

**SAN DIEGO POLICE DEPARTMENT
PROCEDURE**

DATE: MARCH 14, 2017

NUMBER: 1.14 - ADMINISTRATION

SUBJECT: PROCEDURES FOR REVIEWING POLICE
EQUIPMENT COLLISIONS AND DAMAGE TO
POLICE VEHICLES

RELATED POLICY: 1.14 AND AR 75.12

ORIGINATING DIVISION: TRAFFIC

NEW PROCEDURE:

PROCEDURAL CHANGE: **EXTENSIVE CHANGES**

SUPERSEDES: DP 1.14 – 04/25/2014

I. PURPOSE

This Department procedure establishes guidelines for reviewing police equipment collisions, and damage occurring to police vehicles as a result of non-collisions.

II. SCOPE

This procedure applies to all members of the Department.

III. BACKGROUND

All traffic collisions involving on or off duty Department personnel driving a Department vehicle, and collisions involving parked or unoccupied Department vehicles will be investigated by a Traffic Division unit at the time of their occurrence, or as soon as discovered. All such collisions will be processed by Traffic Division. A field supervisor will be dispatched to oversee all police equipment collision investigations and will prepare a written report of his or her conclusions on the Supervisors Vehicle Collision Report Form (RM-1555) available on the Shared F: drive. The supervisor shall complete a vehicle collision entry in the Blue Team application. The entry will be routed through the divisional chain-of-command, then submitted. Do not send the Blue Team entry to Fleet Safety. The immediate supervisor of the driver involved should be assigned to

NEW

respond to the scene whenever possible. The driver of the Department vehicle will complete an Employee Collision Report Form (RM-1551) available on the Shared F: drive. These two forms should be forwarded to the Fleet Safety Sergeant within 48 hours of the collision.

IV. DEFINITIONS

- A. Preventable collision - one in which the driver was at fault, or where utilizing defensive driving techniques could have prevented the collision. This ruling may be reached in incidents where the driver/operator/employee/volunteer is in control of or responsible for a City vehicle/industrial equipment, or a POV (privately owned vehicle) on City business.
- B. Non-preventable collision - one in which the driver was not at fault, or (per AR 75.12) one that could not have reasonably been prevented by use of defensive driving techniques and the circumstances of the situation.
- NEW C. No fault implied collision – one in which fault could not be determined. For administrative purposes such collisions will be carried as non-preventable; unless, it can be determined the City driver could have prevented the collision by using defensive driving techniques.
- D. No Vehicle Incident (NVI) - one in which the cause of damage was an intentional act, criminal act such as vandalism, or damage resulting from circumstances such as falling trees, a baseball breaking a window, or the arrest of an unruly prisoner. Intentionally ramming a police vehicle into a civilian vehicle would also be considered a NVI, and is not considered a traffic collision.
- NEW E. Industrial Incident – an incident involving City business and/or City property where the operation of a piece of Industrial Equipment results in death, injury or property damage, and is directly attributable to the operation of the equipment.

Note: Forms RM-1551 and RM-1555 are required to document all incidents considered a NVI or Industrial Incident when damage occurs to City equipment, a City Vehicle, or privately owned vehicles or property due to involvement with City equipment or a City vehicle. All such incidents involving Department personnel or equipment shall be forwarded to the Fleet Safety Sergeant for review and processing.

V. PROCEDURES

- A. Sworn Employees

1. The Fleet Safety Sergeant will review each incident to determine whether it was a preventable collision, non-preventable collision, NVI or Industrial Incident. The finding will be documented on Form RM-1555.
2. If a collision is determined to be non-preventable, the Fleet Safety Sergeant will record the incident in the employee's driving file. The Fleet Safety Sergeant will forward Form RM-1555 to the appropriate assistant chief, who will review and sign the form as "Department Head." The completed form will be returned to the Fleet Safety Sergeant, who will forward it to the City Safety Office of Risk Management. The Fleet Safety Sergeant will notify the employee's commanding officer of the non-preventable finding.
3. If the collision is preventable, the Fleet Safety Sergeant will determine if it is a Category 1, 2, or 3 collision. The finding will be documented on Form RM-1555 as follows:
 - a. Category 1 - a collision occurring because the driver/operator /employee/volunteer of a City vehicle/industrial equipment, or POV on City business misjudged clearance, or failed to drive defensively.
 - b. Category 2 - a collision occurring because the driver/operator /employee/volunteer of a City vehicle/industrial equipment, or POV on City business was negligent and/or violated City and/or Department Instructions, policies and procedures.
 - c. Category 3 - a collision occurring because the driver/operator/employee/volunteer of a City vehicle/industrial equipment, or POV on City business was under the influence of alcohol, drugs, and/or other substances to any degree, per A.R. 97.00 (City Substance Abuse Policy), an approved departmental substance abuse policy and/or an applicable CVC, and/or who has flagrantly, willfully, and/or deliberately disregarded safety.

