by their initials.

thought the police car, in the bus lane, probably could not see the woman crossing the street. KH said the woman appeared to notice the police car, "stutter step," then try to run across the intersection. KH said the officer went over to Ms. Gomez to render aid immediately. KH called 911 and gave the address of the incident.

DN

DN said he and his friends, KH and TM, were on the grassy median walking toward White Plains Road on Pelham Parkway South when he saw a woman crossing the street at the intersection of Wallace Avenue and Pelham Parkway South. He told OSI he remembered hearing sirens blaring and he saw her crossing the street and she seemed to stumble backwards for a minute before the police car hit her. DN said he saw the police car coming down the street and heard the sirens long before it struck Ms. Gomez. He saw the officer put the vehicle in reverse, park it in the left lane, and run to check on her. The woman appeared unresponsive, and the officer called for an ambulance. The officer administered cardiopulmonary resuscitation (CPR).

YB

YB, an off-duty dispatcher for EMS, said she was on her way home from work and getting off a city bus when she saw Officer Munoz drive by with his lights and sirens on. She told OSI she did not see the collision but, as she walked down Pelham Parkway South, she stopped when she saw a police officer administering CPR to a pedestrian in the street. YB called 911 to request medical assistance. She did not see an ambulance on scene. She asked if an ambulance had already been called, and she called the dispatcher in her office to make sure that they had the correct location.

KW

KW said she had been a nurse for 24 years and, though she did not see the collision, she was driving on Pelham Parkway South when the officer passed her car with his lights and sirens on. She told OSI she thought the officer was driving safely. She said the traffic began to back up and then, after a few minutes, the cars began to move. KW said she saw a man giving chest compressions to a woman, but she did not know he was a police officer when she first saw him. KW pulled over and asked the man if he needed help. KW could not find Ms. Gomez's pulse and she heard a very light heartbeat, but her pupils were not reacting. KW checked on the officer as well because she thought he was extremely upset. He told her that he had hit Ms. Gomez while trying to respond to an emergency on the Throgs Neck Bridge.

Officer Ceasar Munoz's Interview

OSI interviewed Officer Munoz in the presence of his attorney, and he said that on October 5, 2020, he reported for traffic court at 1:00 p.m. and then went on solo patrol. He heard a call over the Highway frequency for an officer in need of additional units on the Throgs Neck Bridge heading towards Bronx County. The officer who needed backup was another Highway officer who he assumed was also working alone, because all Highway officers work without a partner during day shifts. The radio transmission was upgraded from a 10-13, which means "officer needs assistance," to a 10-85, which means "additional units needed." Officer Munoz told OSI he thought he needed to get there right away because the Highway officers cover a wide area, and he thought it was likely that this officer had no backup nearby. Officer Munoz said he drove northbound on the Bronx River Parkway, exited on Boston Road to take Pelham Parkway South straight down. In his estimation this was the fastest route because of traffic. He had his lights and sirens activated the entire time. Officer Munoz could hear in the background of the call for assistance someone yelling, "shoot me." Officer Munoz told OSI that while en route he heard a radio transmission of "shots fired, shots fired," and sped up, as he felt this was an extremely urgent call and feared the worst. Officer Munoz heard other officers broadcasting that they were responding as well, but Officer Munoz thought he would arrive first considering the traffic and the locations of nearby precincts.

As he approached Wallace Avenue, he said the light was red. Officer Munoz said that the procedure to follow at a red light is to proceed with caution and to "stop, look, and listen." Officer Munoz said he did not slow down enough at the red light. He said he looked both ways and saw a clear stretch of roadway. He did not see Ms. Gomez because two lanes of cars were obstructing the view of the left side of the cross walk. Officer Munoz said, "The first time I saw her was basically when I hit her," and, "It was like she came out of nowhere." He said he slammed on his brakes and steered to the left, but it was too late. He immediately got out of his car and began CPR until an ambulance arrived.

Medical Treatment and Autopsy

Medical Response On-Scene

According to the Prehospital Care Report (PCR), the New York City Fire Department (FDNY) Emergency Medical Services (EMS) unit # 82J3 responded to the collision at 3:32:07 p.m. FDNY Emergency Medical Technicians (EMTs) Vicente Pinargote and Ileene Laboy observed that Ms. Gomez was in critical condition in traumatic cardiac arrest with no pulse. She had facial lacerations and was not responsive during transport and the EMTs continued CPR on Ms. Gomez for the duration of the transport to Jacobi Medical Center, where they transferred medical care to emergency room staff.

Jacobi Medical Center

According to Jacobi Medical Center records, Ms. Gomez arrived at the hospital at 3:57 p.m. with bleeding from the back of her head, a displaced right hip, a broken right leg, severe brain and spinal injuries, and no pulse. Ms. Gomez had signs of life on the cardiac monitor and doctors performed a left thoracotomy[6] to repair her heart and inner organs in the surgical intensive care unit (SICU). Ms. Gomez remained unconscious and intubated in the SICU until she was declared dead on October 8, 2020, at 6 p.m. by Dr. D. Roxanne Todor.

Autopsy

Dr. Kristen Landi of the Office of Chief Medical Examiner (OCME) performed the autopsy of Ms. Gomez on October 13, 2020. OSI reviewed the autopsy report and interviewed Dr. Landi. The autopsy report said the cause of death was "blunt force trauma" and that the manner of death was "accident." The report noted that Ms. Gomez was 58 inches tall (four feet, ten inches), which may have affected Officer Munoz's ability to see her as he approached the intersection. In an interview with OSI, Dr. Landi said Ms. Gomez suffered severe injuries, including a major spinal cord injury, which Dr. Landi called an internal decapitation.

Post Collision Investigation

NYPD

The NYPD Highway District patrols the city's highways and maintains traffic safety. In addition to other responsibilities, Highway responds to car collisions on highways, conducts investigations for collisions that result in death, and conducts sobriety tests. If someone dies or is critically injured in a collision, the Highway District's Collision Technician Group (CTG) and Collision Investigation Squad (CIS) are assigned to investigate. According to the Improved Computer-Aided Dispatch (ICAD) report, a sergeant from Highway 1 requested CIS response to the scene of the collision at 3:30 p.m. and CIS arrived at 3:48 p.m. CTG officers photographed the car Officer Munoz was operating, which showed right-side hood and front-end damage as shown below.

[6] A surgical procedure in which a cut is made between the ribs to reach the organs in the chest area.

Police Officer Long of CTG examined the car and noted that the brake pedal pressure was good, the front windshield was intact, and the taillights, brake lights, and windshield wipers were in working order. Officer Long further noted that the weather was "clear," and the lighting conditions were "daylight," and the road condition was "dry."[7]

OSI reviewed the Crash Data Retrieval (CDR) download for the car's Event Data Recorder (EDR), which showed that the car's EDR was not triggered by the impact with Ms. Gomez.[8]

Officer Munoz was administered a Preliminary Breath Test (PBT)[9] at 5:35 p.m. in Jacobi Medical Center by Police Officer Mohammed of CTG to determine his blood alcohol content. The result of the PBT was 0.000.[10] Officer Mohammed noted in the standardized field sobriety test form, "no sign of impairment at time of observation."

[7] See Exhibit 2 for Collision Technician Motor Vehicle Collision and Mechanism Report.
[8] An EDR records data, including accelerator use, brake use, and steering, for a number of seconds before, during, and after a crash; not all impacts are strong enough to trigger the EDR to preserve data. https://www.nhtsa.gov/research-data/event-data-recorder.
[9] The PBT is a portable handheld blood alcohol test.
[10] See Exhibit 3 for PBT results.

Discipline of Officer Munoz

On March 14, 2022, the NYPD Force Investigation Division (FID) Review Board held a meeting and concluded that the incident was "outside of department guidelines" and recommended that charges and specifications be brought against Officer Munoz. On August 14, 2023, Officer Munoz entered into a post-trial negotiated settlement of a thirty-day suspension, forfeiture of all accrued vacation time and leave balances, one year dismissal probation, and the immediate filing for vested interest retirement. As a result, Office Munoz is no longer employed by the NYPD.

NYPD Driving Policies and Training

Officer Munoz Qualifications

According to his NYPD course transcript, as part of the Recruit Academic Program, Officer Munoz completed the emergency vehicle operation course on July 6, 2010. Later, as part of his qualification as a member of Highway, he completed the Highway District Advanced RMP Operation course on March 11, 2016, and received Highway annual training on March 27, 2017, and April 20, 2018.

Driver Education Training Unit (DETU)

OSI interviewed DETU Curriculum Coordinator Officer William High who told OSI that DETU trains new recruits over the course of four days, including classroom and field instruction on how to drive an RMP. Officer High said the DETU educates recruits on NYPD Patrol Guide Directives and provides recruits with a guideline for best practices on adhering to the directives.

The DETU training includes the Emergency Vehicle Operator Course (EVOC), which teaches first responders to safely operate an emergency vehicle. Recruits are trained to exercise caution when approaching an intersection by approaching slowly and looking both ways for vehicular and pedestrian traffic. Recruits are trained to stop at red lights and "clear" each lane of the intersection before proceeding. According to Officer High, DETU also teaches that Vehicle & Traffic Law (VTL) 1104 dictates that police officers can drive in any manner that is necessary in case of an emergency, as long as they do so with "due care." Officer High said recruits are trained to activate the car's lights and siren during emergency responses. According to Officer High, once a response is deemed an emergency the response is the same; there are not varying levels of responses based on the type of emergency.

Officer High was shown Officer Munoz's dashcam from October 5, 2020, and said Officer Munoz did not violate department guidelines or directives when he was speeding in a bus lane through a red light at the intersection of Pelham Parkway South and Wallace Avenue. Officer High said speeding, driving in a bus lane, and driving through a red light were all permissible

under the VTL because Officer Munoz was responding to an emergency of an officer in need of assistance and had received a radio transmission for shots fired.

Officer High said, "best practice," dictates that an operator of an emergency vehicle should either come to a stop at a red light or slow down more than Officer Munoz did, but there are multiple factors that go into the decision-making process of an officer responding to an emergency. Office High said that even though Officer Munoz's conduct may not have been best practice, it did not violate his NYPD training from EVOC.

Patrol Guide and DETU Training Materials

OSI reviewed NYPD directives and DETU training materials from 2010[11] related to police vehicle operation. NYPD Patrol Guide 202-02, "Radio Motor Patrol [RMP] Operator," says an RMP operator should "Operate car in manner to avoid injury to person or damage to property; Drive at slow rate of speed except under exceptional circumstances or extreme emergency."

The 2010 emergency driving lesson plan states in part:

II. Emergency Driving

- All states give some limited exemption from certain traffic laws.
- Law Enforcement driving carries risk of injury to self and/or others.
- Police officers must drive with a balance between safety on roadways versus protecting and/or catching criminals or emergency services.

EMERGENCY EXEMPTION STATUTES:

1. Two most common categories
    - Pursuit of violator(s)
    - Call for Service
2. According to the New York State Vehicle & Traffic Law Section 1104
    a) Must be authorized and equipped with specific lights and sirens.
    b) Allowed to disregard parking, speed, stop and directional signs along with speed limits and lane markings.

[11] This is the year when Officer Munoz received his EVOC training.

3. Must be responding to an emergency or in pursuit of an actual or suspected violator.

4. Right of way requires both lights and sirens.

5. Drive with due regard for the safety of others.

    a) Don't endanger life or property.

    b) Slow down as necessary for safe operation: i.e. Red Light, Stop Sign, Yield Sign etc.

    c) Even if warning devices are used, reckless driving may make driver liable for any collision or injury.[12]

Highway District Advanced RMP Operation Training

OSI interviewed Police Officer Derrick Poy, Curriculum Coordinator Officer at Highway District, who said that Highway District Advanced RMP Operation training is administered to officers who are assigned to the Highway District, which includes Highway 1. The training consists of a one-to-two-month course to train officers on how to maneuver vehicles at a high rate of speed followed by a three-day evaluation. The course includes classroom instruction on safety, emphasizing that a responding officer must get to their destination safely without falling victim to "pursuit syndrome" or being overly focused on the destination and therefore disregarding best practices and road safety. There is also field training to get the officer familiar with Highway vehicles, high speed maneuvering, defensive braking, and evading. Officer Poy said officers at the Highway training are taught to stop at a red light even in cases of an emergency.

Officer Poy was shown Officer Munoz's dashcam from October 5, 2020, and said Officer Munoz violated the Highway District training because he was going too fast at the intersection and should have stopped at the red light before proceeding. Officer Poy said pursuit syndrome may have affected Officer Munoz – that Officer Munoz probably had tunnel vision, focusing on getting to his destination so much that he failed to perceive safety risks, especially after he heard the radio transmission for "shots fired."

Highway District Advanced RMP Operation Training Manual

The 2016 Highway District Advanced RMP Operation Training Manual states in part:

H. Yield to Traffic Control Devices

[12] See Exhibit 4 for the 2010 Emergency Driving lesson plan.

