

## **Police Department Collision Board of Review**

### **3.07.01 PURPOSE**

The San Francisco Police Department (“Department”) stands for Safety with Respect for all. These standards serve to maintain and build trust and respect with the community in our role as the guardian of Constitutional and human rights. We will engage in just, transparent, unbiased, and responsive policing, monitoring and measuring our actions, so we may identify safety issues and address them in a pro-active and collaborative manner.

This Department General Order (“DGO”) provides guidelines for accountability and transparency on how we drive vehicles. It details the Department Collision Board of Review (CBOR) policies and procedures regarding member involved collisions to determine responsibility and make referrals regarding training and/or discipline, with the goal of increasing mindfulness for all members to drive safely.

### **3.07.02 POLICY**

It is the policy of the San Francisco Police Department to impanel a Collision Board of Review (CBOR) to review all Member-involved collisions which are reportable pursuant to Department General Order 2.06, *Vehicle Collisions Involving Members*.

- A. Collision Board of Review Structure.** The CBOR shall be composed of a Chairperson, Board Members, CBOR Administrator, and a Training Division EVOC Instructor.
1. **Chairperson:** A Commander of Police assigned to the Municipal Transportation Agency (“MTA”) Division will serve as the CBOR Chairperson. The Chairperson is responsible for conducting CBOR hearings and is a voting member. In the event of their absence, the Chairperson will designate another CBOR member to serve as the acting Chairperson until their return. The Chairperson will appoint an additional Commander of Police to serve on the CBOR until their return.
  2. **Board Members:** In addition to the Chairperson, two Commissioned Officers shall serve on the Collision Board of Review.
    - a. A Commander of Police assigned to the Administration Bureau, the Airport Bureau, the Field Operations Bureau, or the Investigations Bureau will serve as a Board Member on a rotating basis. (Voting Member)
    - b. Commanding Officer of the Traffic Company. (Voting Member)

3. **CBOR Administrator:** The Chairperson will appoint a member of the Traffic Company as the CBOR Administrator. The CBOR Administrator will report directly to the Captain of the Traffic Company. The CBOR Administrator is a non-voting member. The CBOR Administrator duties will include:
  - a. Completion and maintenance of all CBOR related records.
  - b. Calendaring CBOR hearings.
  - c. Preparation of CBOR hearing administrative document packages.
  - d. Notification of involved members for appearance at CBOR hearings.
  - e. Recording of CBOR hearing and corresponding findings.
  - f. Written notification to involved members of CBOR findings.
4. **Training Division EVOC Instructor:** A member serving as an instructor of the Training Division's Emergency Vehicle Operations Unit ("EVOC") shall appear at each CBOR hearing. The EVOC Instructor is a non-voting member of CBOR.

#### **B. Review of Member Involved Collisions**

The CBOR Chairperson is responsible for reviewing member involved vehicle collisions reportable under DGO 2.06, *Vehicle Collisions Involving Members*. The review is to include all documented statements, photographs, video, the collision investigation incident report and any other related reports. The purpose of this review is to:

1. Determine if the member is responsible for the collision and make referrals regarding training and/or discipline.
2. Identify patterns and trends that may be reported to EVOC to enhance driver training.
3. Increase mindfulness of safe driving habits to reduce future driving accidents.

#### **C. CBOR Hearings**

1. **CBOR Hearing Referral:** After reviewing a member-involved collision, the Chairperson may refer an involved member to CBOR for a hearing. During the CBOR hearing, further examination of the incident will be conducted. The CBOR will endeavor to reach a finding of responsibility for the collision. The CBOR may approve, modify or overrule the conclusions in the traffic collision reports, make recommendations for training or direct investigation by the Internal Affairs Division for possible disciplinary action.
2. **Member Rights and Representation:** The CBOR Administrator will provide written notice of the hearing date to the involved member a minimum of fourteen days before the scheduled hearing. The notification shall include a synopsis of the member's rights as outlined in the Peace Officers' Bill of Rights and DGO 2.08, *Peace Officer's Rights*.

3. **Discovery:** The CBOR Administrator will provide the involved member electronic copies of all documents, photographs, and materials related to the collision investigation referred for a CBOR hearing.
4. **Required Appearance:** All CBOR Board Members listed in 3.07.02, A, 1-4: the Chairperson, a Commander of Police, the Captain of the Traffic Company, Training Division EVOC Instructor, and the CBOR Administrator, are required to appear at CBOR hearings. In addition to these board members, the involved Member's Commanding Officer will appear with the involved Member.
5. **Hearing:** The Chairperson will lead the CBOR hearing. During the hearing for each collision under review, testimony will be taken from the involved member. CBOR Members may ask questions and solicit input from the Training Division EVOC Instructor representative and the Commanding Officer of the involved member.
6. **Voting:** A quorum of three CBOR members is required for voting. A simple majority of the CBOR voting members are required to reach a finding. In cases where an agreement cannot be reached, the matter shall be referred to the Deputy Chief of the Special Operations Bureau for a finding decision.

#### **D. Findings**

After a thorough review and evaluation of documents, photographs, video recordings, statements of involved individuals, witness statements, and any other materials obtained during the investigation of a member involved in a collision, CBOR will render a finding of responsibility. The CBOR finding will result in a referral for training, counseling, and/or potential progressive discipline.

1. **Referrals for Training/Counseling:** A member may be subject to a referral for training and/or counseling based on the review and findings of CBOR. CBOR will weigh the facts of the collision, including any injuries to involved parties, property damage, and the member's Department driving history to determine if training and/or counseling is fair, appropriate, and consistent with department policy. The referral for training may require the initiation of a Performance Improvement Plan for the involved Member to monitor the member's driving performance. The referral for training may require the member to complete an Emergency Vehicle Operation Training (EVOC) refresher course.

The CBOR can make a referral for counseling of the involved member by their Commanding Officer. CBOR will make referrals for training and counseling when considering the incident and related details deem it fair and appropriate.

2. **Letter of Responsibility:** When CBOR finds a member is the party most responsible for a collision, CBOR may issue a Letter of Responsibility to the member. The Letter of

Responsibility will be placed into the member's personnel file, performance review binder, and the CBOR administrative record system. CBOR will weigh the facts of the collision, including any injuries to involved parties, property damage, and the member's Department driving history to determine if a Letter of Responsibility is fair, appropriate, and consistent with department policy. In addition to the Letter of Responsibility, the initiation of a Performance Improvement Plan for the involved member to monitor the member's driving performance may also be required.

3. **Referral to Internal Affairs:** When CBOR finds a member to be the party most responsible for a collision, CBOR may make a recommendation for referral to Internal Affairs. CBOR will weigh the facts of the collision, including any injuries to involved parties, property damage, and the Member's Department driving history, to determine the necessity of a referral.
4. **Documentation of Action:** Counseling and/or a Letter of Responsibility will be documented in the member's personnel file and, if applicable, in the member's PIP file.
5. **Additional Non-Disciplinary Action:** CBOR may, with or without a hearing of a Member involved collision, order the suspension of the member's department driving privilege pending re-training in emergency vehicle operations or order retraining without suspension of driving privileges. Any such action will be considered a performance improvement measure and shall not be construed as discipline. In these instances the member shall attend the next available EVOC refresher class through the EVOC unit. Failure to appear for a scheduled EVOC refresher class will be reported to Member's commanding officer.

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## References

DGO 2.06, Vehicle Accidents Involving Members  
DGO 2.08, Peace Officer's Rights  
DGO 5.05, Response and Pursuit Driving  
DM-14, Administrative Investigations of Member-Involved Vehicle Collisions