

Legal and Operational Justification for the Autonomous Vehicle Operations and Enforcement Directive

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May 1, 2026

Abstract

Autonomous vehicles create a foreseeable operational issue for municipal police agencies because they may lawfully operate on public roadways while also committing traffic violations, obstructing emergency operations, becoming involved in crashes, or generating relevant evidence without a human driver present. California's statutory and regulatory framework, including Assembly Bill 1777 and Department of Motor Vehicles autonomous vehicle regulations, now requires law enforcement agencies to address autonomous vehicle violations through nontraditional enforcement, remote operator communication, emergency coordination, and regulatory reporting. These conditions make ordinary traffic enforcement, crash investigation, emergency scene, and evidence policies insufficient when used alone.

This paper provides a policy sufficiency rationale for a Sample Autonomous Vehicle Operations and Enforcement Directive. The purpose is to identify the basic policy elements that would be reasonable and defensible if the Directive were reviewed by command staff, regulators, auditors, courts, or opposing counsel. The paper explains why the Directive should include legal authority, definitions, recognition and identification procedures, enforcement procedures, remote operator communication, malfunction and hazard response, emergency scene management, geofencing, crash response, digital evidence handling, documentation, supervisory responsibilities, training, interagency coordination, audit, and policy review.

The central argument is that a municipal police agency should be able to demonstrate that it recognized the foreseeable risks presented by autonomous vehicles and established legally grounded, operationally clear, trainable, documented, and reviewable procedures for managing those risks. The Sample Directive is therefore justified not as an academic exercise, but as a practical risk control instrument designed to guide Officers before they are forced to improvise during autonomous vehicle incidents.

Keywords: Autonomous vehicle enforcement, California Assembly Bill 1777, Notice of Autonomous Vehicle Noncompliance, California DMV regulations, police policy design, directive design rationale, remote operator communication, emergency geofencing, autonomous vehicle incidents, digital evidence in autonomous systems, regulatory traffic enforcement, law enforcement interaction with autonomous vehicles

Introduction

Purpose of the Paper

The purpose of this paper is to provide a legal and operational justification for the content of the Sample Autonomous Vehicle Operations and Enforcement Directive. The paper does not serve as the Directive itself. It explains why the Directive contains the sections, procedures, responsibilities, and review mechanisms included in the sample policy.

This justification is intended to support command review, policy approval, training development, accreditation review, litigation preparedness, and future policy revision. If the Directive were challenged in court, questioned by a regulator, reviewed by an auditor, or criticized by an opposing expert, the Department should be able to explain why each major policy topic was included. A defensible Directive should not appear arbitrary, incomplete, or copied from unrelated traffic procedures. It should show that the Department identified a foreseeable operational issue and created a reasonable policy response.

The paper therefore evaluates the Directive through a basic sufficiency lens. The central question is whether the Directive covers the major legal, operational, investigative, supervisory, and training issues that a reasonable municipal police agency should address when autonomous vehicles operate in its jurisdiction.

The Foreseeable Operational Issue

Autonomous vehicles create a new roadway condition for law enforcement. They may operate lawfully on public streets, but they may also violate traffic laws, stop in unsafe locations, obstruct roadways, interfere with emergency scenes, become involved in crashes, or contain relevant digital evidence. The defining problem is that these events may occur without a human driver present at the scene.

That absence matters. Traditional traffic enforcement assumes there is a driver who can be stopped, contacted, identified, questioned, warned, cited, or arrested when appropriate. Autonomous vehicle incidents may not provide that ordinary point of contact. Instead, Officers may need to identify the vehicle, determine whether it was operating autonomously, communicate with a remote operator or manufacturer representative, document the violation or hazard, and preserve evidence that may be controlled by the vehicle operator or permit holder.

Because these conditions are foreseeable, a Department should not rely only on officer improvisation. A policy that fails to address autonomous vehicle encounters may leave Officers uncertain about authority, documentation, communication, scene control, and escalation. That uncertainty increases the risk of inconsistent enforcement, delayed hazard response, incomplete reporting, and lost evidence.

The Basic Sufficiency Standard

For a Sample Directive to be considered reasonable and defensible, it should contain the basic components needed to guide personnel through foreseeable autonomous vehicle incidents. At minimum, the Directive should identify the applicable legal authority, define key terms, state who

the policy applies to, explain how Officers should recognize and identify autonomous vehicles, and distinguish driverless encounters from ordinary driver based enforcement.

The Directive should also provide procedures for enforcement, remote operator communication, malfunction and hazard response, emergency scene management, geofencing or area restriction, crash response, digital evidence handling, reporting, supervisory notification, training, interagency coordination, audit, and periodic review.