Although you may be driving an emergency vehicle with flashing lights and blaring siren, you are not permitted to simply speed through a red light, or stop sign without regard for pedestrians or traffic.

1. You must stop and look 3 ways at a red light or stop sign.
2. You must slow down when the light is green.
    a. Be prepared to stop.
3. Don't "time" traffic lights.
    a. Others may be trying to "beat" the signal in their direction.
4. Be aware of other responding units at intersections.
    a. Numerous RMP to RMP collisions occur at intersections.
5. Unless extreme emergency, obey one-way street signs.
6. Be aware that some drivers don't care who you are and want to beat you through the intersection, even when emergency equipment is used.
7. Strong disciplinary action may be taken against MOS who are found at fault due to disobeying traffic devices.[13]

Experts retained by OSI

John Kwasnoski

OSI retained John Kwasnoski, a certified collision reconstructionist,[14] to assist in this investigation. Mr. Kwasnoski conducted an analysis based on time-distance-speed methodology to reach conclusions regarding whether this collision might have been avoided if the officer had been traveling at various hypothetical speeds. Dashcam from Officer Munoz's police car, other videos, witness statements, photographs, measurements, and diagrams, were provided to Mr. Kwasnoski for his analysis.

Mr. Kwasnoski first determined the "point of first possible perception of danger," (PFPP) which he defines as the "location of the police vehicle relative to the pedestrian when the pedestrian

[13] See Exhibit 5 for the 2016 Highway District Advanced RMP Operation Training Manual.

[14] A collision reconstructionist is an expert who has been trained and qualified to recreate the circumstances of a motor vehicle incident.

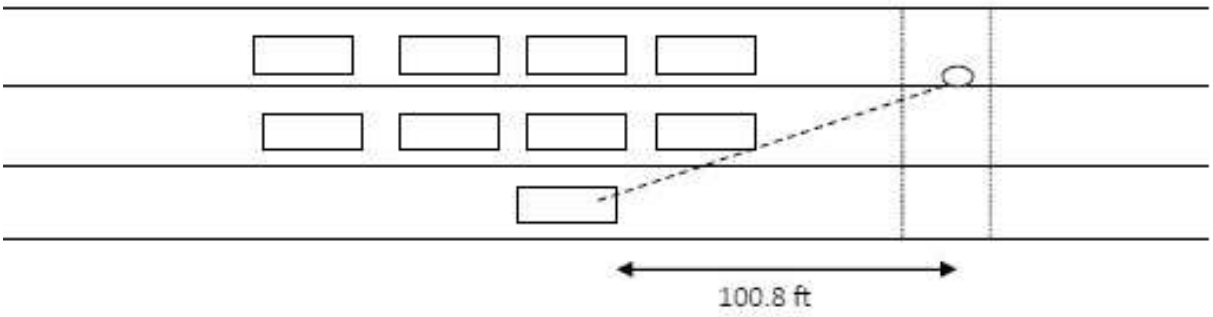
first visibly presented a danger crossing the street in front of the oncoming police vehicle (which had activated its blue lights and siren)," in order to establish the distance that was available to Officer Munoz to execute evasive action.

According to his review of Officer Munoz's dashcam, Ms. Gomez is first visible in the frame at time stamp 3:24:28 p.m., when the police car was traveling at 58 mph up to the point of impact, and Mr. Kwasnoski determined the time from the PFPP to the collision to be 1.3 seconds (39 video frames). The distance from the PFPP of Ms. Gomez to the collision was 100.8 feet, giving Officer Munoz 100.8 feet to respond.

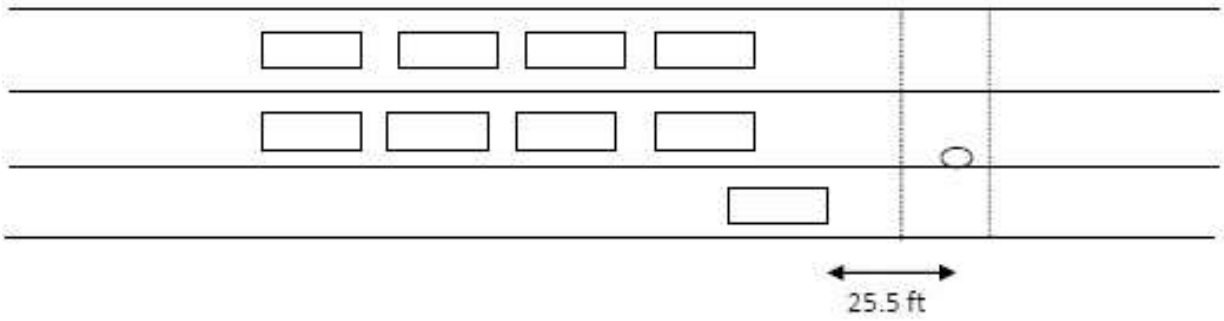
At the PFPP, Officer Munoz steered the vehicle to the left to avoid the collision at approximately 25.5 feet (9 video frames), and Mr. Kwasnoski concluded that Officer Munoz's perception-reaction time was 1 second. These calculations are illustrated below.

Illustration 1 NOT TO SCALE

NYPD vehicle at the PFPP – pedestrian first visible
(officer would have perceived a fraction of a second later
because the dash camera was located to the right of his eye)



NYPD vehicle the at end of perception-reaction time
(when he initiated a steering input)



Mr. Kwasnoski considered the following factors in his analysis:

- Officer Munoz had activated his lights and siren,
- The NYPD policy limits speed during a response to emergencies,
- The stopped traffic to his left obstructed his view,

- The dashcam recorded Ms. Gomez before Officer Munoz would have seen her because the dashcam was positioned to the right of the driver's seat,
- Mr. Kwasnoski opined that "The gait of the pedestrian (Ms. Gomez) indicated that the pedestrian was running across the street in the pedestrian crosswalk. This may have been in response to the siren of the approaching NYPD cruiser. It also appears that the pedestrian attempted to stop just before being struck, which was an unsuccessful attempt by the pedestrian to avoid being hit by the approaching vehicle,"
- Officer Munoz reacted after his PFPP by initiating a steering input to the left, in 1 second, and,
- Officer Munoz's evasive action after perceiving Ms. Gomez was consistent with his Emergency Vehicle Operation Course (EVOC) training.

Thus, with only 25.5 feet available to Officer Munoz to take evasive action after his perception-reaction time, Officer Munoz traveling at any speed greater than 35 mph would not have allowed his vehicle to stop in time before striking Ms. Gomez.

Richard Dee

OSI retained Richard Dee to assist in this investigation to opine whether or not Officer Munoz's conduct comported with the training he received in the NYPD. Mr. Dee was the Executive Officer of the NYPD Police Academy from 2014 to 2017 and Commanding Officer of the NYPD Recruit Training Section (CORTS) from 2018 to 2020. During his assignment as CORTS he supervised training at DETU. Mr. Dee was provided with materials from NYPD EVOC training from 2010 and Highway District Advanced RMP Operation Training from 2016,[15] the NYPD accident report, Officer Munoz's statement, and Officer Munoz's dashcam footage. After reviewing the evidence, Mr. Dee concluded that Officer Munoz's conduct comported with his training in certain respects and failed to comport with his training in certain respects, as follows:

Mr. Dee concluded that Officer Munoz's conduct comported with his training in that,

- He responded to the 10-13 and 10-85 calls for assistance,
- He drove with lights and sirens activated,
- He drove into the lane of oncoming traffic on Boston Road because NYPD training and VTL 1104 allow police officers to bypass traffic markers to respond to emergencies, and
- He drove in the bus lane because NYPD training and VTL 1104 allows police officers to drive outside regular traffic lanes to respond to emergencies.

[15] Mr. Dee did not have first-hand experience with the Highway District Advanced RMP Operation Training during his career at NYPD.

Mr. Dee concluded that Officer Munoz's conduct did not comport with his training in that,

- When he drove 65 mph, he went beyond what VTL 1104 permits and exceeded the "due regard" standard,[16]
- When he proceeded through the steady red light at 32 mph at White Plains Road he went against his training because numerous pedestrians were present, and
- When he proceeded through the steady red light at 58 mph at Wallace Avenue, though possibly permitted by VTL 1104, he went against his training because it was an active pedestrian crosswalk, his line of sight was blocked by vehicles stopped at the red light, his speed was too fast, and he did not stop or slow down enough to clear the intersection.

LEGAL ANALYSIS

To convict an officer for causing a death while responding to an emergency in his police car, OSI would need to prove beyond a reasonable doubt that the officer's actions were not protected by VTL 1104, and that the officer was guilty of a crime that requires the mental state of recklessness. A crime requiring only the mental state of criminal negligence would not be chargeable against an officer responding to an emergency, as long as the officer's conduct is enumerated in VTL 1104.

Under VTL 1104, "the driver of an authorized emergency vehicle, when involved in an emergency operation"[17] may "proceed past a steady red signal…but only after slowing down as may be necessary for safe operation," and the driver may "exceed the maximum speed limits so long as he does not endanger life or property." VTL 1104(e) states that "the foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others." See *Anderson v Commack Fire Dist.*, 39 NY3d 495, 498 (2023) (police officers responding to an emergency may disregard specific traffic laws "as long as specified safety precautions are observed and they do not act recklessly").

In *Saarinen v Kerr*, 84 NY2d 494 (1994), the Court of Appeals interpreted VTL 1104 to protect an officer from civil liability in cases of negligence.

> "[A] police officer's conduct in pursuing a suspected lawbreaker may not form the basis of civil liability to an injured bystander unless the officer acted in reckless disregard for the safety of others. This standard demands more than a showing of a

[16] None of the NYPD training materials specify any particular speed under VTL 1104.

[17] VTL Section 114-B defines "Emergency Operation" as "the operation…of an authorized emergency vehicle, when such vehicle is engaged in… pursuing an actual or suspected violator of the law, or responding to, or working or assisting at the scene of an accident, disaster, police call, alarm of fire, actual or potential release of hazardous materials or other emergency."

> lack of 'due care under the circumstances' – the showing typically associated with ordinary negligence claims. It requires evidence that 'the actor has intentionally done an act of an unreasonable character in disregard of a known or obvious risk that was so great as to make it highly probable that harm would follow' and has done so with conscious indifference to the outcome." *Saarinen* at 501.

The court pointed to the grim calculus of VTL 1104, permitting officers to go through red lights and to exceed speed limits, stating that these actions "will inevitably increase the risk of harm to innocent motorists and pedestrians." The court said limiting liability to cases of recklessness would be consistent with the legislative intent, as it would reduce "judicial second-guessing of the many split-second decisions that are made in the field under highly pressured conditions" and would reduce the risk that the threat of liability could "deter emergency personnel from acting decisively and taking calculated risks in order to save life or property." *Saarinen* at 502.

VTL 1104 by its terms is not stated to be a defense to crimes under the Penal Law, but OSI believes that courts would apply VTL 1104 to criminal cases, and that it would protect officers from liability in cases of criminal negligence. *See People v Emmi*, 146 Misc.2d 399 (Cayuga Co. Ct. 1990).

Proving Recklessness

Determining whether Officer Munoz recklessly disregarded the safety of others when he sped through a red traffic light is a "fact-specific inquiry" that balances "the precautionary measures taken by [Officer Munoz]," the degree of risk his actions posed to motorists and pedestrians, and the officer's "duty to respond to an urgent emergency situation." *Frezzell v City of New York*, 24 NY3d 213, 219 (2014).

Below are examples of factors courts have considered when balancing these competing interests:

> **Nature of the emergency.** *Allen v Town of Amherst*, 8 AD3d 996, 997 (4th Dept 2004): "Although all police officers in patrol vehicles responding to police calls are involved in an emergency operation within the meaning of Vehicle and Traffic Law…the nature of the call nevertheless is relevant in determining whether a responding officer's conduct was in reckless disregard for the safety of others."
>
> **Whether the officer's emergency lights and siren were activated.** *Regdos v City of Buffalo*, 132 AD3d 1343, 1343 (4th Dept 2015): "We conclude that the jury could have rationally determined that the combination of, inter alia, Officer Fera's excessive speed, her failure to activate the emergency lights and siren and slow down or brake as she approached plaintiff's vehicle from behind, plaintiff's timely and appropriate engagement of her left turn signal, and Officer Fera's attempt to pass plaintiff's vehicle

on the left on the wrong side of the street at a city intersection constituted 'reckless disregard for the safety of others.'"

