

~~San Francisco~~

Police Department

3.07

GENERAL ORDER

Rev. 02/12/97

~~DEPARTMENT ACCIDENT BOARD OF REVIEW~~

Collision

~~This order establishes the Department Accident Board of Review (DABOR) and its concomitant Department Accident Advisory Committee. The order also establishes disciplinary guidelines for members who are responsible for collisions.~~

**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.

**I. ~~This~~ DUTIES OF DABOR**

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 ~~that the Department Accident~~to impanel a Collision Board of Review (~~DABOR~~)CBOR) to review all ~~member~~Member-involved collisions which are reportable pursuant to Department General Order 2.06, **Vehicle Accidents**Collisions Involving Members. ~~DABOR shall also determine causative factors, compliance with Department policies and procedures, and recommend disciplinary action.~~

**II. DABOR MEMBERS.** DABOR shall be composed of the following 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.

~~A. **Chairperson:** A Commander of Police assigned to the Field Operations Bureau.~~

~~B. Commander of the Special Operations Municipal Transportation Agency (“MTA”) Division.~~

~~1. The Deputy Chief of Field Operations shall designate a Commander assigned to the Field Operations Bureau will serve as the Chair. CBOR Chairperson. The Chair shall designate a Chairperson is responsible for conducting CBOR hearings and is a voting member. In the event of DABOR their absence, the Chairperson will designate another CBOR member to serve as the acting Chair Chairperson until their return. The Chairperson will appoint an additional Commander of Police to serve during his/her absence on the CBOR until their return.~~

~~2. —C. **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)~~

~~C. DABOR Secretary selected by the Chair (non-voting).~~

~~3. Member of the Training Division’s **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.~~

~~E.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.~~

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### **III. REVIEW OF MEMBER-INVOLVED COLLISIONS**

#### **B. COLLISION REVIEW.** ~~DABOR Chair shall review all~~ **Review of Member Involved Collisions**

~~The CBOR Chairperson is responsible for reviewing member involved vehicle collisions involving members. When necessary, the Chair shall call meetings of DABOR to examine~~ reportable under DGO 2.06, *Vehicle Collisions Involving Members*. The review is to include all documented statements, photographs, video, the collision ~~packets, reviewing the Supervisory Investigation and Commanding Officer Administrative Investigation.~~ ~~DABOR may either~~ 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**

~~A.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 ~~these reports~~ the traffic collision reports, make recommendations for training or direct investigation by the Internal Affairs Division for possible disciplinary action.

~~B. DABOR HEARINGS.~~ DABOR may hold a hearing to review collisions to determine if a member is responsible. DABOR may also hold a hearing to review any collision, regardless of the determination of responsibility, whenever the Chair deems it necessary.

2. ~~QUORUM-~~ **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.

4. ~~Voting:~~ **A quorum shall consist of three voting CBOR members.**

2.6. ~~CONSENSUS-~~ is required for voting. A simple majority of the CBOR voting members are required to sustain reach a disciplinary recommendation-finding. In cases where an agreement cannot be reached, the matter shall be referred to the Chief of Police Deputy Chief of the Special Operations Bureau for a finding decision.

~~C. RIGHTS/REPRESENTATION/REVIEW OF MATERIAL.~~ The member shall receive a written notification fourteen (14) days prior to the DABOR hearing. The notification shall include a synopsis of Peace Officer Rights as outlined in Department General Order 2.08, Peace Officers' Rights. In addition, the member shall be afforded the opportunity to examine all the materials that are to be considered by the Board.

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DISCIPLINARY RECOMMENDATIONS. **D. Findings**

~~D. After careful and a thorough review and evaluation of documents, materials and photographs, video recordings, statements regarding the of involved individuals, witness statements, and any other materials obtained during the investigation of a member involved in a collision, DABOR shall make recommendations, subject to the approval of the Chief of Police. Recommendations CBOR will be based upon a render a finding of responsibility. The CBOR finding will result in a referral for training, counseling, and/or potential progressive disciplinary schedule within a fixed time frame of five (5) years discipline.~~

- ~~1. Counseling by the member's commanding officer and a letter of Responsibility.~~
- ~~2. Chief's Letter of Reprimand.~~
- ~~3. One (1) to ten (10) day suspension.~~
- ~~4. Police Commission Hearing.~~

1. DOCUMENTATION OF DISCIPLINARY ACTION: **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.

E.4. Documentation of Action: Counseling, ~~written reprimand, and/or a~~ Letter of Responsibility, ~~or suspension~~ will be documented in the ~~member's~~member's personnel file and, if applicable, in the ~~member's~~member's PIP file.

F.5. ~~ADDITIONAL NON-DISCIPLINARY ACTION.~~ DABOR Additional Non-Disciplinary Action: CBOR may, with or without a hearing ~~on~~of a ~~member~~Member involved collision, order the suspension of the ~~member's~~member's department driving privilege pending re-training in emergency vehicle operations; or order retraining without suspension of driving privileges. Any such action ~~shall~~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 ~~(DM 14)~~<sup>(HJ11)</sup>