The Fleet Safety Sergeant will utilize the A.R. 75.12 Matrix of Discipline and list the appropriate recommended discipline on Form RM-1555. The Fleet Safety Sergeant will forward Form RM-1555, to the driver's commanding officer. The commanding officer shall complete the "Appointing Authority imposed discipline" portion of Form RM-1555, and sign and date the form. The commanding officer or designee will serve the employee with Form RM-1555 and any accompanying documents. The employee is not required to sign the documents; however, it shall be noted on Form RM-1555 who served the employee with the documents, and the date he or she was served. The commanding officer or designee will ensure the employee receives a copy of the documents. The Fleet Safety

Sergeant will furnish the employee with a copy of the collision report and any remaining documents upon request.

Should the employee elect not to appeal the findings, the commanding officer shall initiate the discipline process. Form RM-1555 should be returned to the Fleet Safety Sergeant. The Fleet Safety Sergeant will forward Form RM-1555 to the appropriate assistant chief, who will sign as "Department Head," before returning it to the Fleet Safety Sergeant. The Fleet Safety Sergeant will record dispositions and forward all RM-1555 forms to the City Safety Office of Risk Management.

4. Sworn Employee Appeal Process

- a. If the employee disagrees with the initial finding and intends to file an appeal, all disciplinary action shall be stayed until the employee appeal process is completed. The employee shall submit, within 15 calendar days from the date he or she was served with the RM-1555, a written appeal to the designated Traffic Division Lieutenant. The appeal should state the scope of appeal, including whether the "preventable" and/or "category" finding(s) are being appealed, and if alleged, whether the incident was properly reported. The lieutenant will review the complete collision file and the employee's appeal before making a determination. The lieutenant will complete a report of the findings and forward it to the employee via the chain of command within 30 days.

If the employee does not contest the lieutenant's findings, the employee's commanding officer shall complete Form RM-1555, indicating what discipline will be imposed. The Appointing Authority will then forward the completed form to the Fleet Safety Sergeant.

- b. If the employee disagrees with the lieutenant's decision, the employee must request, in writing, a hearing and review of the collision by the Collision Review Committee (CRC). This request must be made within 15 calendar days of the receipt of the lieutenant's report, and should be made through the Fleet Safety Sergeant. This is an evidentiary hearing.

An employee organization representative, if requested by the involved employee, may be present at the CRC hearing. Employees should refer to their current MOU for specific representation rights.

- c. The CRC will consist of the assistant chief over Traffic Division (CRC chairperson), a captain, and the Emergency Vehicle

NEW

Operations Center (EVOC) Core Instructor. Any employee actions that may have contributed to the collision shall be subject to review. Employees will be held accountable and shall appear before the full CRC to present evidence related to their involvement in the collision. The following personnel and persons may be called to testify at the review hearing:

- (1) Any employee involved in, or that witnessed the collision;
- (2) The immediate supervisor of the employee involved in the collision;
- (3) Other City employees (including peers) directed to present information;
- (4) Non-City employee witnesses.

- d. The CRC shall have access to and use all reports, materials and testimony related to the collision. The CRC will make the final determination on whether a collision was preventable or non-preventable, the category of the collision, and whether or not it was properly reported. When the CRC changes a preventable finding to a non-preventable finding, this will be deemed an administrative action only. The report of record will not be amended when the collision involves a civilian vehicle determined not to be at fault.
- e. The CRC Chairperson or designee (not the Fleet Safety Sergeant), shall prepare a written report of the collision appeal hearing and attach it to Form RM-1555. The report shall include the CRC's conclusions and findings. Form RM-1555 and the attached report will be forwarded to the employee's commanding officer and the Fleet Safety Sergeant.
- f. The CRC will not make recommendations on discipline. Any disciplinary action taken will be initiated by the employee's commanding officer, and will be processed in accordance with the A.R. 75.12 Matrix of Discipline and the SDPD Discipline Manual for Sworn Personnel.
- g. If the CRC upholds the findings, the commanding officer will complete the lower section of Form RM-1555 under "Action Taken," and sign as the "Appointing Authority." The form will be sent to the Fleet Safety Sergeant and forwarded to the appropriate assistant chief, who will sign as "Department Head," before returning it to the Fleet Safety Sergeant.