These elements are not included for style or completeness alone. Each one addresses a foreseeable point of failure. Definitions reduce confusion. Enforcement procedures prevent improper citation practices. Communication protocols help Officers resolve incidents when no driver is present. Hazard procedures protect public safety. Digital evidence procedures preserve information that may be critical to later review. Supervisory responsibilities create accountability. Training makes the Directive usable. Audit and review allow the Department to identify whether the policy is working in practice.

Central Justification Statement

The Sample Autonomous Vehicle Operations and Enforcement Directive is justified because autonomous vehicle incidents create field conditions that ordinary traffic, crash, emergency response, and evidence policies do not fully address. A reasonable municipal police agency should have a policy that explains how Officers identify autonomous vehicles, determine the correct enforcement or safety response, communicate with responsible entities, document the incident, preserve evidence, notify Supervisors, and support regulatory or investigative review.

The purpose of the Directive is not to make Officers technical experts in autonomous vehicle systems. Its purpose is to give Officers a clear, legally grounded, operationally usable framework for handling the incidents they are most likely to encounter. A policy that does this is more defensible than one that leaves Officers to adapt traditional driver based procedures to driverless vehicle incidents without specific guidance.

Governing Legal and Regulatory Authority

California Autonomous Vehicle Legal Framework

A Sample Directive must begin with the understanding that autonomous vehicles may be lawful roadway users when operating under applicable state authorization. This matters because the policy should not frame autonomous vehicles as inherently unlawful, suspicious, or experimental merely because they operate without a human driver. The correct policy posture is narrower and more defensible: autonomous vehicles may lawfully operate, but they remain subject to traffic laws, emergency control, regulatory requirements, and lawful police action.

California's legal framework authorizes the testing and deployment of autonomous vehicles through state law and regulation. That framework gives the Department a reason to address autonomous vehicles as a distinct operational category. It also explains why Officers need guidance on encounters that differ from ordinary traffic stops.

The Directive should therefore include a Legal Authority section. That section should identify the legal foundation for autonomous vehicle operations and the Department's authority to respond to violations, hazards, crashes, and emergency conditions involving those vehicles. A policy that

identifies its authority is more defensible because it shows that the Department was not creating procedures in a legal vacuum.

AB 1777 and Autonomous Vehicle Noncompliance Notices

AB 1777 is central to the enforcement portion of the Sample Directive because it creates a specific enforcement mechanism for autonomous vehicle violations. When an autonomous vehicle violates traffic law while autonomous technology is engaged, Officers may use a Notice of Autonomous Vehicle Noncompliance rather than a traditional driver citation.

This legal distinction must be reflected in the Directive. A human driver citation assumes a person responsible for operating the vehicle is present or otherwise legally identifiable as the driver. A driverless autonomous vehicle incident may not fit that model. The policy should therefore explain when the autonomous vehicle noncompliance process applies and what information Officers must document to support it.

The Directive should also clearly state what Officers should avoid. Officers should not issue a standard citation to a nonexistent driver or attempt to force the event into a traditional enforcement pathway when the law provides a specific autonomous vehicle process. This is not a minor drafting issue. It is necessary to prevent improper enforcement and to protect the integrity of the Department's response.

DMV Regulations and Administrative Oversight

California DMV regulations are important because autonomous vehicle enforcement does not end with the Officer's field action. The Officer's documentation may trigger or support administrative review by the state regulatory authority. That review may involve the permit holder, manufacturer, operator, or other responsible entity.

This makes documentation quality essential. If the Officer fails to record the vehicle identifier, location, violation, autonomous status, communication attempts, or other required information, the regulatory process may be weakened. A vague or incomplete report also makes the Department's response harder to defend later.

The Directive should therefore include specific reporting requirements and supervisory review. It should require Officers to document the facts that matter to both police operations and regulatory oversight. It should also require Supervisors to review significant autonomous vehicle reports for completeness, correct classification, and required follow up.

Emergency Communication and Geofencing

California's autonomous vehicle framework also includes emergency communication and geofencing concepts. These provisions matter because autonomous vehicles may become operational problems during real time emergency response. A vehicle may need to be moved, stopped, immobilized, excluded from a scene, or prevented from entering an area where emergency activity is occurring.

The Directive should therefore include a Communication Protocol section. Officers need a clear process for contacting a remote operator, manufacturer contact center, permit holder, or other designated emergency contact. The policy should require Officers to document the time, method, response, instructions given, instructions received, and any failure to respond.

Geofencing or area restriction should also be addressed. When authorized, these tools allow emergency personnel to control autonomous vehicle movement within or around an emergency area. Because area restrictions may affect multiple vehicles and broader traffic movement, the Directive should require Supervisor approval when practicable and should specify what information must be provided, including boundaries, reason, urgency, duration, and contact person.

