

LOS ANGELES POLICE COMMISSION

Review
Of the Department's
Traffic Collision Reports
& Safety Belt Use,
Second Quarter 2012



Conducted by the

OFFICE OF THE INSPECTOR GENERAL

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**OFFICE OF THE INSPECTOR GENERAL
REVIEW OF THE DEPARTMENT'S
TRAFFIC COLLISION REPORTS & SAFETY BELT USE**

I. INTRODUCTION

Each quarter, the Office of the Inspector General (OIG) publishes a report reviewing an aspect of performance of the Los Angeles Police Department (Department). Often, these OIG reviews focus on information from the Department's Quarterly Discipline Report. However, in an effort to expand information provided the Commission, the OIG will consider risk issues when possible. As the focus of this report, we examine the use of safety belts by Department officers.

In this report, the OIG has conducted a review of traffic collisions which occurred during the second calendar quarter (Q2) of 2012 involving Department sworn employees. The OIG obtained the Department's collision reports for 145 traffic accidents occurring within Q2 2012.¹

To conduct our review, the Department Traffic Coordinator (DTC) provided the OIG with all 145 reports for collisions that occurred during Q2 2012. The DTC advised that more TCs may have occurred during the quarter, but the Bureaus were still adjudicating remaining reports and had not yet returned the reports to the DTC.

II. OFFICER FAILURE TO USE SAFETY BELTS

A. Professional, Statutory, and Policy Considerations

Several law enforcement related publications recently discussed the increase in police fatalities tied to failure to use safety belts. Both the National Law Enforcement Officers Memorial Fund² and the National Highway Traffic Safety Administration (NHTSA) reported on increased officer deaths from reduced safety belt use.³ In fact, the NHTSA study found that traffic-related incidents were the leading cause of law enforcement fatalities for 14 of the last 15 years, and that in at least 42% of those fatal vehicle collisions, and perhaps as high as 55%, the involved officers were not wearing safety belts.⁴ The California Peace Officers Association asserted that, "all too

¹ The OIG obtained all documents and reports related to traffic collisions during Q2 2012 from the Department Traffic Coordinator (DTC). The DTC notified the OIG that other traffic collisions might have occurred during this quarter but that any such report would not be available to the DTC until the Bureaus had completed adjudicating the accidents.

² "Traffic-related Fatalities: 2011," Research Bulletin, Law Enforcement Officer Deaths: Preliminary 2011 Report, National Law Enforcement Officers Memorial Fund, available online at <http://www.nleomf.org/assets/pdfs/reports/2011-EOY-Report.pdf> (accessed 02.13.13).

³ Noh, Erin Young, Ph.D., "Characteristics of Law Enforcement Officers' Fatalities in Motor Vehicle Crashes" U.S. Dept. of Transportation, Report No. DOT HS 811 411 (January 2011).

⁴ Eun Young No, *Characteristics of Law Enforcement Officers' Fatalities in Motor Vehicle Crashes*, NAT'L. HIGHWAY TRAFFIC SAFETY ADMIN. CTR. FOR STATISTICS AND ANALYSIS, 24-25 (2011), <http://www-nrd.nhtsa.dot.gov/Pubs/811411.pdf>.

often, officers die in traffic collisions because they drive too fast and they don't wear seat belts – two things they, and we, can control.”⁵

Officers who fail to wear safety belts do so for a variety of reasons, but the most common reason given is that wearing the safety belt places the officer at a tactical disadvantage. By this theory, hostile suspects have a tactical advantage over the officer because the safety belt limits an officer's ability to respond in an ambush or other spontaneous encounter.

To determine whether there were any incidents where safety belts impeded an officer's ability to respond to a potentially life-threatening situation, the OIG first reviewed internal files involving Categorical Uses of Force. The OIG could not find any examples within its files where safety belt usage impeded an officer's ability to respond to a tactical situation. The OIG then reviewed other sources, including various police publications, for information or data concerning officers' safety belt usage and any resulting tactical disadvantages. The OIG found no evidence or research demonstrating a correlation between safety belt usage and increases in injuries to officers in tactical scenarios. Instead, the OIG found several reports identifying that safety belt nonuse increased officers' risk of injury.