Officer's speed and knowledge of prior incidents; the weather, traffic, and road conditions. *Flack v State*, 57 AD3d 1199, 1200-01 (3d Dept 2008): "Here, it is undisputed that it was raining heavily at the time of the accident, other cars on the road were traveling well under the speed limit, the road contained S-curves and knolls, and Kijowski knew that there recently had been other serious accidents caused by inappropriate speed in the area where this collision occurred. Additionally, while Kijowski testified that the reason he was chasing the speeding vehicle—which was traveling at 73 miles per hour—was that it posed a risk to the public based on the above conditions, he nevertheless pursued that car at a speed of over 80 miles per hour, a speed at which he had never driven on that road even under ideal conditions and a speed which he admitted posed a significant risk to the public. Under these circumstances, we find that Kijowski's conduct was reckless."

Officer's failure to slow down before intersection. *Connelly v City of Syracuse*, 103 AD3d 1242, 1242 (4th Dept 2013): "…issue of fact whether defendant officer acted with reckless disregard for the safety of others by entering a limited-visibility intersection controlled by a four-way stop sign shortly before midnight without slowing, stopping."

Officer's obstructed view. *Destino v State*, 203 AD3d 1598 (4th Dept 2022): "We conclude that the evidence at trial established that the trooper passed a stop sign and entered an intersection at a high rate of speed and directly into oncoming traffic without a siren or horn in a situation where there was 'almost no visibility' due to 'extreme' and '[v]ery dense' fog. Contrary to the State's contention, such circumstances support a determination that the trooper acted with reckless disregard for the safety of others."

Officer's violation of department policy. *Saarinen*, 84 NY2d 494, 503: "The characterization of the conduct McGown had observed is significant because the Village's own policy specifically provides that '[a] traffic infraction alone does not justify the risks of a high-speed pursuit.' A violation of this policy, if in fact it occurred, would be an important, although not dispositive, factor in determining whether McGown had acted recklessly."

Manslaughter in the Second Degree

Assuming OSI were able to prove beyond a reasonable doubt that Officer Munoz recklessly exercised his privilege to speed and drive through a red traffic light, it would still need to prove that Officer Munoz was guilty of a crime.

OSI believes it could not charge Officer Munoz with criminally negligent homicide because a court would likely find that VTL 1104 protects the officer from harmful conduct unless it is committed recklessly or intentionally. The criminal charge that requires recklessness is Manslaughter in the Second Degree, PL 125.15(1). A person is guilty of Manslaughter in the Second Degree when that person "recklessly causes the death of another person." There is no question that Officer Munoz caused the death of Ms. Gomez; the question is whether he did so recklessly, as defined in the Penal Law.

Under Penal Law Section (PL) 15.05(3), "A person acts recklessly with respect to a result [e.g., death] … when he is aware of and consciously disregards a substantial and unjustifiable risk that such result will occur…. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation."

To prove manslaughter, the prosecutor must show that Officer Munoz was aware of and consciously disregarded that proceeding through a red light at a high rate of speed, with lights and sirens activated, with minimal precautionary slowing, and without visibility to crossing traffic, created a substantial and unjustifiable risk of death, and that disregarding the risk was a gross deviation from the standard of conduct that a reasonable officer would have observed in the situation.

OSI's research has not found a case in New York in which a police officer was criminally charged for causing a death when responding to an emergency. In many cases involving civilian defendants, the evidence was that the defendant was intoxicated. *People v Williams*, 150 AD3d 1273, 1274 (2d Dept 2017) (defendant was intoxicated, fled from the police, and drove through an intersection at 80 mph when the light was likely red); *People v Briskin*, 125 AD3d 1113, 1120 (3d Dept 2015) (defendant was intoxicated and attempted to retrieve a GPS on the floor of the car and went through a stop sign without braking); *People v Walton*, 70 AD3d 871, 872 (2d Dept 2010) (defendant was intoxicated and racing a car on the highway when he lost control and crashed). There is no evidence that Officer Munoz was intoxicated, and there is no evidence that he was improperly distracted by cellphone use or otherwise prior to the crash.

OSI believes that it could not prove beyond a reasonable doubt that Officer Munoz committed reckless manslaughter. The investigation shows that Officer Munoz took some precautions before passing through the red traffic light at the intersection of Pelham Parkway South and Wallace Avenue. Dashcam footage shows Officer Munoz activated his emergency lights and sirens leaving Highway 1, which remained activated at the time of the collision. Officer Munoz was traveling in the bus lane on Pelham Parkway South headed towards Wallace Avenue and he was not aware Ms. Gomez was approaching the intersection and they were about to crash. When he did see Ms. Gomez, Officer Munoz braked hard and turned the wheel to avoid the collision. His dashcam shows that he was going 65 mph when he switched to the bus lane;

immediately before the impact he slowed to 58 mph and veered to the left. Given these precautionary measures OSI believes it would not be able to prove beyond a reasonable doubt that Officer Munoz committed Manslaughter in the Second Degree.

As a result, OSI will not seek charges against Officer Munoz and closes the matter with the issuance of this report.

RECOMMENDATIONS

OSI recommends that NYPD hold officers to the same standards as civilians and breath-test them as quickly as practicable after a serious motor vehicle collision.

Officer Munoz was not asked to take a portable breath test until nearly two hours after the collision. NYPD's Patrol Guide Section 217.06, "Department Vehicle Collisions," requires that, if a police officer is involved in a collision which results in death or serious physical injury, the patrol supervisor should administer the breath test if he is qualified to do so; if not qualified, the patrol supervisor should request a qualified Highway Unit officer to administer the PBT. Here, they did not administer a breath test to Officer Munoz until 5:35 p.m. at the hospital, almost two hours after the collision, even though other members of service responded to the scene of the collision and could have administered the test at that time.

In the state of New York about 30% of fatal car crashes are alcohol related. In accordance with NYPD's Patrol Guide section 217.02, "Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury," civilian drivers are breath-tested on scene close in time to the collision even if they do not exhibit signs of impairment or intoxication. This same standard should be applied to police officers involved in motor vehicle incidents, especially collisions that result in death.

Alcohol is metabolized in the body at an average rate of 0.015g/100mL/hour, which means the average person's blood alcohol level falls by 0.015 per hour. For men, this is a rate of about one standard drink per hour. Consequently, the delay of almost two hours in administering a PBT to Officer Munoz could have had a significant effect on the results of the testing.

OSI therefore recommends that all patrol supervisors be trained in the administration of the PBT and field sobriety tests so that any on-duty or off-duty police officer (or any civilian) involved in a motor vehicle collision can be tested on scene as soon as practicable to determine with greater accuracy whether they were operating a vehicle while impaired by alcohol.

OSI recommends NYPD heighten the security of their radio transmissions.

In this case, the radio run for "shots fired, shots fired" came from an unknown source. FID asked the NYPD Information Technology Bureau to investigate the source, but ITB could not identify it. OSI interviewed an NYPD Tapes and Records Department representative who said he could not identify a source because the iCad reports, which are transcriptions of the 911 calls and radio runs, were devoid of any identifier for that transmission. NYPD radio runs are not encrypted and can be hacked from outside sources. Therefore, OSI recommends that NYPD heighten radio run security to decrease the risk of outside transmissions affecting police investigations and emergency responses, as one transmission did in this case.

OSI recommends that the NYPD Driver Education Training Unit administer the Emergency Vehicle Operator Course more than once in a career.

According to Officer High, the EVOC training is only administered one time to a police officer during their career at the police academy unless they are mandated to re-take the training after being involved in an incident. In contrast, police officers are mandated to go to the firing range twice per year as part of their training. As in this case, one incident involving a death is one too many. Even if police officers are mandated to take the EVOC course after a collision in some instances, the damage has already been done. OSI recommends that every NYPD officer receive EVOC training once per year in an effort to prevent future collisions between police cars and civilians.

Dated: November 8, 2024

EXHIBIT 1

THE CITY OF NEW YORK POLICE DEPARTMENT
LIFE - SAFETY SYSTEMS DIVISION - ELECTRONICS SECTION

January 22, 2021

TRANSCRIPT OF EXTRACTED SEGMENT OF TRANSMISSIONS
RADIO ZONE – HIGHWAY

October 5, 2020
@ 1523 hrs

Reference: TAPE ROOM JOB NUMBER 2020-64932

The LAB regrets to report there are no Unit Id's associated with the transmission of "shots fired, shots fired" for the above referenced tape.

Prepared by:

Samuel A Selvaratnam
Radio Repair Mechanic

EXHIBIT 2

MOTOR VEHICLE COLLISION AND MECHANISM REPORT (PART 1)

PD 301-151 (Rev. 10-13)

No. Killed 0 No. Injured 1 No. of Vehicles 1 No. of Pedestrians 1 Leaving Scene NO Photos YES

Date of Report 10/7/2020 Date of Collision 10/5/2020 Time 1529 Day MONDAY

Precinct 049 Collision No. 1097 Aided No. N/A Complaint No. 5693 Case No. 320-52

Collision Occurred On: PELHAM PARKWAY

feet N☐ S☐ E☐ W☐ of / at WALLACE AVENUE

Borough BRONX PF PNF ✓ CF CNF BF BNF Supplementary NO Pick up NO

VEHICLES

Year 2016 Make FORD Model TAURUS Type 4DSD Color WHITE/BLUE Reg. No. POLICE State NY

Operator MUNOZ, CEASAR Address [redacted]

Sex M D.O.B. N/A Class Lic. D No. N/A State NY

Vehicle Identification No. 1FAHP2MT4GG106537 Cargo N/A Veh. Wt. 5700 lbs.

Ins. Code No. 994 Policy No. SELF INSURED Number of Occupants 1

Owner NYC POLICE DEPARTMENT Address [redacted]

Year N/A Make N/A Model N/A Type N/A Color N/A Reg. No. N/A State N/A

Operator N/A Address N/A

Sex N/A D.O.B. N/A Class Lic. N/A No. N/A State N/A

Vehicle Identification No. N/A Cargo N/A Veh. Wt. N/A lbs.

Ins. Code No. N/A Policy No. N/A Number of Occupants N/A

Owner N/A Address N/A

PERSONS KILLED OR INJURED

Name GOMEZ, SOFIA Address [redacted]

Oper. Veh. No. N/A Pass. Veh. No. N/A Where Seated N/A Pedestrian YES Sex F Age 20

Date of Death N/A Time N/A Removed to JACOBI HOSPITAL Hospital/Morgue

Victim Ejected N/A Wore Safety Belt N/A Injury TORSO / BODY TRAUMA

Name N/A Address N/A

Oper. Veh. No. N/A Pass. Veh. No. N/A Where Seated N/A Pedestrian N/A Sex - Age N/A

Date of Death N/A Time N/A Removed to N/A Hospital/Morgue

Victim Ejected N/A Wore Safety Belt N/A Injury N/A

Name N/A Address N/A

Oper. Veh. No. N/A Pass. Veh. No. N/A Where Seated N/A Pedestrian N/A Sex - Age N/A

Date of Death N/A Time N/A Removed to N/A Hospital/Morgue

Victim Ejected N/A Wore Safety Belt N/A Injury N/A

Name N/A Address N/A

Oper. Veh. No. N/A Pass. Veh. No. N/A Where Seated N/A Pedestrian N/A Sex - Age N/A

Date of Death N/A Time N/A Removed to N/A Hospital/Morgue

Victim Ejected N/A Wore Safety Belt N/A Injury N/A

WITNESSES

Name N/A Address N/A Tel. No. N/A

Name N/A Address N/A Tel. No. N/A

Name N/A Address N/A Tel. No. N/A

WEATHER AND TERRAIN CONDITIONS

WEATHER		LIGHT CONDITION		AREA		LOCATION		ROAD		ROAD CONDITION		SURFACE	
Clear	✓	Daylight	✓	Industrial		At Intersection	✓	Straight/Level	✓	Dry	✓	Concrete	
Cloudy		Dawn		Business		Between Intersection		Straight/Grade		Wet		Asphalt	✓
Rain		Dusk		Residential	✓	Overpass		Curve/Level		Snowy		Brick	
Snow		Dark-Road Lighted		School		Underpass		Curve/Grade		Icy		Cobble	
Sleet		Dark-Road Unlighted		Parkway/Expy.		Bridge		Hillcrest		Muddy		Gravel	
Fog				Other		Other		% Grade		Other		Other	

TRAFFIC CONTROL		VEHICLE DIRECTION	1	2
Police Officer		Going Straight	✓	
Signal Light	✓	Changing Lanes		
Stop Sign		Right/Left Turn		
Pedestrian Signal	✓	U Turn		
Yield Sign		Pull from Curb		
Other		Parked		
None		Backing		
		Other		

PEDESTRIAN ACTIONS

	1	2	3		1	2	3
With Signal	✓			Between Intersection			
Against Signal				Behind Parked Cars			
No Signal				In Safety Zone			
Diagonally				Playing in Road			
Other				Running off Sidewalk			
Against Flashing Don't Walk				Not in Roadway			
				Other			

