


SANTA CRUZ POLICE DEPARTMENT

General Orders Cover Sheet

Topic: VEHICULAR ACCIDENT REVIEW COMMITTEE

1. Performance Responsibility: Division Commanders
General: All Personnel
2. Use Requirements: At all times
3. Outside Impact: None
4. Training Requirements: Roll Call Training (15 minutes)
5. Internal Review: Annual
6. Any Special Distribution Requirements: City Attorney
City Personnel
City Manager
Corporation Yard
City Safety Committee
7. How Indexed: Accident Review
Vehicular Accident Review
8. Effective Date: 2-1-90
Revised: 8-1-94



STEVEN R. BELCHER
Acting Chief of Police

VEHICULAR ACCIDENT REVIEW COMMITTEE

PURPOSE:

To reduce injuries and property damage resulting from traffic accidents involving city police vehicles through a review of the circumstances of the accident by the Police Accident Review Committee and to take appropriate corrective action.

POLICY:

The Police Department will investigate all traffic accidents involving vehicles driven by on-duty employees in accordance with General Orders #O-26 and #O-46. The Accident Review Committee will then review the accident investigation when appropriate and will make recommendations for findings and for possible corrective action and/or discipline to the employee/driver's Division Commander.

DEFINITIONS:

Accident Review Committee: Committee for the department composed of the following personnel:

1. The employee/driver's immediate supervisor.
2. The employee/driver's manager.
3. The superintendent of central maintenance.
4. The City Risk Manager.
5. A representative from the employee/driver's bargaining unit.

Accident: An unintended event that produces property damage or personal injury involving police employees while driving a city-owned vehicle or a personal vehicle while on city business. For purposes of this general order, the word accident is synonymous with collision and includes preventable, nonpreventable and work damage.

Parked City Vehicles: Damage involving parked city vehicles is not covered by this review policy. Such damage must be reported; however, as damage to any piece of equipment, in writing, through the chain of command. This includes a traffic collision investigation in accordance with General Orders #O-26 and #O-46.

Non-Preventable Accident: Damage caused by employee operating a vehicle for the city under the following circumstances:

1. Damage caused by proven mechanical failure, not previously known to the driver.
2. Damage caused by circumstances beyond the control of the driver and where his conduct did not contribute to the hazard.

Preventable Accident: Damage caused by an employee that is the result of his action or inaction which would not have occurred if he had been driving in an appropriate and defensive manner.

1. If the driver fails to avail himself of the "last clear chance" to avoid an accident.
2. Damage that is caused by negligence or a violation of departmental policy or the law.

Work Damage: Damage caused when a driver has used reasonable care and judgement but one or more of the following circumstances existed:

1. Unusual circumstances beyond the control of the driver contributed materially to the accident.
2. It was necessary for an employee to drive in a manner not common to everyday practice.
3. The nature of the work or job assignment resulted in an accident.

Unknown: When damage occurs and responsibility cannot be determined.

NOTE: Every "preventable accident" will be reviewed to determine if it is justified as "work damage." If so, then discipline may not be a consideration.

A-24. VEHICULAR ACCIDENT REVIEW

A. Investigation

1. All vehicular accidents shall be investigated by the on duty Field Supervisor and/or the California Highway Patrol as required. The report will include any statements of the employee concerning the cause of the accident.
 - a. The supervisor may call upon traffic and investigation personnel to assist with investigation and evidence collection if needed.

B. Review

1. As soon as practical, after the accident occurs and when all evidence and documents are available, the Accident Review Committee shall review the accident.
 - a. The employee/driver's manager will be responsible for arranging the review.
2. The employee/driver will be notified at least seven (7) days prior to the review date as to the date, time and location of the review.
 - a. Normally, reviews will occur Monday - Friday between 8:00 a.m. and 5:00 p.m.

3. The employee/driver, with or without a representative, may attend the review and provide input into that phase of the review where the committee determines whether the accident was nonpreventable, preventable, work damage or unknown.
 - a. The employee/driver may provide any additional information for the committee to consider that the employee/driver believes is applicable.
4. If the committee determines that the accident was preventable, then they will include in their finding, a recommendation for corrective action/discipline to the employee/driver's Division Commander.
 - a. The Division Commander will determine whether to use the recommendation of the committee or to modify it.
 - b. If the Division Commander decides to inform the employee/driver of a notice of intent to discipline, then the employee driver may request an administrative review with the Chief of Police to review the intended discipline.
 - c. The Division Commander will forward the review and all documents associated with it to the Chief of Police.
5. A supervisor may take immediate action (such as suspending city vehicle driving privileges) with respect to an accident prior to the committee completing its formal review if the supervisor has determined the accident to be critical and preventable, or if circumstances raise a serious city liability concern. The supervisor's manager will review this action as soon as practical.

C. Corrective Action

The very nature of traffic accidents is that they are almost always unintentional but cause serious problems and pose major liability for the parties involved. Therefore, management has an obligation to seriously review employees' performance in operating vehicles.

The Chief of Police, at the recommendation of a Division Commander, may invoke a wide variety of sanctions against employees as the result of their on duty involvement in traffic accidents.

D. Preventative Action

The Training Unit will solicit and coordinate traffic accident prevention programs for the office.