The International Association of Chiefs of Police (IACP) recently published a report that examined the data on officer deaths, assaults, and injuries.⁶ This report identified the risk factors and circumstances surrounding ambushes and surprise attacks upon officers. The IACP did not find safety belts to impede officers' responses in tactical situations. Instead, the IACP urged Departments to encourage safety belt usage. The report stated that safety belts were a “proven life saver” and noted that “[t]he number of serious injuries due to wrecks is deemed to be significantly higher for officers who were not wearing seat belts.”⁷

The California Vehicle Code requires that all occupants wear safety belts when a motor vehicle is on a public roadway.⁸ Additionally, Department policy directs that officers “shall” wear safety belts anytime an officer is driving a Department vehicle.⁹ Despite the tragic results that arise from safety belt nonuse, and despite statutory, policy, and professional rules requiring use, some officers continue to not wear safety belts. Safety belt nonuse creates an unnecessary risk to the officer, a risk that can be more easily managed than most other risks the Department faces.

⁵ Vila, Bryan, Ph.D. and Gustafson, Bryon G., “The On-Going Crisis: Officer-Involved Collisions, Why They Happen and What Can Be Done, California Peace Officer Magazine (Spring 2011), available at <http://www.cpoa.org/CPOSpring2011/tabid/8945/Default.aspx>.

⁶ Int'l Ass'n of Chiefs of Police, *Officer Safety and Risk Management, Avoiding and Mitigating Officer Deaths, Assaults, and Injuries*, NAT'L LAW ENFORCEMENT POLICE CTR., Jan. 2012.

⁷ *Id.* at 11.

⁸ CAL. VEH. CODE § 27315 – Mandatory Seat Belt Law.

⁹ 4 LOS ANGELES POLICE DEPT., *Third Quarter Department Manual* § 289 – “Safety Belts in Department Vehicles” (2012). See Appendix for full text.

B. Safety Belt Use as Reported in Traffic Collision Reports

When Department personnel are involved in a traffic collision (TC), the Department will initiate an investigation into the accident and then complete a traffic collision report (TCR). This TCR should identify all the relevant facts and circumstances surrounding the collision, including whether Department personnel (i.e., drivers and passengers) were wearing their safety belts.¹⁰ In these forms, the investigating officers are specifically required to check a box identifying whether safety belts were used.

The OIG examined the 145 TCs in the sample to determine the percentage of officers wearing safety belts in these accidents. To compile this data, the OIG reviewed the TCR forms for checkbox data involving safety belt usage and then compared that information with the officers' reported statements.

The OIG determined that 120 of the 145 TCs in our sample involved vehicles with safety belts.¹¹ Of those 120 cases, Department personnel were wearing their safety belts in 75 (63 percent) of the cases. The remaining 45 (37 percent) collisions involved cases where the officers were not using their safety belts; where the checkbox data and the officers' statements regarding seatbelt usage are in conflict; or where the report and the investigation lack sufficient detail to determine usage.

