

**SAN DIEGO POLICE DEPARTMENT  
PROCEDURE**

**DATE:** JANUARY 5, 2022

**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 – 03/14/2017

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**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**

NEW

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 their conclusions on the Supervisor Vehicle/Industrial Incident Investigation Report Form (CD-1555) available on the Shared F: drive. The revised version of CD -1555 (10/01/2021) is available on the City's Citynet Safety Website: <https://citynet.sandiego.gov/develop/safety-environmental-health>. 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 respond to the scene whenever possible. The driver of the Department vehicle will have 48 hours to complete an Employee Vehicle/Industrial Damage Report Form (CD-1551) available on the Shared F: drive. The revised version of CD-1551 (10/01/2021) which is available on the City's Citynet Safety Website: <https://citynet.sandiego.gov/develop/safety-environmental-health>. These two forms shall be forwarded to the Fleet Safety Sergeant within seven (7) calendar days from the date of the collision.

NEW

All Department members are governed by AR 75.12.

- A. Sworn Department members are further governed by the discipline matrix for Public Safety employees in AR 75.12, effective September 1, 2021.
- B. Non-sworn Department members are further governed by their respective discipline matrix in AR 75.12, effective on March 1, 2021.

#### IV. DEFINITIONS

NEW

A. Driver(s) - City employees who are responsible for the operation of any vehicle or industrial equipment that is owned, leased, rented, or borrowed for use by City employees and POV utilized to conduct City business. For purposes of this A.R., the last known driver or operator will, by default, be designated as the driver of a parked or unoccupied vehicle/industrial equipment and will be listed as such in the incident processing. The term driver will be used throughout this A.R. to represent anyone who meets the above criteria.

NEW

B. Industrial Incident - An incident involving City business and/or City property owned, leased, rented, or borrowed by the City that occurs when a piece of industrial equipment strikes, collides or has any contact with, for example, another piece of industrial equipment, a vehicle, a stationary object, terrain, landscape, vegetation, a pedestrian, an animal, or any other object that results in actual or alleged property damage, injury, and/or death and is directly attributable to the operation of the equipment. If the equipment is specially designed having aspects of both vehicle and industrial equipment, when the automated appendage is in operation and an incident occurs, it is an industrial incident. This excludes incidents where the automated appendage is not secured by the operator, and the equipment moves backward and forward and causes damage, injury or death. These types of incidents will be classified as vehicle collisions.

Examples of Industrial incidents are, but are not limited to the following types of equipment:

1. Backhoe and similar construction equipment
2. Forklift
3. All-Terrain Vehicles (Surface street operation resulting in property damage, injury or death will be carried as a vehicle collision).
4. Electric Cart
5. DUI, Motorcycle, Cone and Boat Trailers

NEW

C. No fault implied collision - One in which fault could not be determined. For administrative purposes, such collisions will be classified as non-preventable; unless, it can be determined that the City driver could have prevented the collision by using defensive driving techniques, which will be classified as a preventable collision.

NEW

D. Non-Preventable - An incident in which the driver was not at fault or could not reasonably have foreseen or prevented the incident by using defensive driving/operating techniques.

NEW

E. No Vehicle/Industrial Incident (NVI) - One in which the cause of damage was an intentional act, criminal act, or damage resulting from circumstances such as acts of nature (e.g. falling trees), a baseball breaking a window, or the arrest of an unruly prisoner.

1. No Vehicle/Industrial Incident Non-Preventable - This occurs when damage to City vehicle/industrial equipment was the result of damage from City, or non-City actions, for example, potholes, road debris, acts of nature (e.g., flooding, fire, falling trees), faulty equipment (as verified by the Fleet Operations Department), vandalism or other criminal act, etc.
2. No Vehicle/Industrial Incident Preventable - This occurs when damage to City vehicle/industrial equipment or other property results from the negligent actions of the operator of, person in control of, or person responsible for a City vehicle/industrial equipment, during instances, for example, opening doors, dropping equipment, driving into known flooded areas, etc., which cause property damage and/or injury. While this list is not all-inclusive, cases such as those described, will result in a preventable finding being rendered, and appropriate discipline being issued per the Discipline Matrix for POA.