Why Legal Authority Must Be Connected to Procedure

It is not enough for the Directive to list legal authorities on the first page. The policy should connect legal authority to the specific actions Officers are expected to take. Enforcement authority supports the noncompliance notice process. Emergency authority supports scene control and vehicle removal requests. Regulatory authority supports reporting, documentation, and referral. Evidence authority supports preservation requests.

This connection makes the Directive more defensible. A reviewer should be able to trace each major procedure back to a lawful purpose. That traceability is especially important in a new operational area where Officers, courts, regulators, and the public may be less familiar with the governing framework.

The legal and regulatory basis therefore justifies the Directive's major structure. It explains why the policy needs sections on enforcement, communication, hazard response, emergency scene management, geofencing, crash response, digital evidence, documentation, supervision, training, and review. Each section exists because the law and operating environment create duties or risks that ordinary driver based policies do not fully cover.

Why a Standalone Directive is Reasonable

Existing Traffic Policy Is Not Enough

A general traffic enforcement policy is not sufficient by itself because ordinary traffic enforcement is built around the presence of a human driver. The Officer observes a violation, stops the vehicle, contacts the driver, identifies the driver, determines the appropriate enforcement action, and issues a warning, citation, or other lawful disposition. That sequence does not fully work when the vehicle is operating without a driver present.

Autonomous vehicle enforcement requires a different pathway. The Officer may still observe a violation, but the next steps are different. The Officer must determine whether the vehicle was operating autonomously, identify the vehicle and responsible entity, document the violation, and use the authorized autonomous vehicle noncompliance process rather than a traditional driver citation when no human driver is present.

A standalone Directive is reasonable because it prevents Officers from trying to force a driverless vehicle incident into a driver based enforcement model. It also prevents the opposite error, treating the absence of a driver as a reason to take no action. The policy must make clear that autonomous vehicle violations remain enforceable, but the enforcement method is different.

Existing Crash Policy Is Not Enough

A standard crash investigation policy remains necessary, but it does not fully address the additional issues created by autonomous vehicles. In any crash, Officers must protect life, request medical assistance when needed, secure the scene, identify involved parties, document vehicle positions, collect witness information, and complete the required crash report. Those steps still apply.

An autonomous vehicle crash adds questions that standard crash policy may not answer. Was the vehicle operating in autonomous mode? Was a human driver present? Was a remote operator involved? Who is the permit holder or manufacturer? What digital evidence exists? What data should be preserved? Did the vehicle respond to emergency direction after the crash?

Those questions justify a standalone policy section. The Department does not need to replace its crash investigation Directive. It needs to supplement it with autonomous vehicle specific requirements so that Officers preserve the information needed for later investigation, regulatory review, civil claims, or technical analysis.

Existing Emergency Operations Policy Is Not Enough

Emergency operations policies usually address scene control, perimeter management, traffic direction, interagency coordination, and incident command. Those provisions remain important. The problem is that autonomous vehicles may not respond to emergency scenes in the same way as human drivers.

A human driver can usually see an Officer, hear commands, understand hand signals, follow temporary traffic directions, or be ordered to move. A driverless vehicle may not interpret the scene correctly. It may stop in a travel lane, enter a restricted area, block emergency access, or remain inside a perimeter until a remote operator or system process intervenes.

For that reason, the Sample Directive should include specific procedures for emergency scene management, remote operator contact, immobilization or repositioning requests, and geographic exclusion where authorized. These are not ordinary scene control steps. They are autonomous vehicle specific procedures that help protect emergency operations when no driver is available to follow direct instructions.

Existing Evidence Policy Is Not Enough

A general evidence policy may explain collection, preservation, chain of custody, storage, and release of evidence. It may not alert Officers to the types of evidence created by autonomous vehicle systems. In an AV incident, the most important evidence may be held by the vehicle, manufacturer, permit holder, or remote operations system rather than located physically at the scene.

That evidence may include video, sensor data, GPS location records, system logs, remote operator communications, event data, and vehicle decision records. Officers do not need to interpret this material in the field, but they do need to recognize that it may exist and may need to be preserved.

A standalone Directive is reasonable because it tells Officers when to request preservation, what categories of information may be relevant, and how to document the request. Without this

guidance, the Department risks losing evidence simply because the responding Officer did not know it existed or did not know that preservation should be requested promptly.

Existing Communications Policy Is Not Enough

A general communications policy may cover radio procedures, dispatch priorities, call entry, notifications, and interagency coordination. It may not provide a process for contacting a remote autonomous vehicle operator or manufacturer emergency line.

Autonomous vehicle incidents may require Communications Personnel or Officers to use specialized contact channels. The response may need to be timed, documented, and escalated if no remote operator responds. The information exchanged may also matter later, including the vehicle's location, identifier, incident type, requested action, operator response, and whether the vehicle was moved, stopped, or immobilized.