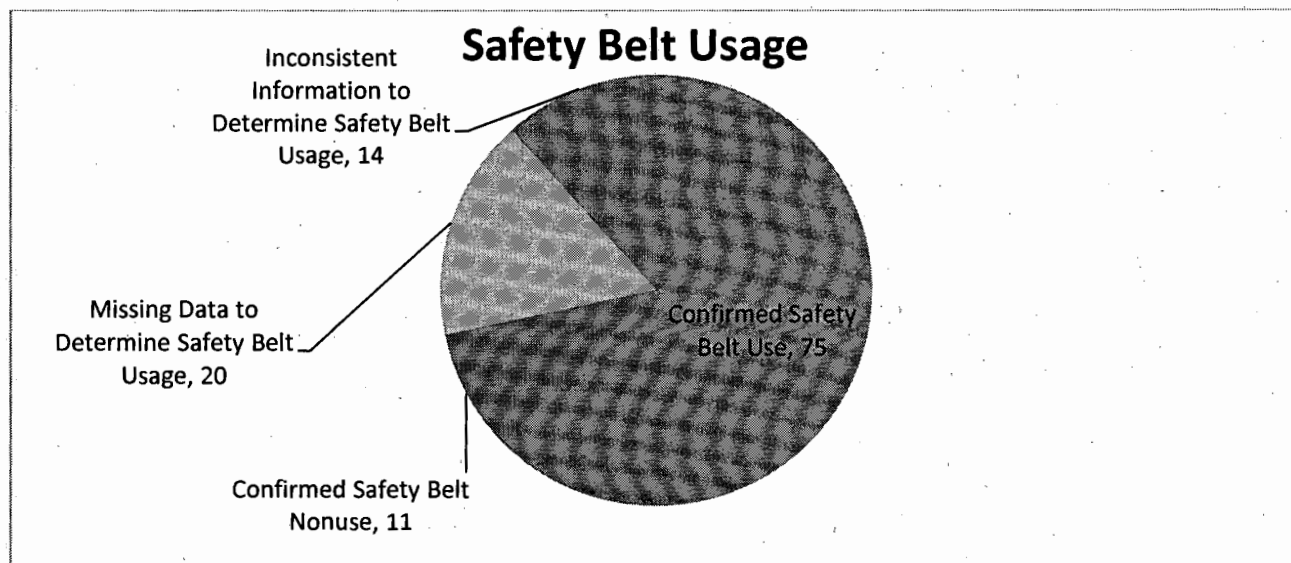


Figure 1 - Safety Belt Usage

The OIG examined the second category involving 45 cases to determine the number officers that were not using their safety belts. When the TCR forms were reviewed, the OIG learned that the Department identified only 11 TCs where the officers failed to use safety belts. The OIG then examined the underlying reports for each of these 45 cases to determine accuracy of these

¹⁰ 3 LOS ANGELES POLICE DEPT., *Traffic Manual* § 701(4)(j) – “Duties of Employee Involved in Traffic Collisions” (2004). See Appendix for full text.

¹¹ The other 25 collisions involved motorcycles, bicycles, or parked vehicles.

figures. This examination found discrepancies between the completed TCR form and the involved officers' statements. Once these inaccuracies were resolved, there were actually 25 TCs where officers failed to use their seatbelts. For the remaining 20 cases within this category, there was insufficient evidence in the TCR documents to determine whether the involved officers were wearing their seatbelts.

C. Officer Nonuse of Safety Belts

Department policy mandates that employees wear safety belts whenever operating a Department vehicle but gives discretion to officers for tactical considerations.¹² Policy provides that “[w]hen a potentially dangerous tactical situation is perceived or anticipated, the safety belt may be removed to allow adequate time for safe response to the situation.” However, the policy warns officers “not to remove their safety belts prematurely and thus risk being without safety belt protection during a pursuit.”¹³

The OIG examined several of the cases within its sample for examples where tactical situations justified safety belt nonuse. There were 11 TCs identified where officers specifically cited tactical concerns as a reason for not wearing their safety belts. (See Table 1, Cases A-K.) In the first four cases, the officers articulated specific facts and circumstances related to a tactical concern that justified the removal of their seatbelts. For example, in Case A, the officers unbelted as they arrived at the location of a felony assault call. Similarly, in Case D, when officers arrived at the scene of a robbery they unbelted as the airship directed them to a specific suspect.

However, in the remaining seven cases (Cases E-K), the officers only articulated a generalized basis, such as a known gang area, for their failure to wear safety belts. These generalized concerns can create exceptions that consume the rule requiring seatbelts. For example, documented known gang areas (see Case H) cover much of South Bureau, and an officer assigned there might never need to be belted if the Department permitted such a general articulation to override the policy requirement.

In Case K the officers stated they unbelted as they were responding Code 3 to a “back-up” request. The officers heard a “Code 4” broadcast for the call, but continued unbelted to the location. At one point, as they passed another vehicle travelling in the same direction, that vehicle swerved into the officers' lane. The officers then swerved to avoid the vehicle, left the roadway, and crashed into a bus bench with the driver sustaining serious injuries. Even at their final point of rest, the officers were still over 500 feet from the location where the assistance was requested. In the OIG's opinion, the officers unbelted prematurely and unnecessarily exposed themselves to risk of injury.

Officers sustained injuries that required hospital treatment in eight of 45 TCs (Cases K-Q) where safety belt nonuse was confirmed or report information was missing or inconsistent. In contrast, in the 75 TCs where officers wore safety belts, the officers were injured in only five cases and these injuries were minor.

¹² See 4 LOS ANGELES POLICE DEPT. *supra* note 6.