DRIVER VISION BLOCKED

VEH. No. 1 ☐ YES ☑ NO

VEH. No. N/A ☐ YES ☐ NO

Circle all occupants

Vehicle 1: 4, (1) circled, 5, 2, 6, 3

Vehicle N/A: 4, 1, 5, 2, 6, 3

OPR./PED. CONDITION	OPR.	PED.
PHYSICAL DEFECT		
INTOXICATED		
APPARENTLY NORMAL	✓	
UNKNOWN		

MOTOR VEHICLE COLLISION AND MECHANISM REPORT (PART 2)
PD 301-151-A (Rev. 10-13)

Case No. 320-52

DESCRIPTION OF COLLISION

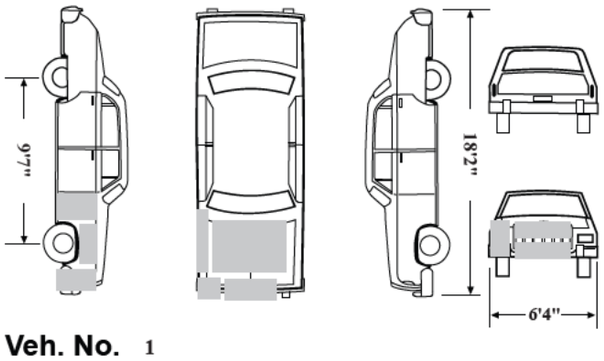
VEHICLE #1, A MARKED NEW YORK CITY POLICE DEPARTMENT VEHICLE RESPONDING TO A 10-13 CALL FOR SHOTS FIRED, WAS TRAVELING EAST BOUND ON PELHAM PARKWAY APPROACHING INTERSECTION OF WALLACE AVENUE WITH TURRET LIGHTS AND SIRENS ACTIVATED WHEN A PEDESTRIAN (YOUNG FEMALE) WAS ON WALLACE AVENUE CROSSING PELHAM PARKWAY FROM NORTH TO SOUTH IN THE MARKED CROSSWALK. VEHICLE #1 DID STRIKE PEDESTRIAN WITH THE RIGHT SIDE OF FRONT BUMPER. AS A RESULT, PEDESTRIAN DID SUSTAIN INJURIES TO THE TORSO AND WAS TRANSPORTED BY EMS TO JACOBI HOSPITAL CENTER WHERE SHE WAS DEEMED IN CRITICAL CONDITION BY DOCTOR CHAU. COLLISION BEING INVESTIGATED BY HIGHWAY PATROL COLLISION INVESTIGATION SQUAD #1, CASE # 320-52.

SKIDMARK DATA		
	VEH. NO. 1	VEH. NO. N/A
REG. No.	POLICE	N/A
FRONT LEFT	N/A	N/A
FRONT RIGHT	N/A	N/A
REAR LEFT	N/A	N/A
REAR RIGHT	N/A	N/A
LONGEST SKID	N/A	N/A
COEFF. FRICTION	N/A	N/A
COMPUTED SPEED	N/A	N/A
LEGAL SPEED	30	N/A

DECELEROMETER BRAKE TEST CALIBRATED AT 20 MPH					
TIME	DATE	GRADE	LOCATION		
N/A	N/A	N/A	N/A		
N/A	N/A	N/A	N/A		
Veh. No.	Decelerometer No.	Foot	Results	Emergency	Results
1	N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A	N/A

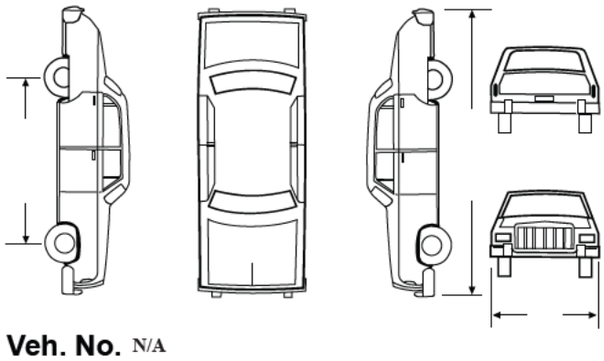
PHYSICAL EXAMINATION OF BRAKE SYSTEM		
Veh. No.	Pedal Pressure	Fluid/Air Leak
1	GOOD	FLUID LEAK
N/A	N/A	N/A

DAMAGE TO VEHICLE — DESCRIBE AND SHADE DAMAGED AREAS



Veh. No. 1

COLLISION DAMAGE TO FRONT RIGHT BUMPER, RIGHT FENDER, HOOD, RIGHT HEADLIGHT



Veh. No. N/A

N/A

SAFETY EQUIPMENT INSPECTION

	Veh. No. 1 Reg. No. POLICE	Veh. No. N/A Reg. No. N/A
Inspection Stamp — Expiration Date.	1090838 - AUGUST 2021	N/A
Tire (Size & Condition)	245/55 R18 - ALL FOUR GOOD	N/A
Type Transmission/Position	AUTOMATIC / PARK	N/A
Headlights/Condition	INTACT / PASS. SIDE COLLISION DAMAGE	N/A
Tail Lights/Condition	INTACT - BOTH GOOD	N/A
Brake Lights	GOOD	N/A
Directionals	GOOD	N/A
Steering Mechanism	POWER ASSISTED	N/A
Windshield Wipers	INTACT - WORKING	N/A
Mirror Locations	LEFT, CENTER, RIGHT	N/A
Horn	GOOD	N/A
Safety Belts Installed	FIVE 3-POINT HARNESS	N/A
Reflectors	FRONT PASS. SIDE - COLLISION DAMAGE | OTHERS INTACT	N/A
Front Windshield	INTACT	N/A
Mileage	UNK	N/A

POLICE ACTION

DEFENDANT N/A SUMMONS/ARREST No. N/A PCT. N/A

CHARGES N/A

ACTION BY: RANK N/A NAME N/A SHIELD N/A COMMAND N/A

C.I.S. TECHNICIAN P.O. Long SHIELD 4464 COMMAND 410

Type Name and Signature

EXHIBIT 3

NUMBER 2: WALK AND TURN TEST

Instruction Stage

- "Place your left foot on the line" (real or imaginary) (demonstrate)
- "Place your right foot on the line ahead of the left foot, with the heel of your right foot against the toe of your left foot" (demonstrate)
- "Place your arms down at your sides" (demonstrate)
- "Maintain this position until I have completed the instructions"
- "Do not start to walk until told to do so"
- "Do you understand the instructions so far?"

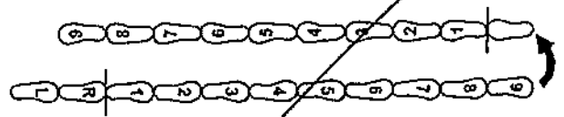
Make Sure The Subject Verbally Acknowledges Understanding

Walking Stage

- "When I tell you to start, take nine heel-to-toe steps, turn and take nine heel-to-toe steps back"
- "When you turn, keep the front foot on the line, and turn by taking a series of small steps with the other foot"
- Demonstrate 3 heel-to-toe steps, turn and 3 heel-to-toe steps back
- "While you are walking, watch your feet at all times, count your steps out loud, keep your arms at your sides and once you start walking don't stop until you have completed the test"
- "Do you understand the instructions?"

Make Sure The Subject Verbally Acknowledges Understanding

- "Begin and count your first step from the heel-to-toe position as 'one'."



Instruction Stage

Cannot Keep Balance		Starts Too Soon	
		1st Nine	2nd Nine
Stops Walking			
Misses Heel-To-Toe *(more than ½")*			
Steps Off Line			
Uses Arms to Balance *(more than 6")*			
Incorrect Number of Steps			

Improper Turns *(describe):*

If Subject Cannot Do Test *(explain):*

NUMBER 3: ONE LEG STAND TEST

Initial Positioning and Verbal Instructions

- "Stand with your feet together and your arms by your side."
- "Do not start to perform the test until I tell you to do so."
- "Do you understand the instructions so far?"

Make Sure The Subject Verbally Acknowledges Understanding

Instructions for the Balance and Counting Stage

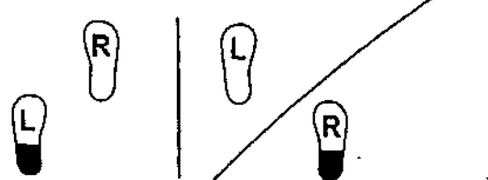
- "When I tell you to start, raise one leg, either leg, with the foot approximately six inches off the ground, keeping your raised foot parallel to the ground."
- "Keep both legs straight and your arms by your side."
- "While holding that position, count out loud in the following manner: "one thousand and one, one thousand and two, one thousand and three," and so on until told to stop."
- "Keep your arms at your sides at all times and keep watching the raised foot."
- "Do you understand?"

Make Sure The Subject Verbally Acknowledges Understanding

- "Go ahead and begin the test."

You should always time for 30 seconds, at which time discontinue the test.

If the subject puts their foot down, instruct the subject to pick the foot up again and continue counting from the point at which the foot touched the ground.



STAND ON EITHER FOOT FOR THE TEST

L *(on ground)*		R *(on ground)*
	Sways While Balancing *(Side to side, back to front)*	
	Uses Arms to Balance *(Raises arms more than 6" from their side)*	
	Hopping	
	Puts Foot Down	

ORAL FLUID SAMPLE COLLECTION

Subjects must be observed for a minimum period of 10 minutes prior to the collection of Oral Fluid Samples

Consent Given per form? ☐ Yes ☐ No

Refused? ☐ Yes ☐ No

Cartridge Control Number _____

Dräger DrugTest 5000 Results:

COC.....	☐ Positive	☐ Negative	☐ Invalid
OPI	☐ Positive	☐ Negative	☐ Invalid
BZO.....	☐ Positive	☐ Negative	☐ Invalid
THC-5	☐ Positive	☐ Negative	☐ Invalid
AMP.....	☐ Positive	☐ Negative	☐ Invalid
MET.....	☐ Positive	☐ Negative	☐ Invalid
MTD.....	☐ Positive	☐ Negative	☐ Invalid

Additional Sample Collected? ☐ Yes ☐ No

Refused? ☐ Yes ☐ No

PRELIMINARY BREATH TEST

Subjects must be observed for a minimum period of 20 minutes prior to administering a Preliminary Breath Test

PBT Serial Number: ARFJ - 0098

PBT Reading	Date	Time
0.000	10/5/20	1735

Officer's Signature/Shield: Po Raphael [redacted] 27371

STANDARDIZED FIELD SOBRIETY TEST NOTES

PD 383-141 (11-15)

Tested in Jacobi ER Pm N4

Subject's Name: Munoz, Cesar

DOB	Sex	Date
[redacted]	M	10/5/2020

Officer Name	Shield No.
Po Mohammed	27371

CIS Job Number *(if applicable)*: 320-52

Notes: No sign of impairment at time of observation

NUMBER 1: HORIZONTAL GAZE NYSTAGMUS TEST

(Have the Subject remove glasses; subject should be turned away from emergency lights; stimulus held approximately 12"-15" from subjects nose, just slightly above eye level)

Initiating the HGN Test

Ask the subject to: Put their feet together
Hands at their sides
Look straight ahead and keep head still.

Give the following verbal instructions:
"I am going to check your eyes."
"Keep your head still and follow the stimulus with your eyes only."
"Keep your eyes on the stimulus until I tell you to stop."