**Note: Intentional intervention with a police vehicle, in accordance with officer training and Department policy and procedure, would also be considered an NVI, and is not considered a traffic collision.**

NEW

H. Preventable - An incident in which the driver was at fault and/or:

1. could have prevented the Incident by utilizing defensive driving/operating techniques

2. violated City Municipal Code
3. violated CVC
4. violated the Driver Operator Manual, A.R.'s or City policy  
violated D.I. and/or any Standard Operating Procedures

NEW

I. Vandalism or Crime - Action or omission directly intended to cause unlawful property damage, injury, theft or death.

NEW

J. Vehicle Collision - An incident involving City business and/or City property owned, leased, rented, or borrowed by the City and POV utilized to conduct City business, that occurs when a vehicle in motion strikes, collides, or has any contact with, for example, another vehicle, a stationary object, terrain, landscape, vegetation, a pedestrian, an animal, etc., and results in actual or alleged property damage, injury or death and is directly attributable to the movement of the vehicle or parts of the vehicle.

**Note: Forms CD-1551 and CD-1555 are required to document all incidents considered an 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

NEW

1. The Fleet Safety Sergeant will review each incident to determine whether it was a preventable collision, non-preventable collision, NVI, or a No Vehicle/Industrial Incident Preventable. The finding will be documented on page 2 of the CD-1555 form.

NEW

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 CD-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 Occupational Safety and Health Division of the Compliance Department. 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, 3, or 4 collision. The finding will be documented on Form CD-1555 as follows:

NEW

a. Category 1 - a collision occurring because the driver of a City vehicle/industrial equipment, or POV on City business misjudged clearance, or failed to drive defensively (actions, maneuvers, or adjustments a licensed driver/operator would be expected to take or make to avoid an *incident* from occurring).

NEW

b. Category 2 - a collision occurring because the driver of a City vehicle/industrial equipment, or POV on City business was negligent and/or violated City and/or Department instructions (D.I.s), policies and procedures, Standard Operating Procedures, state or federal regulations.

NEW

c. Category 3 - a collision occurred because the driver of a City vehicle/industrial equipment, or POV on City business, by their actions demonstrated a flagrant, willful, or deliberate disregard for public safety and/or the law.

NEW

d. Category 4- a collision that occurred while the driver (regardless of fault) 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 section of the California Vehicle Code.

NEW

4. The Fleet Safety Sergeant will utilize the A.R. 75.12, Issue 11, Matrix of Discipline for POA and list the appropriate recommended discipline on Form CD-1555. The Fleet Safety Sergeant will forward Form CD-1555, to the to the driver's commanding officer. The commanding officer shall complete the "Department Head Designee Imposed Discipline" portion of Form CD-1555, and sign and date the form. The commanding officer or designee will serve the employee with Form CD-1555 and any accompanying documents. The employee is not required to sign the documents; however, it shall be noted on Form CD-1555 who served the employee with the documents, and the date they were 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.

NEW

Should the employee elect not to appeal the findings, the commanding officer shall initiate the discipline process. Form CD-1555 should be returned to the Fleet Safety Sergeant. The Fleet Safety Sergeant will forward Form CD-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 CD-1555 forms to the Occupational Safety and Health Division of the Compliance Department.

NEW

5. Sworn Employee Appeal Process

- a. If the employee disagrees with the initial finding regarding the collision and/or whether it was properly reported and intends to file an appeal, all disciplinary action shall be stayed until the employee appeal process is completed. However, any discipline resulting from the collision must still be served within the timeframe established in California Government Code section 3304. The employee shall submit, within 15 calendar days from the date they were served with the CD-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 calendar days.