¹³ *Id.*

Table 1 – Case Summaries of Officer Nonuse of Safety Belts

#	Case No.	Fact Summary
A	12-0315548	Officers arrived in the area of a call regarding a felony assault. The officers unbelted while driving through an alley to the rear of the call address, and while attempting to back out of the alley, struck a parked vehicle. The TCR indicated officers were wearing safety belts when involved officers' statements indicated otherwise.
B	12-0410943	Officers arriving on-scene as backup to a traffic stop of felony assault suspects were struck by another police car making a u-turn to also assist on the stop. The u-turning officers were wearing belts; the responding officers had unbelted upon arriving in the area.
C	12-1215485	The officer arrived directly in front of a domestic violence call location and unbelted, then attempted to back his car to a safer location, striking another parked police car.
D	12-1609429	Officers responded Code-3 to a robbery call and unbelted as the airship directed them to a possible suspect. The officers skidded to a stop and struck a tree immediately in front of the suspect's location.
E	12-0213312	The officer was unbelted while conducting "crime suppression." The officer saw a possible wanted person, who ran when he saw the police car. The officer accelerated, then braked, skidded, and hit a fence.
F	12-0312570	While conducting "robbery suppression" patrol, officers drove through an alley and saw a pedestrian look at the police car and run away. The driver backed up and struck a fence.
G	12-1313556	Officers were on patrol when a private vehicle struck their patrol car. The officers were unbelted because they were "conducting crime suppression" and were "traveling in a known narcotic infested alley." The TCR indicated officers were wearing safety belts when involved officers' statements indicated otherwise.
H	12-1411306	The officer was on "routine patrol" unbelted because of a "possible tactical situation" the officer might encounter in the alley. When the officer reached a dead end, he was backing out and struck a trash bin.
I	12-1711931	Officers were driving unbelted in a "known gang area" and were struck by a private vehicle making a lane change. The CO issued a Comment Card.
J	12-1913519	Officers, unbelted due to "area of high gang activity," made a lane change in heavy traffic to contact a possible kidnap suspect and were struck by a private vehicle.
K	12-1414423	Officers responded Code 3 to a "back up" call and removed belts in preparation to assist. After a Code 4 broadcast, while continuing the officers swerved to avoid a car, leaving the road and striking a bus bench about 500 feet from the scene of backup. The driver officer sustained severe injury and the passenger sustained complaint of pain. Both were transported to hospitals.
L	12-0110800	Officers started a Code 3 response, made a U-turn, and hit another police car. Three of the four involved officers complained of pain. ¹⁴ Checkboxes reported

¹⁴ 3 LOS ANGELES POLICE DEPT. *supra* note 9 at § 113 – "Injury," (2004), instructing traffic officers on how to classify various injuries sustained by parties, including the classification of "complaint of pain."

		both drivers belted but both officers stated unbelted and “were being engaged” at the time of collision.
M	12-0114596	Officers were stopped at a red signal light when a DUI driver crashed into their car. Both officers complained of pain and were transported to a hospital. Checkbox showed unknown belt use; no statements reported for officers.
N	12-0312511	Two citizens crashed in an intersection, propelling one of the cars into the police car, which was stopped at a red signal preparing to turn right. The officer complained of pain and was transported to a hospital. The TCR indicated officers were wearing safety belts when involved officers’ statements indicated otherwise.
O	12-0710555	The officer was responding to a “back up” call, intermittently using the siren, and was struck in an intersection by a private party. The officer complained of pain and drove himself to a hospital. The TCR indicated officers were wearing safety belts when involved officers’ statements indicated otherwise.
P	12-1113145	While in pursuit of a stolen vehicle, the police car collided with a fence while attempting a left turn. Both officers complained of pain and were transported to a hospital
Q	12-1812373	Officers responded Code 3 to a “back up” call and were struck in an intersection by a citizen. The air bags deployed. Both officers complained of pain and were transported to a hospital. The TCR did not indicate whether officers were wearing safety belts but involved officers’ statements indicated nonuse.

E. Command Response To Officer Nonuse of Safety Belts

The Department policy requires officers to use their safety belts. Despite the policy requirement and the direct risk to officers from safety belt nonuse, there was little evidence that Commanding Officers (COs) were holding their subordinates accountable for violations of the Department’s safety belt policy. Of the 45 cases of confirmed or possible safety belt nonuse, only three officers had their seat belt usage addressed by their COs. Of these three officers, two received Comment Cards.¹⁵ No discipline was issued.

The Department’s current employee-involved TC adjudication process does not address safety belt nonuse.¹⁶ The Department, however, is in the process of revising TC adjudications. According to draft documents, the proposed revisions will require COs to identify whether involved officers were wearing safety belts at the time of a TC. When officers were not wearing safety belts, the COs will be required to create a TEAMS II supervisory action item and document any action taken.¹⁷ Because the proposed revisions identify no specific or minimum

¹⁵ A Comment Card is a non-disciplinary documentation of a superior’s communication to a subordinate. The OIG reviewed all available CO insights attached to each TCR. The COs responsible for DRs 12-1710258 and 12-171931 are the only COs who issued Comment Cards for officers admitting to safety belt nonuse.