The Sample Directive should therefore include communication procedures tailored to autonomous vehicle incidents. These procedures should not replace the Department's communications policy. They should supplement it by identifying the unique contact points, information needs, and escalation steps that arise when the vehicle has no driver at the scene.

Existing Supervisory Review Policy Is Not Enough

Many departments already require supervisory review of reports, arrests, pursuits, crashes, use of force events, unusual occurrences, and major incidents. Autonomous vehicle incidents may not fit neatly into those existing categories. A routine noncompliance notice may not require a Supervisor at the scene, but a driverless vehicle blocking an emergency route, failing to respond to contact attempts, or becoming involved in a serious crash should trigger supervisory involvement.

The standalone Directive should identify these triggers in advance. This prevents Officers from guessing whether a Supervisor is needed and prevents Supervisors from learning about significant events only after the fact.

Supervisor review is especially important because AV incidents may involve legal novelty, regulatory reporting, public concern, manufacturer coordination, and digital evidence. A clear policy gives Supervisors a defined role in reviewing classification, documentation, notifications, evidence preservation, and follow up.

Standalone Directive Justification

A standalone Autonomous Vehicle Operations and Enforcement Directive is reasonable because autonomous vehicle incidents combine several operational areas at once. They may involve traffic enforcement, crash investigation, emergency scene management, communications, digital evidence, towing or removal, regulatory coordination, supervision, training, and public information.

If these requirements are scattered across unrelated policies, Officers may not know what to do at the point of action. A standalone Directive brings the recurring autonomous vehicle issues into one place while cross referencing the Department's existing traffic, crash, evidence, communications, towing, and emergency operations policies.

This structure is defensible because it does not duplicate the entire policy manual. It supplements existing policies where autonomous vehicles create specific additional requirements. The result is a clearer, more usable, and more legally supportable framework for a foreseeable class of incidents.

Minimum Policy Elements Needed for Legal and Operational Sufficiency

This section identifies the minimum content a reasonable municipal police agency should include in an Autonomous Vehicle Operations and Enforcement Directive. These policy elements are not optional enhancements. Each one addresses a foreseeable issue that may arise when Officers encounter autonomous vehicles in traffic enforcement, emergency response, crash investigation, evidence preservation, or regulatory reporting.

Purpose, Scope, and Applicability

The Directive should clearly state its purpose, scope, and applicability. This is necessary because autonomous vehicle incidents may involve Patrol Officers, Traffic Officers, Supervisors, Communications Personnel, Investigators, Command Staff, and Records Personnel. A reviewer should be able to determine who is governed by the Directive and what types of incidents fall within it.

Scope language should identify the covered events. These include traffic violations, vehicle hazards, roadway obstructions, crashes, emergency scene interference, remote operator communication, geofencing requests, digital evidence preservation, and required reporting. Without clear scope language, personnel may mistakenly assume the Directive applies only to traffic enforcement or only to crashes.

Applicability also matters if an incident crosses functional boundaries. A driverless vehicle stopped in a travel lane may begin as a hazard call, become a remote operator communication issue, require Supervisor notification, and later require regulatory documentation. The Directive should make clear that all relevant personnel must follow the portions of the policy that apply to their role.

Legal Authority

The Directive should include a legal authority section identifying the statutory and regulatory basis for autonomous vehicle operations and enforcement. This section should distinguish between general traffic law, autonomous vehicle regulatory authority, emergency scene authority, and Department authority.

This is important for defensibility. If an Officer issues a noncompliance notice, requests vehicle movement, seeks geofencing, or requests digital evidence preservation, the Department should be able to point to the legal or operational basis for that action. A policy that does not identify authority invites confusion over whether the Department is acting under traffic enforcement authority, emergency authority, regulatory referral authority, or investigative authority.

The legal authority section does not need to be lengthy. It should be accurate, current, and connected to the Directive's procedures. The purpose is to show that the Department grounded the policy in law and regulation before directing Officers how to act.

Definitions

Definitions are a minimum requirement because autonomous vehicle incidents use terms that are not part of ordinary driver based traffic enforcement. The Directive should define at least the following terms: autonomous vehicle, autonomous mode, human driver, remote operator, permit holder or manufacturer, Notice of Autonomous Vehicle Noncompliance, operational design domain, disengagement, emergency geofencing, and digital vehicle data.

Definitions should be practical. They should help Officers decide which procedure applies. For example, the distinction between autonomous mode and human operation affects whether the Officer uses ordinary traffic enforcement or the autonomous vehicle noncompliance process. The distinction between a remote operator and a human driver affects communication, responsibility, and reporting.

A policy without definitions is vulnerable to inconsistent interpretation. One Officer may treat a vehicle with driver assistance technology as autonomous. Another may fail to recognize a fully driverless vehicle as covered by the Directive. Definitions reduce that risk.