Contacts ☐ Yes ☐ No | Resting Nystagmus ☐ Yes ☐ No

Equal Pupils ☐ Yes ☐ No | Equal Tracking ☐ Yes ☐ No

	Right	Left
Lack of Smooth Pursuit		
Distinct & Sustained Nystagmus @ Max Dev.		
Onset of Nystagmus prior to 45 degrees		

Vertical Nystagmus ☐ Yes ☐ No

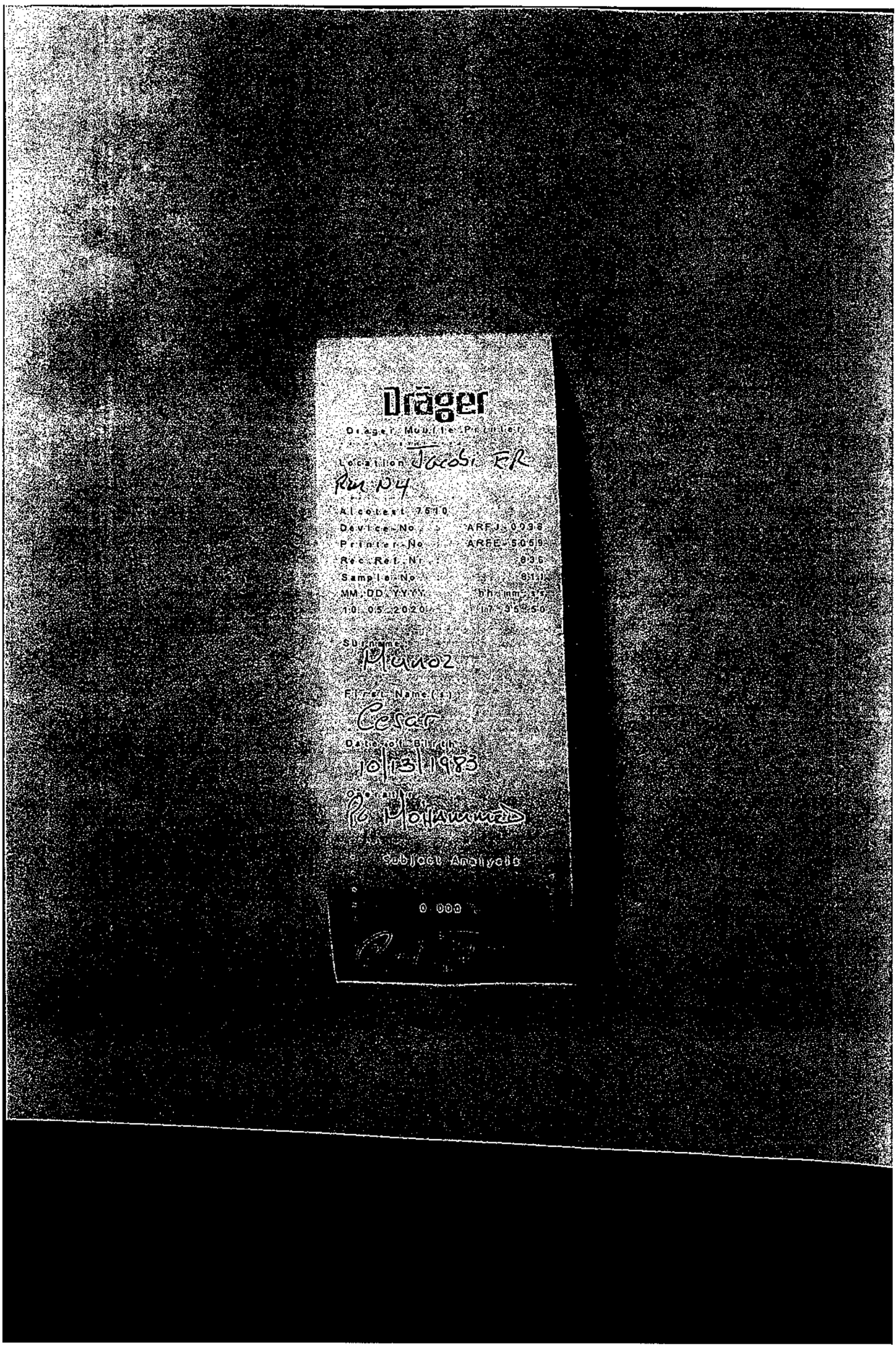

Dräger
Dräger Mobile Printer
Location Jacobi ER
Run 04
Alcotest 7510
Device No. ARFJ-0098
Printer No. ARFE-5059
Rec.Ref.Nr. 835
Sample No. 8111
MM.DD.YYYY hh:mm:ss
10.05.2020 17:35:50
Surname
Munoz
First Name(s)
Cesar
Date of Birth
10/13/1983
Signature
P. Mohammed
Subject Analysis
0.000

EXHIBIT 4

LESSON PLAN COVER SHEET

COURSE: Recruit RMP	**TRAINEE LEVEL:** Recruit Officers
LESSON: Emergency Driving	**TIME REQUIRED:** 30 Minutes
PREPARED BY: P.O. Daniel Donza	**DATE PREPARED:** January 2006
APPROVED BY: Lt. Luis Perez	**DATE APPROVED:** February 2009
REVISED BY: Det. Daniel Donza	**DATE REVISED:** February 2009

TRAINING NEED
Provide student officers with the vital information regarding the safe operation of department vehicles.

INSTRUCTIONAL GOAL:
To educate student officers regarding constitutional, statutory, agency policy, case law regarding principles and liabilities related to law enforcement driving.

PERFORMANCE OBJECTIVES:

At the completion of this lesson the student will be able to:

I. List the general rules governing law enforcement driving.
2. Explain the rules, laws, and policies related to emergency service calls.
3. Delineate the patrol guide procedures related to 10-13's (officer needs assistance).

METHOD OF PRESENTATION Lecture & Video	**CLASSROOM REQUIREMENTS:** Computer Dry Erase Board TV or Screen
METHOD OF EVALUATION: General Knowledge Exam	

STUDENT MATERIAL:
Pen & Paper

TRAINING AIDS, SUPPLIES, EQUIPMENT: PowerPoint Presentation: Recruit Day 2 Video: Select video(s) from Emergency Driving Classroom Video folder	**BIBLIOGRAPHY:** Driver Training Guide 2007 NYPD Patrol Guide NYS Vehicle & Traffic Law

LESSON: Recruit RMP: Emergency Driving	INSTRUCTOR CUES:

INTRODUCTION

Many law enforcement officers are injured and /or killed operating in emergency response. Driving is difficult and risky enough without the heightened risk of responding to an emergency. Knowing the dangers that are associated with increased levels of difficulty help decrease the percentage of crashing. Enforcing the law and responding to emergencies are always dangerous but with some understanding the driver can only manage that risk.

BODY

I. Overview of General Rules:

1. A law enforcement officer is never exempt from civil and criminal law governing vehicle operation.

2. Even the most serious emergency does not legally excuse a reckless disregard for the safety of others.

3. Emergency exemptions allow law enforcement officers to disregard some traffic laws under limited circumstances. A failure to meet the requirements of exemption statutes means the officer may be subject to civil and criminal penalties in event of a collision.

4. Exemptions only apply when responding to an emergency or enforcing the law.

5. Exemptions require the operation of warning lights and siren at all times. According to Patrol Guide Section 202-22 # 11 the operator has the choice of not using sirens so they can avoid alerting a perpetrator away from a scene of a crime in progress.

6. Emergency exemptions require extreme caution and does not excuse reckless disregard for the safety of others.

7. Negligence in law enforcement driving is the failure to use the care a reasonable officer would use under like circumstances.

8. Negligent driving may result in civil liability against the officer, officer's supervisor, or employing agency (although many states grant immunity from liability based on ordinary negligence.)

Patrol Guide Section 202-22 # 11. Proceed to an emergency scene with due caution. (Do not use the siren unnecessarily; approach the scene of a reported crime quietly).

5.
The element of surprise can be used to effect the arrest of a perpetrator for crimes that are in progress.

9. Willful reckless driving causing a fatality may result in charges, jail or being fired.

10. In many states, failing to terminate a pursuit may result in civil liability if the fleeing car hits an innocent bystander.

11. Officers, who conduct pursuits that "shock the conscience" in the potential for harm, risk liability under Federal Law.

12. Use of a vehicle as an instrument to affect an arrest of a fleeing suspect may be considered deadly force.

13. Roadblocks and ramming may be violations of state regulations and patrol guide procedures.

II. Emergency Driving

- All states give some limited exemption from certain traffic laws.
- Law Enforcement driving carries risk of injury to self and/or others.
- Police officers must drive with a balance between safety on roadways versus protecting and/or catching criminals or emergency services.

EMERGENCY EXEMPTION STATUTES:

1. Two most common categories
   - Pursuit of violator(s)
   - Call for Service

2. According to the New York State Vehicle & Traffic Law Section 1104

   a). Must be authorized and equipped with specific lights and sirens.
   b). Allowed to disregard parking, speed, stop and directional signs along with speed limits and lane markings.

3. Must be responding to an emergency or in pursuit of an actual or suspected violator.

4. Right of way requires both lights and sirens.

5. Drive with due regard for the safety of others.

   a) Don't endanger life or property.

   b) Slow down as necessary for safe operation: i.e. Red Light, Stop Sign, Yield Sign etc.

   c) Even if warning devices are used, reckless driving may make driver liable for any collision or injury.

NOTE: You are responsible for your vehicles actions.

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CASE:

- Mattera v. Avis Rent a Car 245AD.2d 274, 665 NYS 2894 (NY APP Div 1997)
- Two NYPD Detectives.
- Responding to buy and bust operation where a suspect was being held.
- Made a left turn and collided with an oncoming car.
- Driver sustained an injury.
- Detectives were not operating with lights and sirens on.
- Car was an unmarked vehicle.

NOTE: "Washout" is the term given to the blaring of multiple sirens, which tend to cancel out their effectiveness causing officers to be unaware of each other as they approach an intersection.

DECISION:

- New York Appellate Court Stated:
- Section 1104 is not applicable because the situation was not an emergency
- Detective (driver) was negligent

A. FACTORS WHICH INCREASE RISK:

1. Speed of Vehicle
2. Traffic Density
3. Weather
4. Obstructions to Vision
5. Road Surface and Design

6. Frequency of Signaled Streets and Highway Intersections
7. Condition of Vehicle
   a) Brakes
   b) Steering
   c) Suspension
8. Training and Experience of Driver

II. Assist Police Officer: 10-13 Policies

1. Patrol Supervisor and 2 closest sector cars.
2. Department vehicles within a 5 block area of the location are to respond to a serious police emergency even if the message was directed to another car, regardless of sector, precinct, or borough boundaries.
3. 10-13 calls over 911 are mostly unfounded unless there are numerous calls.

CONCLUSION

The dangers are real for the officer, violator, and the general public. Many factors need to be considered when responding to emergency service calls. Safety should always be considered along with following federal, state, and local policies.

NOTE:
Select video(s) from Emergency Driving Classroom Video folder

EXHIBIT 5

LESSON PLAN COVER SHEET

COURSE: Highway District Advanced RMP Operation (21-840-A-000003)	**TRAINEE LEVEL:** Newly Assigned Highway Personnel (NYPD Personnel)
LESSON: Advanced RMP Operation Course Highway Personnel (Day 1)	**TIME REQUIRED:** 7 Hours
PREPARED BY: Highway District Driver Training Unit	**DATE PREPARED:** 10/08/2004
APPROVED BY: Sergeant Joseph V. Murphy	**DATE APPROVED:** 08/03/2012
REVISED BY: Police Officer Stephen Crockett	**DATE REVISED:** 08/03/2012

INSTRUCTIONAL GOAL:

The goal of this lesson is to provide Newly Assigned Highway Personnel with the knowledge and techniques to be utilized when operating a department RMP at higher speeds. The lesson will also include an overview of the three (3) to (5) day Advanced RMP Operation Course.

PERFORMANCE OBJECTIVES:

At the completion of this lesson the student will be able to:

I. Based on lecture and demonstration, know the importance of proper seatbelt use.
II. Based on lecture, know various driving tips and techniques.
III. Based on lecture, know characteristics, benefits and proper application of Anti-Lock Braking.
IV. Based on lecture, know steering and skid control techniques.
V. Based on lecture, know turning and cornering techniques.
VI. Based on lecture, know reverse driving techniques.
VII. Based on lecture, know the dangers and liabilities of vehicle pursuits.

METHOD OF PRESENTATION: Classroom lecture.	**CLASSROOM REQUIREMENTS:** Classroom, Easel, Dry Eraser Board, TV, PowerPoint Presentation
METHOD OF EVALUATION: RMP Written Final Exam/Completion of a RMP course score sheets	

STUDENT MATERIAL:
DMV Drivers license, ankle type laced boots.

TRAINING AIDS, SUPPLIES, EQUIPMENT: Advanced RMP Operation Manual, RMP cone course	**BIBLIOGRAPHY:** HDDT Advanced RMP Operation Student Training Manual, Patrol Guide

LESSON: Highway District Advanced RMP Operation (21-840-A-000003) DAY 1	INSTRUCTOR CUES:

INTRODUCTION

Good morning/afternoon and welcome, my name is _____ , today we will begin the first day of the three/five day Advanced RMP Operation course. Successful completion of this course will qualify participants to operate a Highway Patrol RMP. This course will provide students with knowledge and driving techniques including importance of seatbelt use, Anti-Lock Braking, steering and skid control, turn and cornering negotiation, reverse driving and vehicle pursuits. You will also learn the proper way to push a vehicle by utilizing your push bumpers.

The first day will be classroom lecture and the next two/four days, depending upon the amount of students being trained, will be classroom lecture and field exercises.

INSTRUCTOR WILL PREPARE/COLLECT THE FOLLOWING FOR EACH STUDENT ATTENDING THE COURSE:

- HIGHWAY ADVANCED RMP OPERATION COURSE ATTENDANCE SHEET;
- COPY OF MOTOR VEHICLE LICENSE;
- RMP QUALIFICATION COURSE EVALUATION FORM (SINGLE SERPENTINE w/ABS CHUTE);
- RMP QUALIFICATION COURSE EVALUATION FORM (REVERSE DRIVING COURSE);
- RMP QUALIFICATION COURSE EVALUATION FORM (EVASIVE LANE CHANGE BRAKE AND ESCAPE);
- RMP QUALIFICATION COURSE EVALUATION FORM (PRECISION DRIVING COURSE);
- RMP QUALIFICATION COURSE EVALUATION FORM (HIGH SPEED OVAL).
- FAMILIARIZATION WITH PUSH BUMPERS

BODY

I. THE IMPORTANCE OF PROPER SEATBELT USE.

A. Department Policy on Seatbelt use

1. The wearing of safety belts is required for all individuals operating or riding in a Department vehicle (marked or unmarked), or a private vehicle authorized for Department use. Safety belts may be removed ONLY when a member of the service is involved in what appears to be a dangerous tactical situation and wearing of the safety belt may impair the member's ability to take police action.
2. Possibility of assigned liability in the event of injury.
   a) To partner.
   b) To civilian passengers.
3. Disciplinary action may be taken for non-compliance.