¹⁶ 3 LOS ANGELES POLICE DEPT., *Third Quarter Department Manual* § 207 et seq., Employee-Involved Traffic Collisions – Administrative Process.

¹⁷ TEAMS is an acronym for Training Evaluation and Management System, the Department’s database for managing employee personnel information (“II” identifies that the current iteration is version two).

level of CO response other than making the entry into TEAMS II, the OIG is uncertain whether the revision will impact officer compliance with Department safety belt policy.

III. RECOMMENDATIONS

Based upon the information obtained from this review, the OIG has two recommendations.

The OIG recognizes that accurate collision reporting is critical to providing the Department with the data needed for risk management. Therefore, the OIG recommends that supervisors should be accountable to confirm, prior to TCR approval, that I/Os include specific safety belt usage information in all TCRs, and that I/Os reconcile officer statements with checkbox data to insure that the data is accurate and consistent.

Also, the OIG believes that safety belt use should be emphasized to reduce risk of officer injury, and to encourage officer practices consistent with policy, statutory, and professional guidelines. Therefore, the OIG recommends that the Commission direct the Department to review its safety belt policies to determine whether officer vehicle safety is sufficiently emphasized and whether the Department employs sufficient incentives for safety belt use, or appropriate penalties for nonuse.

APPENDIX

California Vehicle Code § 27315(d)(1) – MANDATORY SEAT BELT LAW

(d) (1) A person shall not operate a motor vehicle on a highway unless that person and all passengers 16 years of age or over are properly restrained by a safety belt. This paragraph does not apply to the operator of a taxicab, as defined in Section 27908, when the taxicab is driven on a city street and is engaged in the transportation of a fare-paying passenger. The safety belt requirement established by this paragraph is the minimum safety standard applicable to employees being transported in a motor vehicle. This paragraph does not preempt more stringent or restrictive standards imposed by the Labor Code or another state or federal regulation regarding the transportation of employees in a motor vehicle.

Department Policy Manual Volume 3 § 207.95 - POINT SYSTEM CRITERIA

The criteria for the point system lie in three levels of preventable traffic accidents:

Level One Accident.

- Maneuvering speed 10 miles per hour (MPH) or less prior to braking; and,
- No disregard for safety; and,
- No visible injuries.

Level Two Accident.

- Operating speed above 10 MPH prior to any braking, in essential compliance with Vehicle Code; and,
- No disregard for safety; and,
- No life threatening injury; and,
- City vehicle is repairable.

Level Three Accident.

- City vehicle is not repairable; or,
- Life threatening injury occurs; or,
- Employee was not in essential compliance with Vehicle Code.

POINT COUNT CRITERIA AND GUIDANCE AND REMEDIATION

THRESHOLDS. A preventable traffic accident that meets the criteria of any of the three levels shall be assigned a number of points according to the schedule below. Points accrue for each accident on the date of the accident, and remain countable for 36 months from the date of the accident. After 36 months, the point is no longer countable toward the total.

Level One Accident: 1 point

Level Two Accident: 2 points

Level Three Accident: 4 points

When three points accrue in 24 months, the employee shall be directed to a formal standardized driver improvement training course conducted by Training Division. This training does not reduce the point count.

When an employee accrues five points in 36 months, the employee shall not be permitted to drive a City vehicle for six months.

When an employee accrues eight or more points or four preventable accidents within 36 months, the employee shall be administratively transferred after the final adjudication of the latest preventable collision appeal to another geographic division and shall not be permitted to drive a City vehicle or return to the division left for one year. The transfer location will be determined by the Department, and the employee will have no choice in the decision. The Chief of Police shall retain final authority to approve or disapprove administrative transfers pursuant to this policy.

Note: The "no driving" restriction shall not apply to an employee who is promoted to another Civil Service rank during the "no driving" period.

POINT SYSTEM EXCEPTIONS. A preventable traffic accident resulting from the employee's gross negligence, consumption of alcohol or drugs, reckless disregard for safety, or which results in a criminal filing against the employee, shall be handled as misconduct through a Personnel Complaint, not through the point-count remediation system.

Actions of the employee incidental to the accident are not covered by the Point Count policy. Examples include, but are not limited to, failing to wear a seat belt, shooting from a moving vehicle, failing to properly secure a prisoner in the vehicle, or a pursuit policy violation. In other words, this policy only covers inattentive driving, not other actions committed while driving.