Recognition and Identification

The Directive should tell Officers how to recognize and identify an autonomous vehicle. This does not require technical expertise. It requires Officers to document observable facts, including vehicle markings, company identifiers, sensor arrays, fleet numbers, license plates, absence or presence of a human driver, and any available information from the vehicle interface or remote operator.

Identification is necessary because enforcement and regulatory reporting depend on knowing what vehicle was involved and who is responsible for it. If the Officer fails to document the license plate, fleet number, company name, location, or other identifying information, the Department may be unable to complete the required reporting pathway or support later review.

The policy should also caution against assumptions. Not every vehicle with advanced sensors is operating autonomously. Not every driverless vehicle is malfunctioning or violating the law. Officers should be directed to document observable indicators and confirm operational status when feasible.

Enforcement Procedures

The Directive should include specific enforcement procedures for autonomous vehicle violations. This section should explain when a Notice of Autonomous Vehicle Noncompliance, or equivalent authorized process, is used. It should also explain that ordinary traffic citation procedures apply when a human driver is present and legally responsible.

The enforcement section should identify the minimum information required for a noncompliance notice. At a minimum, this should include date, time, location, vehicle identification, observed violation, autonomous status when known, Officer observations, and any remote operator contact. The policy should also specify where the notice or report is submitted and whether a Supervisor must review it.

This section is necessary because driverless vehicle enforcement is not intuitive. Without policy guidance, Officers may issue the wrong document, take no action, or create inconsistent records. A clear enforcement section protects the Officer, the Department, and the integrity of the regulatory process.

Remote Operator Communication

The Directive should include a remote operator communication process. In many autonomous vehicle incidents, the person capable of providing information or causing the vehicle to move will not be physically present. Officers may need to contact a remote operator, manufacturer emergency line, or permit holder contact center.

The policy should require a tiered contact process. It should identify the primary contact method, secondary contact method, Communications Center support, and escalation if contact fails. Officers should be told what information to provide, including location, vehicle identifier, incident type, safety issue, and requested action.

Documentation is essential. Officers should record the method of contact, time of contact, response time, identity or identifier of the person contacted if available, instructions given, instructions received, action taken, and any failure to respond. This record may be important for regulatory review, litigation, internal review, or future training.

Malfunction and Hazard Response

The Directive should contain procedures for malfunction and hazard response. Autonomous vehicles may create public safety problems even when the technical cause is unknown. The vehicle may stop in a travel lane, block an intersection, obstruct an emergency route, fail to respond to direction, move unpredictably, or remain disabled in a hazardous location.

The policy should define when an autonomous vehicle should be treated as a hazard. It should authorize reasonable public safety measures, including securing the scene, directing traffic, requesting additional units, contacting the remote operator, requesting repositioning or immobilization, and arranging removal or towing when lawful.

This section should also state that Officers do not need to determine the technical cause of the malfunction before acting to protect public safety. That distinction matters. The Officer's immediate duty is to stabilize the situation, not diagnose the vehicle's software or sensor system.

Emergency Scene Management

The Directive should address emergency scene management because autonomous vehicles may enter or interfere with scenes controlled by police, fire, EMS, transportation officials, or public works. A driverless vehicle may not interpret temporary traffic patterns, hand signals, emergency lights, cones, flares, or verbal commands in the same way a human driver would.

The policy should require Officers to prevent autonomous vehicles from compromising emergency scene safety. This may include requesting remote operator assistance, directing the vehicle to leave the area, requesting immobilization, coordinating with incident command, and documenting the interference.

Emergency scene provisions are necessary because scene integrity is a core public safety responsibility. If an autonomous vehicle blocks an ambulance route, enters a crime scene perimeter, or interferes with fire operations, the Department must have a defined process for resolving the problem.

Geofencing and Area Restrictions

The Directive should include procedures for geofencing or temporary area restrictions where authorized by law or regulation. Some incidents require area based control rather than single vehicle control. Examples include large crash scenes, fire scenes, crime scenes, tactical perimeters, disasters, road closures, public demonstrations, special events, and infrastructure failures.

The policy should state who may request geofencing, when Supervisor approval is required, what information must be provided, and how the request must be documented. Required information should include the geographic boundaries, reason for the restriction, urgency, expected duration, point of contact, and any immediate safety concerns.

Because geofencing can affect multiple vehicles and broader roadway movement, it should not be treated casually. The Directive should frame it as an emergency or public safety control tool, not a routine convenience.

Crash Response

The Directive should include autonomous vehicle specific crash response requirements. Standard crash procedures still apply. Officers must address life safety, medical assistance, scene protection, traffic control, witness identification, roadway evidence, and required crash reporting.