NEW

- h. If the CRC finds the collision to be non-preventable, the commanding officer will sign Form RM-1555 as the "Appointing Authority." The form will be sent to the Fleet Safety Sergeant who will amend the form to reflect the non-preventable finding, and update the Fleet Safety database. The Fleet Safety Sergeant will forward the form to the appropriate assistant chief, who will sign as "Department Head," before returning it to the Fleet Safety Sergeant.
- i. The Fleet Safety Sergeant will record dispositions and forward all RM-1555 forms to the City Safety Office of Risk Management. Traffic Division will maintain a permanent driving file for all Department personnel. Police equipment collision reports will be maintained for five years.

B. Civilian Employees

- 1. The Fleet Safety Sergeant will review each incident to determine whether it was a preventable collision, non-preventable collision, NVI, or Industrial Incident. The finding will be documented on Form RM-1555.
- 2. If a collision is determined to be non-preventable, the Fleet Safety Sergeant will record the incident in the employee's driving file. The Fleet Safety Sergeant will forward Form RM-1555 to the appropriate assistant chief, who will review and sign the form as "Department Head." The completed form will be returned to the Fleet Safety Sergeant who will forward it to the City Safety Office of Risk Management. The Fleet Safety Sergeant will notify the employee's commanding officer of the non-preventable finding.
- 3. If the collision is preventable, the Fleet Safety Sergeant will determine if it is a Category 1, 2, or 3 collision. The finding will be documented on Form RM-1555 as follows:
 - a. Category 1 - a collision occurring because the driver/operator/employee/volunteer of a City vehicle/industrial equipment, or POV on City business misjudged clearance, or failed to drive defensively.
 - b. Category 2 - a collision occurring because the driver/operator/employee/volunteer of a City vehicle/industrial equipment, or POV on City business was negligent and/or violated City and/or Department Instructions, policies and procedures.
 - c. Category 3 - a collision occurring because the driver/operator/employee/volunteer of a City vehicle/industrial

NEW

equipment, or POV on City business was under the influence of alcohol, drugs, and/or other substances to any degree, per A.R. 97.00 (City Substance Abuse Policy), an approved departmental substance abuse policy and/or an applicable CVC, and/or who has flagrantly, willfully, and/or deliberately disregarded safety.

NEW

The Fleet Safety Sergeant will utilize the A.R. 75.12 Matrix of Discipline and list the appropriate recommended discipline on Form RM-1555. The Fleet Safety Sergeant will forward Form RM-1555 to the driver's commanding officer. The commanding officer shall complete the "Appointing Authority imposed discipline" portion of Form RM-1555, and sign and date the form. The commanding officer or designee will serve the employee with Form RM-1555 and any accompanying documents. The employee is not required to sign the documents; however, it shall be noted on Form RM-1555 who served the employee with the documents, and the date he or she was served. The commanding officer or designee will ensure the employee receives a copy of the documents. The Fleet Safety Sergeant will furnish the employee with a copy of the collision report and any remaining documents upon request.

Should the employee elect not to appeal the findings, the commanding officer shall initiate the discipline process. Form RM-1555 should be returned to the Fleet Safety Sergeant. The Fleet Safety Sergeant will forward Form RM-1555 to the appropriate assistant chief, who will sign as "Department Head," before returning it to the Fleet Safety Sergeant. The Fleet Safety Sergeant will record dispositions and forward all RM-1555 forms to the City Safety Office of Risk Management.

4. Civilian Employee Appeal Process

NEW

- a. If the employee disagrees with the initial finding and intends to file an appeal, all disciplinary action shall be stayed until the employee appeals process is completed. The employee shall submit within 15 calendar days from the date he or she was served with the RM-1555, a written appeal to the designated Traffic Division Lieutenant. The appeal should state the scope of appeal, including whether the "preventable" and/or "category" finding(s) are being appealed, and if alleged, whether the incident was properly reported. The lieutenant will review the complete collision file and the employee's appeal before making a determination. The lieutenant will complete a report of the findings and forward it to the employee via the chain of command within 30 days.

If the employee does not contest the lieutenant's findings, the employee's commanding officer shall complete Form RM-1555, indicating what discipline will be imposed. The Appointing Authority will then forward the completed form to the Fleet Safety Sergeant.

- b. If the employee disagrees with the lieutenant's decision, the employee must request, in writing, a hearing and review of the collision by the Collision Review Committee (CRC). This request must be made within 15 calendar days of the receipt of the lieutenant's report, and should be made through the Fleet Safety Sergeant. This is an evidentiary hearing.

An employee organization representative, if requested by the involved employee, may be present at the CRC hearing. Employees should refer to their current MOU for specific representation rights.

