

Vehicle Crashes Involving Employees

2.06.01 PURPOSE

The San Francisco Police Department stands for Safety with Respect for all. It is the San Francisco Police Department's policy to ensure that employees of the San Francisco Police Department exhibit the highest level of professionalism while performing their duties, providing services to the public, and enforcing the laws in a fair, impartial, and ethical manner. Department employees hold a position of trust with the public which requires safe and proper vehicle operation to maintain safety for all road users.

This order outlines policy and procedures for reporting vehicle crashes, either on or off duty, whether inside or outside the City and County of San Francisco while operating a department vehicle. The proper reporting and investigation of crashes involving Department personnel increases transparency, accountability, and allows the Department to build and maintain public trust.

2.06.02 DEFINITIONS

Employees – All San Francisco Police Department personnel including sworn and professional staff.

Member - A sworn member of the San Francisco Police Department.

Crash - An unplanned/unintended event involving a vehicle in transport upon a highway or private property, resulting in property damage, injury, or death.

Department Vehicle - A vehicle owned, leased, or rented by the City and County of San Francisco authorized for official Department use. Department vehicle types include automobiles, trucks, passenger vans, motorcycles, bicycles, and other specialized vehicles.

2.06.03 POLICY

Department personnel are required to report their involvement in a vehicle crash while operating a department vehicle or while operating a privately owned vehicle that has been authorized for official Department use, whether on duty or off duty. Department personnel are also reminded to follow the City and County Employee Handbook while operating a department vehicle.

2.06.04 PROCEDURES

A. WITHIN THE CITY AND COUNTY OF SAN FRANCISCO:

All Personnel's Responsibilities:

1. Remain at the crash scene until a supervisor arrives. In exceptional cases all personnel may leave when articulable facts exist that leaving the scene is necessary to prevent the imminent loss of life or prevent great bodily injury.
2. When it is
safe to do so, check for injuries of all individuals involved in the crash, request Emergency Medical Services (EMS) and render first aid if needed.
3. Notify the Department of Emergency Management (DEM). If the Department employee is incapacitated, the first responding officer shall notify DEM as soon as practical. DEM will ensure a supervisor is assigned to respond to the scene.
4. Department personnel involved in a crash, when possible, will attempt to locate and secure witnesses for the investigating officer. Employees may identify witnesses but should not conduct a crash investigation interview.
5. Department employees shall not investigate their own crashes.

Sworn Supervisor's Responsibilities:

1. Respond to the scene of the crash.
2. Assign a crash investigation trained member to complete a traffic report. The member completing the crash investigation should be from a different District or Unit than the involved member.
3. Ensure statements are taken from all involved parties and witnesses.
4. Direct and confirm a search for video cameras is conducted. When camera locations are identified, direct and supervise the effort to collect captured video of the crash. Private residences, commercial, government buildings and MUNI vehicles are examples of locations where video cameras may be located.
5. Determine if any of the involved members were equipped with Body Worn Cameras (BWC) and activated as required pursuant to Department General Order (DGO) 10.11, *Body Worn Cameras*. Review any video captured on BWC and document findings in the supervisor's crash investigation report.
6. Determine if the involved member (driver) must respond to a chemical screening test.

(See DGOs 2.02 *Alcohol Use by Sworn Department Members* and 2.03 *Use of Intoxicants or Drugs by Sworn Department Members*)

The investigating officer and/or supervisor on scene will determine if the involved vehicle(s) shall be towed for investigation. All applicable tow authorities, as listed in the California Vehicle Code, and tow procedures outlined in DGO 9.06, *Vehicle Tows*, will be followed.

B. OUTSIDE THE CITY AND COUNTY OF SAN FRANCISCO:

All Personnel's Responsibilities:

Remain at the crash scene until the initial investigation is complete, or until all information is exchanged as required by 20001 CVC, or in an extenuating circumstance where articulable facts exist that requires leaving the scene to prevent the imminent loss of life or prevent great bodily injury. If this condition occurs, respond immediately to the local police station to file a crash report. When it is safe to do so, check for injuries of all individuals involved in the crash, request the response of EMS if needed, and render first aid to others if needed.

1. As soon as practical, notify the agency in the jurisdiction where the crash occurred. Request the agency respond to the scene to investigate and complete a crash report. In the event the outside agency does not respond to the scene or make a report, make sure all available information is exchanged as required per 20001 CVC.
2. With a Department-issued cell phone, if one is issued or a personal cell phone may be used should the employee not have a Department issued cell phone, take photos of the scene, damage, and vehicles involved; these will be attached to the memorandum.
3. Notify the Department Operation Center (DOC) of the following:
 - a. the location of the crash,
 - b. the number and type of vehicles involved,
 - c. any known injuries,
 - d. injury type either life threatening or non-life threatening if known,
 - e. identify the responding investigating agency, including case number, if available
 - f. the type and description of property damage.