B. Effectiveness of Seatbelts in Reducing Serious Injury

1. Overturned Vehicles.
   a) Prevents ejection from vehicle
2. Head-on impacts.
   a) Seatbelts work in conjunction with air-bags.
   b) Prevents occupant contact with dashboard and windshield
3. T-bone and quarter panel impacts.
   a) Prevents sliding out of seats.
   b) Prevents occupant-to-occupant contact.
4. Stationary object impact.
   a) Prevents occupants continued motion after impact.
5. Minor impacts.
   a) No injury if seatbelt is worn.
6. Airbags can cause face, neck injuries w/o seatbelt use.
   a) Airbags travel at approx. 180-200 MPH.
   b) Airbags produce up to 1200 lbs. of force.

C. How Seatbelts Assist in Maintaining Control of the Vehicle

1. Seatbelts keep operator and recorder in seat during high-speed maneuvers.
2. During spinouts, or control loss, operator and recorder remain in seats.
3. During heavy braking operator and recorder remaining seats.

4. Added sense of security while behind the steering wheel.
5. Overall better control of vehicle when upper body and head stays put.
   a) Allows eyes to remain focused on roadway.
   b) Lets you maintain proper field of view of roadway.
   c) Helpful in the event of an emergency maneuver.

D. Excuses for Not Wearing Seatbelts

Those who refuse to wear their seatbelt commonly use the following excuses. Although some may seem viable to some, no excuse can justify the potential injuries, or even death that can result from non-use. Most of these excuses can be dismissed if officers implemented the proceeding techniques when putting on and removing the lap belt and harness;

1. Tactical disadvantage.
   a) Can't exit the RMP quickly. (Quick seatbelt release technique will be demonstrated).
2. Too restrictive (movement), uncomfortable.
   a) Not more uncomfortable than your bullet-resistant vest, and you wear your vest.
   b) Benefits far exceed minor discomfort.
3. Hangs-up on equipment.
   a) Care should be taken when putting lap belt and harness on.
   b) Be sure that shield, ammo pouches, cuff case is not impeding release.
4. Never got in the habit of wearing it.
   a) It's NYS law when driving as civilian.
   b) It's the law in many other States.
   c) It's department policy.
   d) Possible liability for injuries.

E. How to Release Seatbelt and Exit RMP Quickly

1. Locate buckle release and familiarize yourself with it's release characteristics
2. Be conscious of seatbelt "hang-ups" when you "buckle up".
3. Make proper equipment adjustments.
4. Keep buckle-release unobstructed.
5. Don't pile-up equipment on release button

Use the following method:

- Place one hand on buckle release and depress button.
- Place other arm under shoulder harness, across chest, and grab end of belt

- Sweep harness and belt away from chest and other obstructions.
- Exit RMP

Remember, in your current assignment you will be routinely operating an RMP at speeds higher than what is normally attained while on patrol in a precinct. Due to this fact, the potential for serious injury or even death is greatly increased, if you were involved in an RMP accident. Seatbelts use although always necessary and required, is more now important to your safety than ever.

II. DRIVING TIPS AND TECHNIQUES.

At times you may have to drive under conditions, which may cause an adrenaline "rush" in your body. This "rush" can be caused simply by something you heard or saw. An adrenaline "rush" can affect your judgment, vision, perception, and thought process. These factors can cause you to increase your driving speed, thus causing you to "over-drive" and increase your chances of being involved in an accident.

There are other times when you simply must exceed the speed limit, pass slower moving, or stopped traffic, or cross intersections against a traffic signal to expedite your response. Your intentions are to get there as fast as you, for whatever the reason. However, this can lead to disaster. In addition to you not getting to your intended location at all, you risk injury to yourself, your passenger(s) and the general public.

Although it's true that some accidents are completely the fault of the other motorist, we must recognize that many of these accidents could have been avoided.

If practiced, and utilized properly, the following driving tips and techniques, should help to improve your overall driving experience and may decrease your chances of being involved in a vehicle accident.

A. Be Mentally Fit To Drive

Driving requires focus and concentration. There will be times that while you're driving, your 100% total focus, concentration and attention is required. Any break in that focus or attention, or any factor that may impede your decision-making process, or slowdown your reaction time, can greatly increase your chances of being involved in an accident.

The following factors can severely impede your ability to make the correct

decisions while driving and affect your reflexes:

1. Lack of sleep.
   a) Slows reflexes.
   b) Decreases alertness.
   c) Increases possibility of driver inattention.
   d) Increases chances of improper decision-making.
2. Medication and alcohol.
   a) Certain prescription and over-the-counter medication, when recently ingested can have a negative affect on your driving ability Slows reflexes.
   b) Antihistamines such as “Benadryl” can have more of a negative affect to reflexes than alcohol (depressed reflexes).
   c) Alcohol, even if consumed hours before tour of duty can affect reflexes (depressed reflexes).
   d) If operator found to have consumed alcohol while operating a vehicle, he/she is subject to both arrest and termination

3. Personal problems.
   a) Can cause hostility and aggressive driving.
   b) Can cause breaks in concentration.
   c) Can lead to “over-driving”.
4. Unnecessary distractions.
   a) Car stereo, studies show that loud or fast tempo music causes some drivers to increase their driving speed.
      - Loud music impedes hearing (blocks out radio transmissions, sirens from other units, etc.)
   b) Conversation/Cell Phone.
      - For obvious reasons, part of your thought process is elsewhere.
      - Usually requires one-hand driving.
      - Certain conversations may lead to more aggressive driving.
   c) Siren, avoiding keeping siren on constant mode.
      - Can cause adrenaline rush, which causes increase in speed.
      - Decrease the ability to hear other emergency vehicles.
      - Difficult to clearly receive/transmit messages from 2-way radio.

B. Inspect the Vehicle for Safety

The condition of the vehicle you are driving can greatly affect your ability to operate it safely. You, as the operator must make sure the vehicle is safe to drive before you drive it. You must walk around the vehicle, check under the hood, sit in the car and conduct a visual and physical check

some of the safety and operating mechanisms.

1. Tire Condition (paramount to proper handling and braking).
   a) Tread-wear.
   b) Proper inflation.
   c) Side-wall damage.
2. Fluid leaks and proper levels.
   a) Do a “walk around”.
   b) Look underneath.
   c) Check under the hood.
3. “Idiot” lights and gauges.
   a) ABS light.
   b) Brake light.
   c) Temperature gauge.
   d) Oil pressure gauge.
   e) Fuel gauge.
4. Emergency and safety equipment.
   a) Siren and emergency lights.
   b) Seat belts.
   c) Wiper blades.
5. Steering mechanism.
   a) For excessive “play”.
   b) For power steering “binding”.
6. Brake pedal pressure.
   a) Press firmly on brake pedal, if pedal sticks, the master cylinder may be defective.
   b) Observe if brake light illuminates.

Note if any deficiency cannot be immediately corrected or repaired place the vehicle “OUT OF SERVICE”, **DO NOT DRIVE IT**.

C. Proper Seat, Hand and Foot Placement

It may not seem too important to most drivers, but the way you sit in a car, the placement of your hands on the steering wheel and the placement of your feet, can have a great affect on how you handle a car. Sometimes a simple adjustment of your hand or foot position will greatly increase your steering and braking ability, which can decrease the chance of an accident. This becomes an even greater factor during an emergency response, or high-speed driving.

1. Adjust seat to the proper distance from the steering wheel.
   a) Seat back in upright position.
   b) Push your back firmly against seat:
      - In case of accident or control loss back will be supported.
      - A secure upper body will enable continued view of the

road.

c) Seat distance from steering wheel should be adjusted to a position that enables wrists to rest on steering wheel at the 12 o'clock position with arms fully extended:
   - Decreases possibility of injury from steering wheel.
   - Best position to benefit from airbag deployment.

d) Adjust tilt wheel so that it is as flush as possible with body:
   - Prevents airbag deployment to the face.
   - Wheel in higher position tends to cause "yanking" of wheel.

2. Hand placement on steering wheel.
   a) Place hands on 2 and 10, or 3 and 9 o'clock position on the wheel.
   b) Use a relaxed grip, don't squeeze the steering wheel tightly
   c) Elbows will become slightly bent.
   d) Never drive with only one hand on the wheel.
3. Foot placement.
   a) Right heel on floorboard under brake pedal, acts as pivot point.
   b) Use ball of foot from accelerator to brake-pedals.
   c) Don't lift heel off floorboard to apply brake:
      - Increase stopping distance.
   d) Left foot should be placed on the left of the brake-pedal:
      - Ideally placed on the "dead pedal", if so equipped.
      - Put your heel on floorboard with your toes against firewall.
   e) By placing both heels on floorboard:
      - Upper-body remains balanced and stable during turns.
      - Enables you to maintain field of view of the roadway.

D. Maintain a Wide, Long Field of View

The more you see both wider and further, the more time you will be afforded to see an event before it happens. The more time you have, the greater the chances are that an accident can be avoided. Many accidents occur because the operator didn't have time to react to the situation.

There are (2) basic ways of increasing your field of view

1. Decrease speed.
   a) Increases field of view:
      - Field of view at 80 MPH only 30 degrees wide.
      - Field of view at 40 MPH increases to 120 degrees wide.
   b) Increased speed disproportionately decreases field of view.
   c) High rates of speed create "Tunnel Vision".

2. Aim high.
   a) The higher you "aim", the further you will see.
   b) Increases and widens field of view.
   c) On a highway you should look a minimum of 15 seconds ahead.
   d) On a city street you should look a minimum of 6 seconds ahead.
   e) Constantly scan the roadway, don't fixate on one subject.
   f) Use peripheral, near and far vision.
   g) Look at where you want to go, not at what you want to avoid.

Driving behind large vehicles such as SUVs, vans and trucks will prevent you from seeing the traffic and roadway ahead. Steer clear of these types of vehicles.

E. Expect the Unexpected Devise an Out

Don't expect the vehicles around you to make the proper decisions and "moves", as you would. Be prepared for the worst and have an escape, or an "Out" ready. By using a wide "field of view" (as previously discussed), the necessary time to make that "escape" decision should be afforded to you… it is now up to you to have pre-planned an "Out", to avoid an accident.

1. Motorists may panic when they see an emergency vehicle to the rear.
   a) They may slam on the brakes.
2. Unskilled inexperienced and some elderly drivers may become confused when seeing an emergency vehicle.
   a) They may not react fast enough to your commands.
   b) They don't know how to yield.
   c) The may not hear, or understand your commands from the PA system.
3. Expect the worst around bends and rises.
   a) Disabled vehicle or accident.
   b) Backed-up traffic, roadwork, etc.
   c) Use outer lane around bends, center lane over rises
4. Always perceive all the risks and think about an "out".
   a) Look ahead and devise an escape (just-in-case).
   b) Be prepared for sudden emergency maneuver.
5. Decrease your speed increases your options for an "out".
   a) Driving behind large vehicles such as SUVs, vans and trucks can prevent you from devising and "out". It's best to steer clear of these types of vehicles.

F. Listen to What the Vehicle is "Telling" You

A car will let to you when it is under stress. This will usually come in the form of noise from the tires and suspension, or from odors such as those produced from overheated brakes or cooling system. These odors may result in brake fade or loss, engine overheating, or other mechanical failure.

Be aware of what caused these conditions and know what corrective measures to take.

1. Screeching tires.
   a) Usually means car is losing or has lost traction with the roadway:
      - May be due to excessive steering inputs.
      - May be due to excessive speed in turns or cornering.
      - May be a result of over-steering (discussed later).
      - May be a result of under-steering (discussed later).
      - Under inflated or worn tires.
      - Slippery roadway surfaces.
2. Anti-freeze odor.
   a) Similar to that of maple syrup:
      - May indicate overheating or cooling system leak.
3. Burning asbestos odor (from wheels).
   a) Usually indicates that brakes are overheated:
      - Braking effectiveness is usually greatly reduced or lost.

G. Avoid Driving in a Caravan or Passing other Emergency Vehicles

A Caravan is one vehicle traveling behind another in close proximity. This is extremely dangerous at high speeds. Some Officers feel that they must be the first on the scene and will speed pass other Emergency Vehicles to do so, this is also dangerous. While responding to a "job", or if involved in a vehicle pursuit, the operator should.