- c. The CRC will consist of the assistant chief over Traffic Division (CRC chairperson), a captain, and the Emergency Vehicle Operations Center (EVOC) Core Instructor. Any employee actions that may have contributed to the collision shall be subject to review. Employees will be held accountable and shall appear before the full CRC to present evidence related to their involvement in the collision. The following personnel and persons may be called to testify at the review hearing:

- (1) Any employee involved in, or that witnessed the collision;
- (2) The immediate supervisor of the employee involved in the collision;
- (3) Other City employees (including peers) directed to present information;
- (4) Non-City employee witnesses.

- d. The CRC shall have access to and use all reports, materials and testimony related to the collision. The CRC will make the final determination on whether a collision was preventable or non-preventable, the category of the collision, and whether or not it was properly reported. When the CRC changes a preventable finding to a non-preventable finding, this will be deemed an administrative action only. The report of record will not be amended when the collision involves a civilian vehicle determined not to be at fault.

- e. The CRC Chairperson or designee (not the Fleet Safety Sergeant), shall prepare a written report of the collision appeal hearing and attach it to Form RM-1555. The report shall include the CRC's conclusions and findings. Form RM-1555 and the attached report will be forwarded to the employee's commanding officer and the Fleet Safety Sergeant.
- NEW f. The CRC will not make recommendations on discipline. Any disciplinary action taken will be initiated by the employee's commanding officer, and will be processed in accordance with the A.R. 75.12 Matrix of Discipline and the Dimensions in the Discipline Manual.
- NEW g. If the CRC upholds the findings, the commanding officer will complete the lower section of Form RM-1555 under "Action Taken," and sign as the "Appointing Authority." The form will be sent to the Fleet Safety Sergeant and forwarded to the appropriate assistant chief, who will sign as "Department Head," before returning it to the Fleet Safety Sergeant.
- NEW h. If the CRC finds the collision to be non-preventable, the commanding officer will sign Form RM-1555 as the "Appointing Authority." The form will be sent to the Fleet Safety Sergeant who will amend the form to reflect the non-preventable finding, and update the Fleet Safety database. The Fleet Safety Sergeant will forward the form to the appropriate assistant chief, who will sign as "Department Head," before returning it to the Fleet Safety Sergeant.
- NEW i. The Fleet Safety Sergeant will record dispositions and forward all RM-1555 forms to the City Safety Office of Risk Management. Traffic Division will maintain a permanent driving file for all Department personnel. Police equipment collision reports will be maintained for five years.

VI. DISCIPLINARY GUIDELINES

- A. Refer to A.R. 75.12 Matrix of Discipline and the appropriate employee discipline manual for appropriate training and disciplinary guidelines and procedures.
- B. Previous preventable collisions may be considered in discipline for a period of 3 consecutive years, or the Last Continuous Three Year Period (LCTYP) from the date of the collision in question when determining future discipline.
- C. Refer to A.R. 75.12, section 5.13 for deviation from the Matrix of Discipline.

VII. TRAINING

- A. The Training Division and all supervisors shall have the responsibility for training SDPD employees on City and Department policies and procedures, and on the safe operation of each type of equipment the employee is required to operate.
- B. All SDPD personnel who operate any specialized vehicle or equipment are required to successfully complete a police department approved training course for the type of vehicle or equipment the employee will be operating including, but not limited to:
1. Motorcycles;
 2. Personnel transportation vans;
 3. Command vans;
 4. Special response vehicles (SWAT);
 5. 4x4 off-road vehicles;
 6. Quad runner off-road vehicles;
 7. Pick-up trucks (Fleet Manager);
 8. Large stake bed trucks (Fleet Manager);
 9. Bicycles;
 10. Police Service Officer (PSO) or Lab vans, and
 11. Pull trailers.

NEW

Once certified, the employee must carry the City of San Diego Motor Vehicle Operator's ID Card (RM-1576) with them while operating any specialized vehicle.

- C. The Training Division will maintain an alphabetical listing of all Police Department personnel who have been trained in the operation of specialized equipment. A copy of all training certificates will be maintained in the employee's training file.
- D. Supervisors investigating collisions that involve specialized equipment or vehicles will determine whether the employee received training and was certified to operate the equipment or vehicle.

- E. When any supervisor believes a SDPD employee, whether sworn, civilian, or a volunteer, has a physical impairment or deficiency that affects his or her ability to operate any equipment or vehicle, the employee's commanding officer shall be notified. The commanding officer will report the employee's condition to Police Human Resources Supervising Management Analyst. He or she will consult with the Medical Assistance Unit and determine the necessity for a medical evaluation.
- F. Supervisors observing unsafe equipment or vehicle operation practices are encouraged to assign the employee concerned to attend an operator refresher course offered by the Training Division.
- G. When operators report equipment and/or vehicles as unsafe, supervisors will ensure repairs are made.