NEW

If the employee does not contest the lieutenant’s findings, the employee’s commanding officer shall complete Form CD-1555, indicating what discipline will be imposed or recommended to the Chief of Police. 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 who 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, within a reasonable amount of time, not to exceed 60 calendar days, from the collision appeal hearing and attach it to Form CD-1555. The report shall include the CRC's conclusions and findings. Form CD-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 will be initiated by the employee's commanding officer and will be processed in accordance with the A.R. 75.12 Matrix of Discipline for POA 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 CD-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.

h. If the CRC finds the collision to be non-preventable, the commanding officer will sign Form CD-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

NEW

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 CD-1555 forms to the Occupational Safety and Health Division of the Compliance Department. 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

NEW

1. The Fleet Safety Sergeant will review each incident to determine whether it was a preventable collision, non-preventable collision, NVI, No Vehicle/Industrial Incident Preventable or Industrial Incident. The finding will be documented on Form CD-1555.

NEW

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 CD-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 Occupational Safety and Health Division of the Compliance Department. 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, 3, or 4 collision. The finding will be documented on Form CD-1555 as follows:

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- a. Category 1 - a collision occurring because the driver of a City vehicle/industrial equipment, or POV on City business misjudged clearance, or failed to drive defensively (actions, maneuvers, or adjustments a licensed driver/operator would be expected to take or make to avoid an *incident* from occurring).

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- b. Category 2 - a collision occurring because the driver of a City vehicle/industrial equipment, or POV on City business was negligent and/or violated City and/or Department instructions (D.I.s), policies and procedures, Standard Operating Procedures, state or federal regulations.

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NEW

The Fleet Safety Sergeant will utilize the A.R. 75.12, Issue 11, Matrix of Discipline (for MEA, Local 127 , DCAA and Non-Classified/Unrepresented) and list the appropriate recommended discipline on Form CD-1555. The Fleet Safety Sergeant will forward Form CD-1555 to the driver's commanding officer. The commanding officer shall complete the "Appointing Authority imposed discipline" portion of Form CD-1555, and sign and date the form. The commanding officer or designee will serve the employee with Form CD-1555 and any accompanying documents. The employee is not required to sign the documents; however, it shall be noted on Form CD-1555 who served the employee with the documents, and the date they were 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.

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NEW

f. The CRC will not make recommendations on discipline. Any disciplinary action will be initiated by the employee's commanding officer and will be processed in accordance with the Department's internal procedures and the respective A.R. 75.12 Matrix of Discipline (Issue 11) for MEA, Local 127 , DCAA and Unclassified.

g. If the CRC upholds the findings, the commanding officer will complete the lower section of Form CD-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.

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## VI. DISCIPLINARY GUIDELINES

NEW

A. Refer to A.R. 75.12, Issue 11, Matrix of Discipline and the appropriate employee discipline matrix for appropriate training and disciplinary guidelines and procedures.

NEW

B. Previous preventable collisions may be considered in discipline for a period of five (5) consecutive years, or the Last Continuous Five-Year Period (LCFYP) from the date of the collision in question when determining future discipline.

C. Evaluating Discipline for Preventable Code 3 Collision Incidents

NEW

1. Code 3 (Emergency Response) is the operation of an emergency vehicle using emergency lights and siren. While every Code 3 response may be unique, the provisions of law that govern them are constant. If Code 3 driving is not conducted in accordance with the law, officers may be subjected to criminal or civil actions for deaths, injuries or damage caused by negligent emergency vehicle operation.

NEW

2. Before determining whether an officer's actions while driving Code 3 adhere to the law and are within policy, one of the following criteria must be met, pursuant to Vehicle Code section 21055 and Department Procedure 1.13:

- a. The vehicle must be driven in response to an emergency call,
- b. The vehicle must be engaged in rescue operations,
- c. The vehicle must be being used in the immediate pursuit of an actual or suspected violator of the law.

3. Factors that will be considered will include but are not limited to:

- a. Was the Code 3 response authorized under the Emergency Vehicle Operations Procedure 1.13?
- b. Did the officer's specific driving actions adhere to the law, training, and Department Procedures?

## 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.

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 their 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, who will consult with the Medical Assistance Unit and determine the necessity for a medical evaluation.

- F. Supervisors observing unsafe equipment or vehicle operation practices by an employee are encouraged to assign the employee 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.