1. Leave a minimum of 2 seconds space between vehicles at city street speeds.
   a) Double that distance in rain, at night, or when there is poor visibility.
   b) Be prepared for sudden stops.
   c) Look ahead beyond vehicle in front and use wide field of view.
2. Leave a minimum of 5 seconds space between vehicles at highway speeds.
3. Don't fixate on vehicle ahead or fixed objects.

a) Scan roadway keep eyes moving.

4. Alternate lanes with other responding vehicles, if possible.
   a) Increases the chance of an "out" prevents rear ending.
5. Avoid passing other emergency vehicles.
   a) Operators often concentrating on own driving and traffic ahead.
   b) Operators may make an unexpected lane-change.
   c) Other emergency vehicle operators are not expecting to be passed.
   d) When passing civilian vehicles wait until front bumper is visible in rear-view mirror before entering lane.
6. If involved in a pursuit let the "primary" pursuit vehicle will remain in the lead "secondary" vehicle should maintain at least a (5) five-car lengths distance from the "primary" pursuit vehicle. Secondary vehicle should not pass the primary vehicle unless requested by that unit, or if other circumstances exist such as an accident, mechanical malfunction, etc.

H. Yield to Traffic Control Devices

Although you may be driving an Emergency vehicle with flashing lights and blaring siren, you are not permitted to simply speed through a red light, or stop sign without regard for pedestrians or traffic.

1. You must stop and look 3 ways at a red light or stop sign.
2. You must slow down when the light is green.
   a) Be prepared to stop.
3. Don't "time" traffic lights.
   a) Others may be trying to "beat" the signal in their direction.
4. Be aware of other responding units at intersections.
   a) Numerous RMP to RMP collisions occur at intersections.
5. Unless extreme emergency, obey one-way street signs.
6. Be aware that some drivers don't care who you are and want to beat you through the intersection, even when emergency equipment is used.
7. Strong disciplinary action may be taken against MOS who are found at fault due to disobeying traffic devices.

I. Plan the Route Ahead of Time

It is a "must" that you have a (5) Borough road atlas or map (i.e. Hagstrom or Rand McNally) with you at all times. You are also required to carry the Highway District's "Designated Major Trauma Center Response Routes" booklet, which lists the recommended routes from the residences of the Mayor and various high-ranking members of this department, to various trauma centers in the event of an emergency.

If possible, Visually, or Mentally Plan the Route before you go:

1. Review your Map, Atlas, or Trauma Booklet for the best possible route, before you go.
   a) Take into consideration.
      - Time of Day
      - Traffic conditions
      - Roadway Conditions
   b) If possible, discuss route with your partner.
      - He or she may be more familiar with roadways and devise a better route.
   c) Monitor the radio.
      - Listen for accidents, traffic conditions, road closures, etc. and alter the Route accordingly.

When you arrive:

2. Be aware of the following:
   a) If leaving the vehicle, be sure you are not blocking the route of other responding emergency vehicles.
   b) Unless an emergency, do not block the path of civilian traffic.
   c) Before you fling the door open and exit, look for oncoming traffic.

J. Never Give Up Control for Speed

Vehicle control can be lost for a host of reasons, factors such as mechanical failures, (i.e. defective brakes, or a defect in the steering mechanism) and medical conditions (i.e. heart-attack, or seizure), are rarely the main cause of a vehicles' loss of control. By far, it is too much Speed that is the main contributing factor of control loss, and 50% of all vehicle accidents. Other contributing factors such as, poor roadway surfaces, inclement weather, poor visibility, etc., wouldn't be as prevalent if the operator slowed down. As Police Officers, our timely presence to a situation is often necessary, but often our good intentions cause us to "overdrive", lose control, and never get there. Remember, "Never give-up Control for Speed".

You must always drive within your own ability:

1. Not everyone has the same driving ability for a host of reasons.
   a) Experience of lack of.
   b) Superior/inferior hand-eye coordination.
   c) Video-Game Syndrome" (advanced hand/eye coordination from years of simulated driving)
   d) You must drive within the capabilities of the vehicle:

2. Be aware of the capabilities of the particular vehicle you are driving:
   a) A Porsche can make certain maneuvers at a greater speed than a Crown Victoria.
   b) Vehicles such as vans and SUVs may flip over in situations that a car wouldn't.
   c) The dimensions of the vehicles, wheelbase, length, width, weight and height will affect the way the car handles.
   d) The type of suspension, tire type and size as well as brakes vary among cars these are also key factors to the vehicles handling capabilities.
3. Know the characteristics and limitations of the vehicle you are driving, and always drive within them.
4. Roadway and weather conditions.
   a) Speed must be adjusted (reduced) for slippery road surfaces.
   b) Speed must be adjusted (reduced) for poor visibility.
   c) Speed must be adjusted (reduced) for poor road surfaces (potholes).

5. Physics.
   a) Slight increases in speed create disproportionately greater amounts of forward energy:
   b) A vehicle traveling at 60 MPH carries 44% more forward energy than one traveling at 50 MPH.

6. The Bottom Line.
   Decreasing your speed increases your control:
   a) Increased speed decreases your control, decreased speed increases control.
   b) Most accidents could have been avoided if the operator simply **slowed down**.
   c) Once your driving ability has been reached or the capabilities of the vehicle have been maximized, the addition of only 2-3 MPH can cause loss of control.

III. CHARACTERISTICS, BENEFITS AND PROPER APPLICATION OF ANTI-LOCK BRAKING.

A. Characteristics of Anti-Lock Brakes (ABS)

1. Computerized braking system.
2. Prevents wheels from locking up.
3. When fully engaged (constant, firm pedal pressure), computer

will automatically "pump" brakes several times per second, as needed.
4. Brake pedal will pulsate.
5. Noticeable groaning sound.

B. Benefits & Capabilities of Anti-Lock Brakes (ABS)

1. Enables steering while brakes are fully engaged.
2. Without ABS, steering is lost once wheels lock-up.
3. Shorter stopping distance on wet & slippery roadways engaged.
   a) On icy roadways, stopping distances may be decreased up to 45%.
   b) Stopping distances may not be shorter on dry pavement.
   c) Stopping distances may be increased on certain roadway conditions such as railroad ties and potholes

C. Proper Way to Apply Anti-Lock Brakes (ABS)

1. Make sure ABS is working.
   a) Dash light will display and disappear during start-up.
   b) If ABS light remains on, turn ignition off and on again while depressing ABS pedal.
   c) ABS light should disappear.
   d) If ABS light still remains on, place vehicle "Out of Service."
   e) Apply firm constant pressure until vehicle slows, or stops as needed.
2. In non-emergency braking situations, the computer will not activate (will stop normally).
3. Never pump ABS brakes.
4. Confuses computer, may revert to conventional Brakes, or result in Brake loss.
5. Don't panic and "yank" the wheel, just steer normally.
6. Remember… "Brake and Steer".
7. Doesn't lift heal off floorboard to depress brake pedal.
   a) Will delay braking and increase stopping distance.
   b) Use heals as pivot.
   c) Depress brake pedal with top portion of foot.

IV. STEERING AND SKID CONTROL TECHNIQUES.

A. Steering and skid control

1. Steering control, especially at high speeds is an essential part of safe driving. The way that weight is displaced in the vehicle, the type of vehicle and the speed of travel all play a major role in your ability to steer.

2. Depending on the level of these factors, steering inputs must be adjusted to fit the situation. Sudden weight shifts and misalignments due to improper steering inputs can cause loss of control.
3. Skidding is a common result of control loss. A skid occurs when a tire or tires lose their grip on the surface of the road. This loss of traction and control is the result of many different factors. Heavy braking with wheel "lock-up", and slippery roadways (i.e. heavy rain, ice, black-ice, snow, oil) are the most common causes of a skid.
4. The introduction of A.B.S. has helped with skid control during many of these types of braking situations, which in the past may have caused the car to skid. However, A.B.S. does have its' limitations and there are some situations where A.B.S. cannot help.
5. A skid may also occur due to excessive steering inputs, too much acceleration or speed, or excessive braking, especially in turns due to a sudden shift in weight distribution. This excessive weight shift can also occur from poor suspension and other factors. The redistribution of the weight affects the traction of the tires on the road surface. Too much, or too little weight in certain areas of the car, at certain times, at certain speeds can reduce traction and contribute to a skid.

B. Over Steering

1. While in a turn the Front wheels continue to track while rear wheels have lost adhesion, due to the lightening of the rear-end caused by:
   a) Excessive speed in turns
   b) More steering input than required, or abrupt steering
   c) Improper sequence of steering and braking
   d) Rear-end of car much lighter than front
   e) Over-inflated, or poor rear tires

2 Corrective Measures (over-steering)
   a) Slowdown*
   b) Take foot off accelerator
   c) Avoid applying brakes (if possible)
   d) Braking shifts weight to front, lightens rear-end even more
   e) Use brakes as a last resort
   f) Drop hands to 4 and 8 O'clock position
   g) Use small steering inputs (feather steer)
   h) Counter-steer in the Opposite direction of the original turn
   i) If Control is lost, steer into the skid, or the same direction the

rear-end is going

j) Once control is regained, you can return to the 2 and 1O'clock position on steering wheel

C. Under-Steering

1. The Front wheels lose their ability to grip, thus causing the vehicle to want to continue forward (plowing), caused by:
   a) Excessive weight in front of vehicle (characteristic of front-wheel drive vehicles)
   b) High-Speeds (especially FWD vehicles)
   c) Excessive speed in turns
   d) Over-inflated, or poor rear tires

2. Corrective Measures (Under-steering)
   f) Slowdown*
   g) Ease off accelerator
   h) Feather-Steer (slight steering inputs)
   i) Avoid heavy braking (if possible), makes Front End even heavier

D. Hydroplaning

1. Occurs when standing water on a wet roadway is not displaced from under the tires fast enough to allow the tire to make total pavement contact. The tire rides on a layer of water under part of the tire surface, which results in partial or total loss of traction. Traveling in the tire path of vehicles ahead may slightly reduce this condition. You should also look well ahead and avoid driving through large puddles. Be aware that Hydroplaning can occur at speeds as low as 40 MPH.

2. Corrective Measures
   a) Slowdown
   b) Ease off accelerator
   c) Drop hands to 4 and 8 O'clock position
   d) Feather Steer (Light, precise steering inputs)
   e) Do not make abrupt, or excessive steering inputs until traction is regained
   f) The front wheels will grip much quicker if the front wheels are pointing in the direction of travel
   g) Avoid applying brakes (if possible)
   h) Weight-shift may cause control loss
   i) Only apply brakes if equipped with A.B.S. (use as last resort) A.B.S. may, or may not help, depending on position of car and speed. A.B.S. should, however decelerate car and

maintain steering control if car is straight and weight-shift is not a factor

3. Downshifting Technique
   a) Shifting to a lower gear to decelerate should be avoided until vehicle is traveling less that 20 MPH

E. Sliding

1. If the vehicle is not traveling in a straight path and the tires lose total traction, or contact with the roadway, caused by surface conditions such as ice, black-ice, snow, or oil, it may begin to slide. Although the application of ABS may help in this situation when the vehicle is traveling in a straight path, the application of any heavy braking while the vehicle is turning or not straight, can cause total loss of control.

2. Corrective Measures
   a) Ease off accelerator and Slowdown
   b) Drop hands to 4 and 8 O'clock position
   c) Feather Steer
      - Use slight steering inputs and turn the steering wheel towards the direction that the rear-end is sliding
   d) Gradually steer vehicle back to a straight path of travel
      - The front wheels will grip much quicker if the front wheels are pointing in a straight direction of travel
   e) Do not make abrupt, or excessive steering inputs until traction is regained
   f) Avoid applying brakes until vehicle is straight. Downshifting technique may be utilized if needed at speeds less than 20 MPH
   g) Place the car in "Neutral", if a slide continues after slowing to a speed less than 5 MPH

F. Skid Control

1. With the introduction of ABS, skidding should be reduced, or completely eliminated in most cases. If you are driving an ABS equipped vehicle and you feel that you are skidding, but you notice the brake pedal vibrating… don't release pressure from the brake pedal, or pump the brakes. In this case ABS can do more to reduce the skid than you can. The exceptions to this would be those times when the vehicle was not straight during an ABS skid, and the braking is creating an excessive weight-

shift (as previously mentioned), or if the ABS failed to activate

2. Corrective Measures
   a) Constant firm brake pedal (ABS only)
   b) Drop hands to 4 and 8 O'clock position
   c) Feather steer if vehicle slightly off straight path
   d) Steer as needed to avoid an obstacle
   e) Steer into Skid (the direction the rear end is moving), if vehicle is "Spinning Out" while in a Skid
   f) If rear end of vehicle is sliding to the right, steer front wheels to the right
   g) Once vehicle has regained control, release break pedal and drive normally

3. If A.B.S. Fails While In a Skid
   a) Pump brakes as you would with conventional system (threshold technique)
   b) Release brake if you sense wheel lock-up
   c) Make all Steering inputs while foot is off brake pedal
   d) Do not make abrupt steering inputs

V. TURN NEGOTIATION AND CORNERING TECHNIQUES

Few drivers have difficulty operating a vehicle at high- speeds while traveling in a straight path. The increase in danger and necessity of driving skill occurs when that straight roadway now begins to bend. The potential for danger depends on the severity of the bend or turn, the type of vehicle you are driving, and the speed you are traveling.

