

## BERKELEY POLICE DEPARTMENT

DATE ISSUED: September 29, 2004

GENERAL ORDER E-3

SUBJECT: INJURY TO PERSONS OR DAMAGE TO PROPERTY FROM VEHICLE OPERATION BY AN EMPLOYEE OF THE POLICE DEPARTMENT

### PURPOSE

- 1 - The purpose of this General Order is to establish policies and procedures for reporting an injury or damage to property caused by vehicle operation by an employee of the Police Department.
- 2 - It is the policy of this Department that all collisions that involve injury or damage to property caused by **the operation of a vehicle by an** employee of the Police Department shall follow the procedures set forth in this Order.

### GENERAL

- 3 - Any employee of this Department driving a City-owned or privately owned vehicle being used for City business who is involved in a motor vehicle accident shall notify the Communications Center immediately. If the collision occurs outside the City limits of Berkeley, the employee shall request a thorough investigation by the appropriate jurisdiction. For the purpose of this Order an accident means any injury to a person or damage to property resulting from the employee's operation of a motor vehicle.

### NOTIFICATION

- 4 - When any injury is serious or likely to cause death, immediate notification shall be made to the City Attorney, **the City Safety Officer**, and Risk Manager, even at home, when necessary.

### REQUIRED REPORTS

- 5 - In each instance a numbered case shall be made with a copy forwarded to the Administrative Division. It is the responsibility of the investigating officer to prepare each required report and note at the conclusion the routing of copies. The original report shall be forwarded to the Traffic Analyst, who will arrange for photocopying in sufficient quantity and for proper distribution.

(a) If anyone is injured or if property damage results, the Traffic Collision Report, form 555, and (if needed) 556 will be routed as follows:

- (1) Original to **Traffic Analyst via** the Records Unit.
- (2) One copy to the City Attorney.
- (3) One copy to the Risk Manager.
- (4) **One copy to the City Safety Officer**

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- (5) One copy to the employee's Division Commander.
  - (6) **One copy to Statewide Integrated Traffic Records System (SWITRS).**
  - (7) One copy to the Corporation Yard Maintenance Division, Public Works Department.
  - (8) **One copy to the Chief of Police.**
  - (9) **One copy to the Administrative Division.**
  - (10) If a **criminal** complaint may be sought, two copies with the defendant's name printed/typed in the upper right hand corner to the Assistant District Attorney.
- (b) If an employee of this Department is injured in the accident, a City of Berkeley Occupational Health & Safety/Worker's Compensation Incident/Accident/ Illness Report is to be filled out and routed as appropriate. The employee's supervisor will fill out and submit Part B (Supervisor's Investigation) of this form.
- (c) In addition to those required in (a) and (b), a numbered case shall be made with the name of the victim shown as "CITY ATTORNEY." Attachments will usually consist of:
- (1) City of Berkeley Accident Report (CM's Report), form 278-236. Whenever possible, this report shall be prepared by the employee involved in the accident. It shall be the responsibility of the employee preparing the report to submit the original to the Traffic Bureau via the Report Review Unit within 24 hours. After being checked to insure accuracy and completeness, copies will be made by the Traffic Analyst and forwarded as follows: the original to the Support Services Division, a copy to the City Attorney, a copy to the Chief of Police, a copy to the City's Risk Manager, a copy to Public Works Equipment Maintenance, a copy to the Traffic Bureau Secretary for input into RMS, a copy to Administration, a copy to the City Safety Officer, a copy to the Risk Manager, a copy to the Division Commander and one copy to Traffic.
  - (2) Any investigative reports required, requested or prepared for the City Attorney or the City's insurance carrier, which are in addition to the regular investigation report.
  - (3) Photographs.

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- 6 - In those instances where an uninvolved private vehicle is damaged as a result of necessary police action to block or ram a fleeing vehicle in accordance with Regulation 3.32, a Traffic Collision Report, form 555 and (if needed) 556 will be prepared under a separate and distinct case number with copies forwarded as described in Section 5(a), items 1 through 3 only.

### INVESTIGATION

- 7 - An officer other than one involved in the collision shall be assigned to the investigation.
- 8 - The Patrol Sergeant on-duty when the accident is reported shall be notified and respond to the collision. The Sergeant shall review the investigation, confer with the other Patrol Team Supervisors and forward to the Administrative Division, the involved employee's Division Commander, **the Traffic Bureau**, and to the employee, an opinion, in writing, as to whether or not the collision was preventable on the part of the employee.
- (a) If the collision involves a Parking Enforcement vehicle, any on-duty traffic officer may be assigned when a patrol Sergeant is not available.
- (b) The supervisory report shall be prepared and submitted within twenty-four hours of the incident by the assigned Sergeant or Traffic Officer.

### TRAFFIC ACCIDENT REVIEW BOARD

- 9 - As noted in General Order R-3, a Traffic Accident Review Board will be formed at the direction of the Chief of Police to review any collision involving a Police Department employee.

### CIVIL LITIGATION

- 10 - The Captain of the Administrative Division shall maintain close liaison with the City Attorney and the Risk Manager in all manners concerning civil litigation arising out of accidents covered by this Order.

References: General Orders C-15, C-16, P-12, P-24, R-3, T-16, V-4  
Police Regulations PR 219, PR 219, PR 221, and PR 330  
Training Bulletin No. 128R