DOC shall notify the commanding officer of the involved Department employee crash. Commanding officers shall make additional notifications based on the severity of the crash, property damage, and injuries, such as notification to the Fleet Division of the Administration Bureau.

4. If the Department vehicle is disabled and will not be needed for investigation, notify the Tow Desk and request a tow truck to take the vehicle to central shops.

Employees shall submit a memorandum to their commanding officer on the first day returning to duty describing the circumstances of the crash. Include the name, address,

phone number, driver's license number, and insurance company of the other party(s) in the crash, the extent of damage to property, and describe any injuries. Also include the name of the agency preparing the traffic report (case number, name and star number of the investigating officer, and the agency's telephone number). If the agency does not complete a crash report, the reason shall be stated in the memorandum.

Sworn Supervisors' Responsibilities:

1. Respond to the scene to monitor the investigation, if feasible.
2. Determine if the involved Department member (driver) is required to submit to a chemical screening test.
3. Obtain the outside agency investigation case number, the name and contact information of the individual responsible for the crash investigation.
4. If the member is unable to write the above-required memorandum but can make a statement, the sworn supervisor shall write the memorandum on the member's behalf. If the member is unable to provide either a memorandum or a statement, the sworn supervisor shall document this, and the reasons for it, in a memorandum.

C. FLEET NOTIFICATION

Supervisor or their designee will notify Fleet directly during business hours and DOC after hours for all department vehicle crashes and provide the following information:

1. Department vehicle number, license plate, make, marked or unmarked and unit vehicle is assigned to.
2. Who is responsible for the crashes, if known.
3. Are there any serious injuries because of these crashes.
4. Disposition of vehicle, (Impounded, towed to shop, taken to station).

D. OFF-DUTY DEPARTMENT PERSONNEL - An off-duty employee involved in a vehicle crash while not operating a Department vehicle shall be governed by the same California Vehicle Code provisions that apply to a private person.

E. SUPERVISORY INVESTIGATION OF MEMBER-INVOLVED CRASHES Procedures for investigating member-involved crashes are contained in Department Manual 14, *Administrative Investigations of Member - Involved Vehicle Crashes*.

1. Before interviewing the member, supervisors must advise the officer of their Peace Officer Bill of Rights.
2. Non-injury crash, when the member is determined not at fault, require a memorandum and no supervisory investigation. These crashes will be handled at the station level and are not reportable to the Department Collision Board of Review (CBOR), see DGO 3.07 *Police Department Collision Board of Review*.

3. In instances where a determination of fault cannot be readily made, a supervisory investigation shall be initiated.

Members shall not drive a Department vehicle for five (5) calendar days after any crash. The member's Commanding Officer may request an exemption from this policy from their respective Commander or the Deputy Chief of their assigned bureau if the member is determined clearly not at fault for the crash.

- F. **USE OF FORCE** - The use of a vehicle as a deflection technique is a reportable use of deadly force. Members shall follow the guidelines outlined in DGO 5.01, *Use of Force Policy and Proper Control of a Person*, and DGO 5.05, *Emergency Response and Pursuit Driving*. A supervisor shall respond to the scene and conduct a use of force investigation. The supervisor shall ensure a crash-trained member prepares a diagram to include in the use of force investigation.
- G. **MANDATORY CHEMICAL TESTING** - Mandatory drug testing of on duty, member-involved traffic crashes shall follow the current SFPOA MOU.
 1. Mandatory screening and analysis for drugs and alcohol is required when a member is operating a motor vehicle, directly involved in a vehicular crash that results in death or an injury requiring immediate transport, or otherwise reasonably contemporaneous response to a medical facility for medical treatment. Only the member operating the vehicle at the time of the incident is subject to the mandatory testing requirement.
 2. The member's supervisor will contact Accurate Testing.
 3. The supervisor shall then transport and accompany the member to the testing location.
 4. All employees may be required to submit to drug testing under certain circumstances consistent with federal, state, and local laws and applicable collective bargaining agreements.

References:

DGO 2.02 Alcohol Use by Sworn Department Members
DGO 2.03 Use of Intoxicants or Drugs by Sworn Department Members
DGO 3.07 Police Department Collision Board of Review
DGO 5.01 Use of Force Policy and Proper Control of a Person
DGO 5.05 Emergency Response and Pursuit Driving
DGO 9.06 Vehicle Tows
DGO 10.11 Body Worn Cameras
DM-1 Injury and Illness Prevention Program
DM-14 Administrative Investigations of Member-Involved Vehicle Collisions
City and County of San Francisco Department of Human Resources Employee Handbook