The AV specific section should add the information that ordinary crash policy may miss. Officers should document whether the vehicle was operating in autonomous mode, whether a human driver was present, whether a remote operator was contacted, who the permit holder or manufacturer is, whether digital evidence may exist, and whether preservation was requested.

Serious crashes should require supervisory notification. Injury crashes, fatalities, significant property damage, suspected system failure, emergency scene interference, or public concern may also justify investigator or Command Staff notification. These triggers should be identified in the policy before an incident occurs.

Digital Evidence

The Directive should include a digital evidence section because autonomous vehicles may contain or generate evidence that is not visible at the scene. Relevant evidence may include video, sensor data, location data, event logs, remote operator communications, system status information, and vehicle decision records.

The policy should require Officers or Investigators to request preservation of relevant data through approved channels. The request should identify the incident, vehicle, location, date, time, and relevant time window before, during, and after the incident. The policy should also explain that the responding Officer is not expected to interpret technical data unless trained or assigned to do so.

This section is a basic defensibility measure. If the Department knows that relevant evidence may exist and fails to direct personnel to preserve it, later review may find the investigation incomplete. A preservation requirement shows that the Department anticipated the evidence issue and created a reasonable process.

Documentation and Reporting

The Directive should state what reports are required and what information must be included. Documentation is central to autonomous vehicle enforcement because the Officer's report may support regulatory review, internal review, crash investigation, evidence preservation, and litigation defense.

Required content should include the vehicle identity, autonomous status, presence or absence of a human driver, observed violation or hazard, location, time, roadway conditions, communication attempts, remote operator response, actions taken, evidence preservation steps, notifications, and final disposition.

The policy should also distinguish report type by incident type. A routine violation may require a noncompliance notice and incident entry. A hazard may require an incident report and Supervisor review. A crash may require a crash report and supplemental narrative. A geofencing request may require documentation of boundaries, reason, authorization, and response.

Supervisory Responsibilities

The Directive should identify when Supervisors must be notified and what they must do. Not every autonomous vehicle incident requires a Supervisor at the scene, but certain events do. The policy should include mandatory notification for collisions, injuries, significant hazards, roadway obstruction, emergency scene interference, communication failure, towing, geofencing requests, suspected system malfunction, repeated violations, media sensitive events, and incidents with significant public impact.

Supervisors should be responsible for ensuring that the correct procedure was used, required reports were completed, evidence preservation was requested when needed, and required notifications were made. They should also determine whether Command Staff notification is necessary.

This section is necessary because autonomous vehicle incidents may carry legal, operational, regulatory, and public trust implications. Supervisory review creates accountability and reduces the likelihood that significant events are handled inconsistently.

Training

The Directive should require training. A policy is weak if Officers are expected to follow unfamiliar procedures without instruction. Autonomous vehicle encounters involve new terminology, new enforcement documents, remote communication, geofencing, digital evidence, and regulatory reporting. These topics require at least basic competency training.

Training should cover recognition and identification, legal authority, enforcement procedures, remote operator communication, hazard response, emergency scene management, crash response, digital evidence preservation, documentation, and supervisory notification. Scenario

based training should be included because Officers need to practice the most likely incidents before encountering them under pressure.

Supervisors should receive additional training on escalation, report review, coordination, and Command Staff notification. Communications Personnel may also need training on manufacturer contact channels and information capture.

Interagency and Regulatory Coordination

The Directive should address coordination with outside entities. Autonomous vehicle incidents may involve the DMV or other state regulator, permit holders, manufacturers, fire, EMS, transportation officials, public works, towing providers, prosecutors, and records personnel.

The policy should require the Department to maintain current contact information for relevant regulatory agencies and autonomous vehicle operators when available. It should also explain that information sharing must comply with law, evidence requirements, privacy rules, and Department policy.

Coordination is necessary because autonomous vehicle incidents are rarely resolved by police action alone. The Department may control the scene, but the vehicle operator, manufacturer, regulator, or another public safety agency may control information, technical response, or follow up action.

Audit and Review

The Directive should include audit and periodic review. Autonomous vehicle technology and law will continue to change. A defensible policy should not assume that one version will remain adequate indefinitely.

Audit should review whether Officers are correctly classifying incidents, completing notices, documenting communication attempts, requesting evidence preservation, notifying Supervisors, and following geofencing procedures. Review should also identify repeated problem locations, repeated operator issues, repeated communication failures, and training needs.

This section makes the policy reviewable. It allows the Department to show that it monitors the effectiveness of the Directive and updates procedures when needed.

Related Policies

The Directive should cross reference related policies. These include traffic enforcement, crash investigation, evidence handling, towing and removal, emergency operations, communications, public information, records management, body worn cameras, and training.

Cross references prevent isolation. They help Officers understand that the autonomous vehicle Directive supplements existing Department procedures rather than replacing them entirely. The policy should also explain that the AV Directive controls when it provides specific procedures for autonomous vehicle incidents that differ from general policies.