If an employee exceeds eight points or four preventable accidents within 36 months, and the employee's commanding officer (C/O) believes that the employee cannot or will not improve their driving or that the employee is a driving hazard, then the C/O shall adjudicate all future preventable traffic accidents involving the employee as misconduct using a Personnel Complaint, Form 01.28.00.

Department Policy Manual Volume 4 § 289 - SAFETY BELTS IN DEPARTMENT VEHICLES

Employee's Responsibility. Employees and all others operating or riding in Department vehicles shall wear three-point safety belts when provided. Two-point safety belts (lap belts) shall be worn when three-point safety belts are not provided. Employees intending to operate or ride in a Department vehicle shall ensure that all occupants of the vehicle are using the available safety belts before the vehicle is operated.

Safety belts shall be adjusted so they provide maximum protection with reasonable comfort.

Safety belts shall be inspected at the start of each watch. Any Department vehicle equipped with an unserviceable safety belt shall be removed from service.

Tactical Considerations. When a potentially dangerous tactical situation is perceived or anticipated, the safety belt may be removed to allow adequate time for safe response to the

situation. During special operations, the safety belt may be removed when, in the belted employee's judgment, wearing the safety belt might adversely affect the special operation or endanger the employee.

Examples:

- Officers may remove their safety belts immediately prior to arriving at the location of an emergency call so they can quickly leave their vehicles upon arrival.
- Officers may remove their safety belts immediately prior to stopping a suspect. However, officers should be careful not to remove their safety belts prematurely and thus risk being without safety belt protection during a pursuit.

Department Traffic Manual Volume 3 § 701-- DUTIES OF EMPLOYEES INVOLVED IN TRAFFIC COLLISIONS

When an LAPD employee (sworn or civilian) becomes involved directly or indirectly in, or participates in the events leading to a traffic collision while acting within the scope of their official duties, the employee **shall**:

A. Immediately request Communications Division to dispatch a collision investigation unit and a supervisor to the scene.

NOTE: The supervisor should be from the involved unit's division.

B. Complete a CHP Form 556 Supplement when involved as a Party, Passenger or Witness.

NOTE: **Do not give the detailed statement(s) to an outside agency** (Traffic Manual 3/702(C) 2).

1. The Employee Statement **shall** be submitted to the investigating officer or the traffic division watch commander prior to the involved employees' EOW.

NOTE: When an involved employee is unable to complete their statement prior to their EOW, approval shall be obtained from the appropriate traffic division watch commander and this information shall be included in the remarks section of the traffic collision report. If not submitted prior to EOW, the involved employee's watch commander shall be responsible for obtaining the statement as soon as possible.

2. An employee involved in a CPI traffic collision, that qualifies for DMV address confidentiality, shall use the address and telephone number of his/her division of assignment for his/her residence address in the completion of the Traffic Collision Report or Administrative Report.

3. Stamp "Employee Statement" in the top margin of the CHP Form 556 Supplemental and complete the form.

4. A **Department Employee's Statement** shall include the following information:
- a. Assignment (division, unit and watch).
 - b. Partner's name and serial number.
 - c. Passenger(s) name(s) and reason for being in the police vehicle.
 - d. Type of police vehicle (marked, hybrid or unmarked) and shop number.
 - e. Type of emergency equipment, and if the equipment was in operation at the time of the collision.
 - f. The approximate speed of the police vehicle at the time of the collision, if known. When the CHP Form 556 Supplemental is completed by a witness only, this field is optional.
 - g. Starting point, destination and purpose of the trip (on patrol, responding to a call, etc.).
 - h. A brief statement describing the circumstances of the collision and any observed traffic violations.
 - i. Injuries or lack of injuries sustained by driver and passenger(s) in vehicle.
 - j. Were seat belts used by driver and passenger(s)? Did air bags deploy?
List motorcycle safety equipment worn.
 - k. A statement regarding private insurance coverage while either a driver or passenger in a city-owned vehicle.
 - l. A statement justifying the employee's actions or why the collision was unavoidable if possible.
 - m. An estimate of the distance between their vehicle and the actual collision.
 - n. Describe amount and location of damage or lack of damage to vehicles or property.

NOTE: When practical, the employee's statement should be signed by his supervisor. In the event an employee involved in a collision refuses to complete a statement, the employee's supervisor shall follow the procedures outlined in Department Manual Section 3/820.07.