You will have to be aware of your skill as a driver, the capabilities of the vehicle you are driving, the severity of the turn and the condition of the roadway.

Once that has been determined, you must now utilize the correct balance of braking, speed, steering and vehicle position to negotiate the turn, or corner correctly

A. Smooth Steering Technique

1. Critical to maximizing control through corners and turns at high-speeds
2. Smooth steering maximizes tire traction
3. Maintain proper hand and seating position
4. Don't "Yank" , or "Choke" the steering wheel

a) "Pull" the steering wheel down on the side of the turn (ie: pull down on left side of wheel for left turn)
b) Pull" just enough to accomplish the goal
c) "Other" hand remains on wheel (lighter grip)
d) Once "other" hand passes 12 O'clock position, it takes control of the steering wheel. Once this occurs, the hand that was the "pulling" hand will allow the steering wheel to pass through fingers.
e) In this case the "pulling" hand will usually be at either the 5 O'clock position (for right turn), or 7 O'clock position (for left turn)

B. Rear Wheel Tracking

1. The path of travel of the rear wheels is known as "Rear Wheel Tracking". In turns, the rear wheels of a vehicle do not follow he same path, or "track" as the front.
2. The back wheels will turn at a smaller radius than the front. This is known as "Rear Wheel Cheat".
3. This can be a problem while negotiating tight turns where there are obstacles to the inside of the roadway (ie: poles, curbs, guardrails).
4. This is not as prevalent in high-speed turns because inertia usually forces the rear-end of the car outside of the path of the turn, therefore countering the effects of "rear-wheel cheat"

C. Spatial Judgment / Closing Rate

1. When approaching a curve, turn, or hazard, it is very important that you are aware of (2) things:
   a) The Distance, or Space between you and the curve, turn, or hazard
   b) The Speed at which you are "closing" in on it
2. The ability to master this driving skill depends on:
   a) Your driving experience
   b) Proper training
   c) Familiarity with the vehicle driven

D. High Speed Turns and Cornering

1. While turning in corners, or curves at high speeds there are many things that the driver must be aware of, prior to entering the turn, while in the turn, and while exiting the turn.
2. In a high speed turn, the weight of the vehicle will shift. This weight transfer will cause loss of traction to the wheels on the

opposite side, or front or rear of the vehicle.

3. That loss of traction is ultimately what would cause you to lose control in a turn.
4. Factors such as braking, speed, position in turn and steering control are extremely important, because they will all affect the weight shift or transfer of the vehicle, thus the stability and traction.

VI. REVERSE DRIVING TECHNIQUES.

A. Driving In Reverse

As Police Officers, like all motorists, there are times where we have to drive our vehicles in reverse. However, unlike most other motorists, we may be required to do so for extended distances, and at times at higher speeds. This task can prove to be difficult to some operators. Driving safely in reverse, under certain circumstances does require a bit of skill, but it is a technique that is the most helpful.

In your current assignments you may be required to back up an exit ramp for several hundred yards, or maneuver through lanes of traffic on a highway, while in reverse, to the previous entrance or exit.

In order to accomplish the task of safe reverse driving, certain techniques should be implemented. This segment will discuss those techniques, which will also be implemented during field training

1. Proper Hand and Seating Positions

   As in driving forward, hand and feet placement play a vital role in controlling the vehicle. The stability of your body, arms, and hands are extremely important while driving in reverse, especially at high speeds because steering inputs are greatly “magnified”. Because of this “magnification” steering inputs must be kept to a minimum. A shift in your body while steering in reverse could cause excessive movement to the steering wheel and can easily cause the vehicle to lose control.

2. Reverse Driving Position/Technique
   a) Left Hand on wheel at 12 o'clock position with wheels straight
   b) Right hand and arm around passenger seat head-rest
   c) Upper body torso twisted right
   d) Left buttock lifted off seat
   e) Left leg extended with heel on floorboard and toes against firewall
   f) Right foot in normal position
   g) Turn head and look through rear windshield

3. Steering Control
   a) Steering inputs in reverse are only a fraction of what would be needed to accomplish a turn if driving forward. A steering wheel movement from the 12 o'clock position to the 4 o'clock position at 40 MPH, while driving in reverse can cause the vehicle to make a 180 degree turn. Steering control is paramount.

4. Controlled Steering Technique
   a) Accelerate slowly
   b) Abrupt acceleration causes weight and may throw body
      -May cause loss of control
      -Heavy acceleration lightens rear end while in reverse
      -Heavy acceleration causes rear wheel "hop"
   c) Steering inputs "magnified" even more at higher speeds
   d) Gradually accelerate to desired speed
      - Avoid exceeding 40 MPH
   e) If car begins to get "wiggly", ease off accelerator and return left arm to 12 o'clock position
      - Vehicle should continue straight
   f) Avoid heavy braking (if possible) while in reverse
      - Causes abrupt weight shift
      - Lightens front end
      - Can cause vehicle to "spin out"
   g) Gradually slow down, or stop vehicle

B. Backing Up/ Parking Technique

1. Use proper hand/seating position
   a) Use direct sight to look through rear windshield
   b) Hit siren if backing out of driveway or garage
   c) Use mirrors as well
   d) If making a turn, be aware of 5-6 feet of hood in front ofyou
   e) If turning into "tight" area be aware that turning radius will

greatly increase if you turn as you "roll"

f) Turn wheel fully before backing up
- "Counter-Steer" as needed

g) Be conscious of what gear you are in
- Be aware of where they are (position on shifter)
- Shift quickly if needed
- Back-up slowly, but correctly (even when time is of the essence)
- More time will be used making corrections
- Use fast hand movements not gas to save time
- Think of your next action before you do it

VII. DANGERS AND LIABILITIES OF VEHICLE PURSUITS.

As Police Officers, our natural instinct is to want to apprehend perpetrators, especially when they are seemingly within our reach. When a perp is fleeing on foot, the act of pursuing him imposes little or no danger to the public. The officer and the perp may be subject to sustaining an injury such as a sprained ankle, as a result. However, these risks and injuries increase drastically to the Police Officer, the general public and the perp when the pursuit involves motor vehicles.

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The following nationwide statistics have forced many Police Departments to implement strict vehicle pursuit policies. One out of every four pursuits will result in an accident. Each year, pursuit related accidents result in more than 20,000 injuries and 1,000 deaths, including the death of more than 200 Police Officers. Vehicle pursuits cost counties and municipalities billions of dollars each year in lawsuit awards paid on negligence claims. To make matters worse, most of those who were pursued weren't wanted felons… they were simply wanted for a traffic violation. Is this worth hurting your partner, or a civilian?

In many cases the operator was impaired, or intoxicated and refused to stop. Is it better to have that impaired or intoxicated

person driving at even higher speed as he/she tries to outrun you? Isn't it obvious that this type of a pursuit is bound to end in an accident?

Despite all the known negatives that can result from a vehicle pursuit, many Officers still feel the need to do it. Why? Yes, we know our job is to fight crime, but is that the only reason? Or are we doing it because our Ego is bruised when a perp flees and doesn't obey our commands?

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A. NYPD Pursuit Policy

1. The N.Y.P.D. vehicle pursuit policy, as outlined in the Patrol Guide (P.G. 212-39), must be adhered to. If at anytime the pursuit is "terminated" by a Supervisor, the pursuit must end immediately.
2. Although you may resent hearing a Supervisor "call off", or "terminate" a vehicle pursuit, if you really thought about all the potential dangers and liabilities that could result from it, you should realize that it really was the "right call

B. Pursuit Syndrome

During a vehicle pursuit changes may occur to the body's central nervous system. The level of this change and it's affect on the operator usually depends on the speed of the pursuit, the risks taken during the chase and the length of the pursuit. These changes and their effects on the operator are known as "Pursuit Syndrome".

1. Adrenaline pump
   a) Usually causes increased driving speeds
   b) May cause operator to take unnecessary risks
   c) May cause operator to "overdrive"
      -Elevated heart rate
      -Increased blood pressure
      -Increase in body temperature
        -Can affect reflexes
   d) Senses may become impaired

- Hearing
- Eyesight
- Speech

e) Depth and distance perception impaired
f) Decision and Judgment making affected
g) Evokes fear (why is vehicle fleeing?)
h) Operator may "over-react" based on that fear
- Shortened temper
-Elevated anger
-Operator may display acts of hostility

2. Need for Pursuit Policy

a) New York City geography
-Crowded, busy streets
-Numerous pedestrians crossing streets
-Numerous busy intersections
-Numerous amounts of vehicles
-Numerous schools, playgrounds, parks

b) Most times the Risks of the Apprehension outweigh the "Fruits of the Capture"
-Risks of accident, injury, death, financial liability
-Most pursuits begin only as traffic violations
-Most pursuits not warranted when comparing the risk and potential danger to the "crime" the fleeing is wanted for

c) New York City is a 24 hour town
-No "safe" time for a pursuit
-Pedestrians and vehicles always present in streets
-Numerous busy intersections
-Because of the "Pursuit Syndrome"

3. Potential Dangers of Vehicle Pursuits

The potential dangers during a vehicle pursuit turned bad are more ensuing accidents that occur one out of every four times. Yes there is the potential for injuries, deaths, and property damage, but there is also the "not often spoken of" mental effect to the operator(officer) who was involved, especially if his/her partner, or innocent civilians were injured or killed as a result of his/her actions

a) Injury or death
-To self
-To partner
-To other MOS

-To civilians

b) Emotional Trauma
- -Post Traumatic Stress Syndrome
- -Mood swings
- -Loss of sleep
- -Change of personality
- -Change of attitude
- -Lower self esteem

c) Property Damage
- - Private property
- - City property
- - Department property/equipment

4. Potential Financial Liabilities

If you are found to have been involved in a vehicle pursuit which was not authorized according to N.Y.P.D. guidelines, or which was terminated by a Supervisor, you may be liable for any financial settlement awarded to any injured party. The Corporation Counsel will not indemnify Officers who act outside their scope of employment. The guidelines of your scope of employment during a vehicle pursuit are outlined in P.G. (212-39). In authorized situations, New York City is liable.

a) Large financial settlements paid in lawsuits
b) If Officer not indemnified, salary garnisheed until settlement satisfied for:
- - Lawsuit damages award
- - Attorney fees
- - Medical bills

c) Ensuing family financial problems to Officer as a result of lost wages
- - Increased family tensions
- - Increased marital problems

SUMMARY/CONCLUSION

As you now realize it is important to know how to operate a police department vehicle safely and properly. Although the first day of this course is a classroom lecture, the tips and techniques that were spoken about will be applied and demonstrated in the field driving portion of this course. You will receive a written test and you must attain a minimum grade of 85%. The field portion of this course will include a brake and escape exercise, a single serpentine exercise, a reverse driving course, a high-speed oval, and a precision driving course, which will be discussed in the Day 2 lesson. Depending on your driving skills and the amount of people attending this course, the length of your training here may vary. Your abilities and vehicle operating skills will be monitored during your entire time here at the HDDT.

I. **QUESTION:** TRUE OR FALSE. WEARING A SAFETY BELT WILL HELP YOU MAINTAIN CONTROL OF A VEHICLE
ANSWER: TRUE

II. **QUESTION:** HOW MANY SECONDS SHOULD YOU LOOK AHEAD WHILE TRAVELING ON THE HIGHWAY?
ANSWER: 15 SECONDS

III. **QUESTION:** ARE STOPPING DISTANCES INCREASED OR DECREASED WITH ABS ON WET OR SLIPPERY SURFACES?
ANSWER: DECREASED

IV. **QUESTION:** TRUE OR FALSE. HYDROPLANING CAN OCCUR AT SPEEDS AS LOW AS 40 MPH.
ANSWER: TRUE

V. **QUESTION:** WHAT CAN CAUSE LOSS OF CONTROL IN A HIGH SPEED TURN?
ANSWER: LOSS OF TRACTION

VI. **QUESTION:** WHAT IS THE MAXIMUM SPEED YOU SHOULD DRIVE WHILE IN REVERSE?
ANSWER: 40 MPH

VII. **QUESTION:** WHAT SENSES CAN BECOME IMPAIRED AS A RESULT OF " PURSUIT SYNDROME" ?
ANSWER: HEARING, EYESIGHT AND SPEECH

THE INSTRUCTOR WILL DISTRIBUTE WRITTEN TESTS AND STUDENT MUST ATTAIN A MINIMUM SCORE OF 85%