A court, regulator, auditor, or opposing expert reviewing the policy should be able to see how the Directive fits into the larger policy system. That integration strengthens the Department's position that it created a coherent response to a foreseeable operational issue.

Risk if the Directive Omits These Topics

Legal Risk

If a Department omits autonomous vehicle specific procedures, it may appear unprepared for a foreseeable operational issue. The concern is not that every omission automatically creates liability. The more precise concern is that an incomplete Directive may make it harder for the Department to show that it reasonably identified the risks created by autonomous vehicles and gave Officers lawful guidance before incidents occurred.

Legal risk increases when Officers are left to improvise. A driverless vehicle violation, crash, or emergency scene obstruction may raise questions about authority, documentation, communication, and evidence preservation. If the Department has no policy addressing those issues, a court, regulator, auditor, or opposing expert may ask why the Department failed to create guidance after the issue became known.

A complete Directive helps answer that challenge. It shows that the Department recognized autonomous vehicles as a distinct roadway issue, identified the governing legal framework, established procedures, trained personnel, and created a review process. That does not guarantee immunity from challenge, but it strengthens the Department's position that its response was reasonable.

Operational Risk

Operational risk is the most immediate problem. Without clear procedures, Officers may respond differently to similar autonomous vehicle incidents. One Officer may treat a driverless vehicle violation as unenforceable. Another may attempt to issue a traditional citation. Another may document the event informally without preserving the information needed for regulatory review.

That inconsistency weakens field operations.

Autonomous vehicle incidents can also require quick action. A vehicle may stop in a travel lane, block emergency access, fail to respond to direction, or enter a restricted scene. If Officers do not know whom to contact, when to escalate, or how to request movement or immobilization, the response may be delayed.

The Directive reduces operational risk by giving Officers a known sequence. Identify the vehicle. Determine autonomous status. Classify the event. Protect the scene. Communicate with the remote operator or responsible entity. Notify a Supervisor when required. Document the action taken. Preserve evidence when applicable.

Evidentiary Risk

Autonomous vehicle incidents may involve evidence that is not physically visible at the scene. Video, sensor data, GPS records, system logs, remote operator communications, event records, and decision data may be controlled by the manufacturer, permit holder, or system operator. If personnel do not know that this evidence may exist, they may fail to request preservation.

That failure can damage the investigation. It can also damage the Department's credibility.

A later reviewer may ask why the responding personnel did not seek preservation of system data when the vehicle's operation was central to the incident. This is especially important in crashes, injuries, serious violations, disputed events, or emergency scene interference. Physical evidence and witness statements may not fully explain what the autonomous system detected or how it responded.

A Directive with a digital evidence section helps prevent that failure. It does not require every Officer to interpret technical logs. It requires Officers and Investigators to recognize that relevant data may exist, request preservation through approved channels, and document the request.

Training Risk

A written Directive is not enough if personnel are not trained to apply it. Autonomous vehicle incidents involve concepts that may be unfamiliar to Officers, including autonomous mode, remote operators, permit holders, noncompliance notices, emergency geofencing, and vehicle generated digital evidence.

If the Department issues a policy but provides no meaningful training, the policy may exist only on paper. Officers may still default to ordinary traffic enforcement habits. Supervisors may not know when review is required. Communications Personnel may not know how to contact the manufacturer or what information to capture.

Training risk is especially important because autonomous vehicle encounters are likely to be low frequency but high consequence. Officers may not develop skill through repetition. Scenario based training helps close that gap by allowing personnel to practice foreseeable events before encountering them in the field.

The Directive should therefore require initial and refresher training. It should also identify core competencies. Personnel should know how to recognize an autonomous vehicle, classify the event, use the proper enforcement process, contact the remote operator, manage hazards, preserve evidence, notify Supervisors, and complete required reports.

Supervisory Risk

If the Directive does not define supervisory responsibilities, serious autonomous vehicle incidents may be handled without proper oversight. Some AV incidents may be minor and routine. Others may involve injuries, roadway hazards, emergency scene interference, failed communication, digital evidence, towing, regulatory reporting, media attention, or public concern.

Officers should not have to guess whether those incidents require supervisory involvement.

A policy without notification triggers can produce uneven escalation. One shift may notify a Supervisor for every AV incident. Another may notify only after a crash. Another may handle a nonresponsive vehicle as a routine traffic hazard without recognizing the broader regulatory or evidentiary issues.

The Directive should identify mandatory notification events and require Supervisors to review reports for completeness and correct classification. Supervisory review also helps the

Department identify recurring problems, training gaps, or policy revisions. This turns individual incidents into organizational learning.

