

# CITY OF BARSTOW

CALIFORNIA

POLICIES and PROCEDURES MANUAL: POLICE

Subject: POLICE VEHICLE ACCIDENTS

## INTRODUCTION

The intent of this policy is to define the procedure to be used when an officer and/or employee of the Barstow Police Department is involved in a vehicle accident while on duty, or while driving a city-owned vehicle.

## PROCEDURE

When an officer/employee is involved in an accident, he/she shall notify the watch commander as soon as possible. The watch commander shall respond to the scene, and cause the division commander to be notified. If injuries are involved, the Chief of Police and the Administrative Lieutenant shall also be contacted. The division commander shall also advise the City Risk Manger of the circumstances surrounding the accident.

### 1. Non-injury

If the accident does not involve injury to any party, the watch commander shall normally assign another Patrol officer to conduct the investigation. This investigation will be in accordance with the California Vehicle Code and current policy involving traffic investigation. However, the watch commander has the discretion to have the California Highway Patrol conduct the investigation if there are unusual circumstances, i.e., accident involving drunk driver.

### 2. Injury

If an officer or employee of the Barstow Police Department is involved in a traffic accident while on duty, or while operating a city-owned vehicle, and that accident results in injury or death to any party, the watch commander shall contact the CHP and request that they conduct the investigation.

### 3. Accidents in other jurisdictions

If a police unit is involved in an accident in another jurisdiction, the investigation shall be conducted either by that agency or the California Highway Patrol. The officer shall notify the on-duty watch commander, and the watch commander shall respond to the accident scene if the collision occurs within the greater Barstow area.

#### Reference:

Effective Date  
02/01/99

Revision No. 3

Page 1 of 3

Section 907

# CITY OF BARSTOW

CALIFORNIA

POLICIES and PROCEDURES MANUAL: POLICE

Subject: POLICE VEHICLE ACCIDENTS

## INTERNAL INVESTIGATION

If the accident does not involve injuries, the on-duty watch commander shall conduct an internal investigation, and prepare a memorandum outlining the circumstances and cause of the accident. The watch commander shall include any mitigating factors and/or unusual conditions as part of his investigation. If the accident involves injury and/or death to any party, the Administrative Lieutenant shall respond to the scene and conduct the investigation. The following documents shall be attached to all internal investigations involving police vehicle accidents, regardless of who conducts the investigation:

1. copy of the CHP 555/556
2. photographs of the scene, damage to vehicles, property damage, and injuries if relevant
3. verbatim transcription of involved officer's statement
4. Onboard Vehicle Computer Activity form if relevant
5. damage estimates
6. witness statements
7. injury reports if relevant
8. copies of citations/arrest reports if relevant

## DISTRIBUTION OF REPORTS

The original 555 or 556 shall be directed to Records Division. If the accident report is done by the CHP or other law enforcement agency, a copy of their report shall be assigned a Barstow number, then sent to Records Division as an original document.

The completed internal investigation shall be submitted to the appropriate division commander for review, then forward to the Chief of Police. Approved copies shall be sent to those individuals deemed necessary by the Chief of Police.

If the officer was injured, the watch commander shall complete a Supervisor's Report of Employee Injury within 24 hours, and forward same to the Personnel Department. The officer/employee shall also be given a worker's compensation claim form.

### Reference:

Effective Date  
02/01/99

Revision No. 3

Page 2 of 3

Section 907

# CITY OF BARSTOW

CALIFORNIA

POLICIES and PROCEDURES MANUAL: POLICE

Subject: POLICE VEHICLE ACCIDENTS

## CAUSE AND RESPONSIBILITY

The division commander shall examine the circumstances surrounding the accident, and determine responsibility. If disciplinary action is appropriate, he shall submit a memorandum giving his recommendations to the Chief of Police.

## CONFIDENTIALITY AND LIABILITY

When a police vehicle is involved in a collision, the officer/employee is treated as a private person by law. His status as a police officer or city employee does not change his civilian liability nor his rights to sue. Per the California Vehicle Code, an officer's rights and responsibilities are the same except while involved in vehicle pursuits.

Any statement made by a police officer/employee to an accident investigator, is not confidential. If the driver involved in an accident elects to make a statement to the police investigator or CHP traffic investigator, his comments are not privileged, and are admissible as evidence. Therefore, city employees involved in traffic accidents will give only a brief factual statement about their actions. This will include position of vehicle, direction of travel, and speed. Any mention of guilt or responsibility is to be avoided.

### Reference:

Effective Date  
02/01/99

Revision No. 3

Page 3 of 3

Section 907