

6.10 COLLISION REVIEW: ON DUTY POLICE VEHICLES:

A. PURPOSE:

To establish a process for reviewing traffic and non-traffic accidents involving employees of the Riverside Police Department during the course and scope of their duties.

B. DEFINITION:

An accident, for the purpose of this policy, is any unintentional property damage and/or personal injury caused to, or by, a city motor vehicle (or private vehicle being used for city business) under the care or control of a Police Department employee.

1. **Preventable:** A preventable accident is one in which the driver is responsible, did not use proper defensive driving techniques, and/or did not follow Department Policy. All preventable accidents shall be classified as one of the following categories:

a. **Category 1:** An accident which occurred because of misjudgment of clearance, failure to drive defensively, or not anticipating another driver's movements.

b. **Category 2:** An accident which occurred because the employee violated or failed to comply with state law, city or Department policy, and/or procedures.

c. **Category 3:** An accident which occurred because the employee flagrantly or willfully disregarded their duty to drive with due regard for the safety of all persons.

2. **Non-Preventable:** A non-preventable accident is one in which the driver was not at fault and could not have been reasonably prevented.

3. **Intentional Acts:** An intentional act is any action taken which, by its very nature, one could reasonably expect resultant property damage or injury. It is not intended for these acts to be reviewed pursuant to the Collision Review policy. These acts are to be reviewed pursuant to other established policies and procedures (i.e. , legal intervention or road blocks).

C. PROCEDURES:

1. **Initial Reporting:** All applicable accidents will be immediately reported to a supervisor who will be responsible for insuring that a complete investigation is conducted. All accidents that result in only damage to Police vehicles shall be reported by using the Vehicle Accident Report form 131-123 (sample attached), the Accident Investigation Report form 131-62 (R1) (sample attached), with a memo from the supervisor detailing the investigation and their recommendations. A State of California Traffic Collision Report (sample attached) will only be required on all accidents involving any injury to any person or property damage to another no matter how slight.

a. All accident investigation packages resulting from work-related collisions shall

be forwarded to the Traffic Services Bureau as soon as practical.

- b. Each package will be reviewed by Traffic supervision to insure completeness, then forwarded to a Collision Review Board for evaluation.

2. Review:

- a. All vehicle accidents involving sworn personnel operating any vehicle during the course and scope of their employment shall be reviewed by the Police Department's Collision Review Board.
- b. All vehicle accidents involving non-sworn Department personnel operating any vehicle during the course and scope of their employment shall be handled in accordance with Chapter VII-1 of the City of Riverside Administrative Manual.

3. Riverside Police Department Collision Review Board:

Collision Review Board of Inquiry, appointed by the Traffic Services Bureau Division Commander, shall review all accidents, when practical within fifteen days, involving city vehicles being operated by sworn-personnel. The Board will determine if reasonable precautions or proper handling was exercised, and that no violation of state law or Department policy exists. The Collision Review Board will categorize their findings and report them to the Traffic Services Bureau Division Commander.

- a. The Traffic Services Bureau Commander is the Board's non-voting Chairperson who is responsible for setting up reviews and reporting the recommendations to his/her Captain.
- b. The voting members of the Board shall consist of a Lieutenant from Field Operations Division, a Sergeant from Traffic Services Bureau, and a Police Officer or Special Agent.
- c. If an employee, subject to review, believes any Board member may be unable to view the information without prejudice, the employee may request, within five days of the date of the notice, that the Traffic Services Bureau Commander replace that person. If the request is denied, the employee will be notified as to the reasons for the refusal.
- d. Appearance by an employee before the Board shall be mandatory if requested by the Chairperson or the employee.

D. RECOMMENDATIONS:

Upon completion of the review, the Collision Review Board Chairperson shall inform the Traffic Captain of the circumstances of each collision and the recommendation of the Board. If preventable, the Board will also make a recommendation as to which category the incident should be classified.

E. FINDINGS:

The Captain in command of the Traffic Services Bureau shall be responsible for final determination of an appropriate finding in all work-related collision investigations. The involved employee's Division Commander shall be notified in writing within fifteen days as to the findings, previous vehicle accident history, and any prior specialized driver training.

1. Sworn Personnel:

Within five days of receipt of the Collision Review Board's recommendations the Captain will notify the employee of the findings of the Board.

2. Non-Sworn:

Within five days of receipt of the Riverside Management Safety Committee recommendations the Captain will notify the employee of the findings of the Board.

F. APPEALS:

An employee may appeal the decision of the Board to the Captain of the Traffic Services Bureau within ten days of being notified of the findings. The Captain will consider the information provided by the employee, then render a final decision within five days of receipt of the appeal.

G. CORRECTIVE ACTION:

Upon receipt of a report of findings by the Traffic Division Commander, each Division Commander is responsible for taking appropriate corrective action to insure compliance with laws, policies, procedures, and the safe operation of all vehicles being operated pursuant to city business.

1. Training and Prevention:

Administrators and supervisors shall have the responsibility for training employees in the safe operation of vehicles the employee will operate while on duty. They shall also insure that appropriate corrective action is taken on vehicles which have been reported unsafe.

2. Discipline:

Preventable collisions are grounds for disciplinary action. All disciplinary action for preventable accidents shall be administered in accordance with established City and Department procedures. The following guidelines generally apply unless the employee's Division Commander determines there are extenuating circumstances:

- a. Employees who demonstrate a pattern of poor driving should be given a less than satisfactory performance evaluation when driving is a major portion of their job.
- b. A single Category 1 accident shall result in a written admonishment or reprimand.
- c. Any employee who has two Category 1 accidents or a Category 2 accident within a three-year period shall receive a written reprimand.
- d. Any employee with three Category 1 accidents within a three-year period shall result in disciplinary action up to and including a 30-hour suspension from duties without pay.
- e. Any employee with two Category 2 or one Category 1 and one Category 2 accidents within three years shall result in disciplinary action up to and including a 30-hour suspension from duties without pay.
- f. Any Category 3 accident shall result in disciplinary action of a minimum 40-hour suspension from duty without pay or action up to and including dismissal. Other action may include a transfer and/or a demotion to a position which

would not involve the operation of any city vehicle.

3. Mitigating Circumstances:

Division Commanders will consider an employee's past accident record, the type of driving done, the severity of the accident, the potential for injury and liability. Any consideration of mitigating circumstances in deviating from the disciplinary guidelines described in section G(2) must be approved by the Chief or Police or designee prior to the implementation of any disciplinary action. In addition, such consideration must be documented in the notice of disciplinary action.

H. EMPLOYEE RIGHTS:

Employees shall be allowed to exercise legislated and/or negotiated benefits and rights.