Regulatory and Coordination Risk

Autonomous vehicle incidents may require coordination with state regulators, manufacturers, permit holders, fire, EMS, public works, transportation officials, prosecutors, or towing providers. If the Directive does not address coordination, Officers may not know who should be notified, how information should be shared, or what records must be retained.

This risk is practical. A noncompliance notice may need to support DMV review. A crash may require manufacturer data preservation. An emergency scene may require remote operator action. A geofencing request may require accurate boundaries and a clear point of contact.

Poor coordination can slow response and weaken accountability. It can also create confusion between agencies or between the Department and the vehicle operator.

A sufficient Directive should therefore identify coordination responsibilities and require the Department to maintain current contact pathways where available. It should also make clear that information sharing must follow law, evidence rules, privacy requirements, and Department policy.

Public Trust Risk

Autonomous vehicle incidents may draw public attention quickly. A driverless vehicle blocking a roadway, interfering with emergency response, or becoming involved in a crash can raise immediate public concern. The community will expect Officers to appear prepared, lawful, and capable.

If Officers seem uncertain or take inconsistent action, the incident may become a legitimacy problem. The public may perceive autonomous vehicle companies as operating without accountability. They may also question whether the Department understands how to manage new roadway technology.

A Directive helps protect public trust by creating a visible accountability structure. It shows that the Department has a process for violations, hazards, crashes, evidence, supervision, and review. It also gives Supervisors and Command Staff a clear basis for explaining Department action if questions arise after an incident.

Policy Review Risk

Autonomous vehicle law and technology will continue to change. A Directive that lacks audit and review provisions may become outdated quickly. That creates a different kind of risk: the Department may initially address the issue, but fail to adapt when the legal or operational environment changes.

Periodic review is therefore part of sufficiency. The Department should examine whether the Directive is being followed, whether reports are complete, whether training is adequate, and whether new legal or technical developments require revision.

A policy that includes review mechanisms is easier to defend because it shows that the Department did not treat emerging technology as a one time drafting issue. It created a process for continued attention.

Risk Analysis Summary

The omission of major autonomous vehicle policy topics can create legal, operational, evidentiary, training, supervisory, regulatory, public trust, and review risks. The purpose of the Sample Directive is to reduce those risks by giving personnel a clear and reasonable framework before incidents occur.

The strongest defensibility argument is simple. Once autonomous vehicle incidents become foreseeable, a reasonable agency should not rely entirely on ordinary driver based traffic policy. It should adopt procedures that address the specific conditions created by driverless operation, remote control, regulatory enforcement, emergency scene interference, and digital evidence.

Conclusion

Summary of Sufficiency

The Sample Autonomous Vehicle Operations and Enforcement Directive is justified because autonomous vehicles create field conditions that ordinary municipal police policies may not fully address. Traditional traffic enforcement assumes the presence of a human driver. Standard crash investigation policies may not address autonomous status, remote operator involvement, or manufacturer-controlled data. Emergency operations policies may not explain how to manage a driverless vehicle that enters or obstructs a controlled scene. General evidence policies may not alert Officers to the existence of vehicle-generated digital evidence.

A sufficient Directive must therefore cover the basic issues that are reasonably foreseeable. It must identify the governing legal authority, define key terms, explain how Officers recognize and identify autonomous vehicles, establish the proper enforcement pathway, provide remote operator communication procedures, address hazards and malfunctions, protect emergency scenes, govern geofencing or area restriction requests, supplement crash response, preserve digital evidence, require documentation, assign supervisory responsibilities, mandate training, support coordination, and require periodic review.

These topics are not included to make the Directive longer. They are included because each one corresponds to a point where an Officer, Supervisor, Investigator, Communications Personnel, Command Staff Member, regulator, auditor, or later reviewer may need clear guidance.

Final Defensibility Statement

The defensibility of the Sample Directive rests on reasonableness. A municipal police agency is not expected to predict every possible autonomous vehicle failure or master every technical feature of every vehicle platform. It is expected to recognize a foreseeable operational issue and create a policy that gives personnel lawful, practical, and reviewable procedures for responding to it.

That is what the Sample Directive is designed to do.

It does not require Officers to become engineers. It requires them to identify the vehicle, determine whether a human driver is present, classify the incident, protect public safety, contact the appropriate remote or responsible entity, document the event, preserve evidence when necessary, and notify Supervisors when the event exceeds routine handling.

A Directive with those elements is stronger than a policy system that leaves personnel to rely on traditional driver-based procedures alone. It demonstrates preparation, reduces improvisation, improves documentation, supports regulatory review, and creates a structure for training and supervision.

The purpose of the Sample Directive is to demonstrate that a municipal police agency has reasonably identified the foreseeable risks presented by autonomous vehicles and has established legally grounded, operationally clear, trainable, documented, and reviewable procedures for managing those risks.