

LOS ANGELES POLICE COMMISSION

**REVIEW OF
THE DEPARTMENT'S
CODE THREE
COLLISION REPORTS**



CONDUCTED BY THE

OFFICE OF THE INSPECTOR GENERAL

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**OFFICE OF THE INSPECTOR GENERAL'S
REVIEW OF THE DEPARTMENT'S
CODE THREE COLLISION REPORTS**

I. INTRODUCTION

The Office of the Inspector General (OIG) completed a review of the Los Angeles Police Department's (Department) officer-involved traffic collisions, involving the use of emergency equipment. The OIG previously identified collisions as the Department's second most costly source of liability.¹ In this review, the OIG examined collisions that occurred when Department officers responded to emergencies in Code Three status.²

To conduct the review, the Department's Emergency Operations Division provided the OIG with all officer-involved Traffic Collision Reports (TCRs) for collisions that occurred between January 1, 2014, and June 30, 2014.³ During this period, a total of 483 officer-involved collisions occurred, from which the OIG identified 26 incidents where officers were responding Code Three.

II. BASIS FOR CODE THREE RESPONSES

Department Policy outlines the procedures to respond Code Three to emergency calls.⁴ Emergencies that warrant a Code Three response include, but are not limited to, a pursuit, an officer request for back-up or help, or a serious crime in progress. Officers may respond Code Three "immediately, but in a manner that will enable the unit to reach the scene as quickly and safely as possible."⁵

Based on the information in the TCRs, the OIG determined that the officers' Code Three response resulted in the 26 collisions. In a significant number of the collisions (14 of 26, or 54%), officers responded Code Three to assist other officers (and in one case, firefighters). Vehicle pursuits resulted in five collisions (19%). In four collisions (15%), officers responded Code Three to a citizen-related call. In two collisions (8%), the officers responded to a traffic collision. In the remaining collision (4%), the collision Investigating Officer (I/O) did not provide information to determine the Code Three reason. The chart on the following page depicts the type of Code Three responses.

¹ OIG, EMPLOYMENT LITIGATION AUDIT (June 27, 2013).

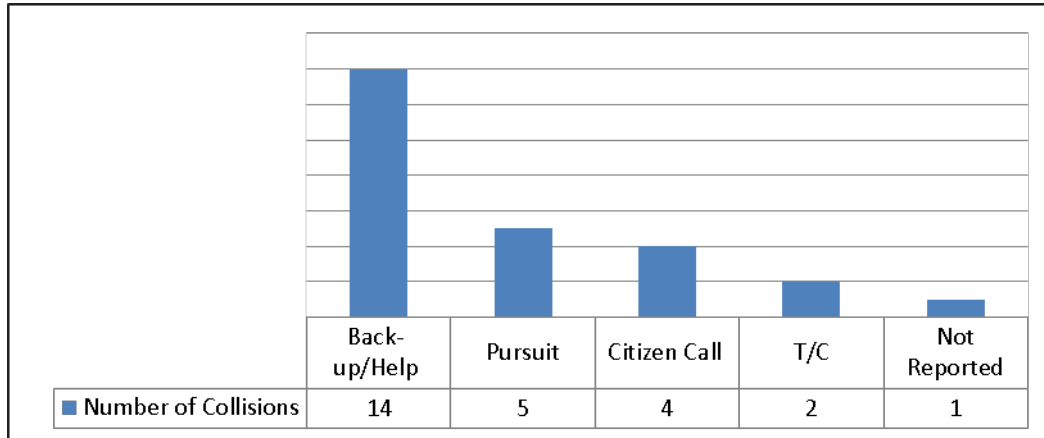
² Code Three is generally defined as use of the police car's full emergency lighting and siren. For Department patrol cars, full emergency lighting includes the flashing red and blue lights of the overhead light bar.

³ 1st and 2nd Quarter of 2014. During this period, Communications dispatched a total of 59, 822 Code-3 runs.

⁴ LAPD, 2014 2nd Quarter Manual, Volume 4 § 120.40 – Radio Codes and Procedures (2014).

⁵ *Ibid.*

Fig. 1 - Collisions by Code Three Reason



III. COLLISION CAUSES

Each TCR is reviewed by the involved officer’s Commanding Officer (C/O), who is responsible to determine fault.⁶ For the 26 Code Three collisions, the C/Os determined that officers were at fault in 21 of the 26 collisions (81%). Based on the information in the TCRs, the OIG identified three actions as the cause for 19 of the 26 collisions (73%).⁷

A. Speed

In 8 of 26 collisions (31%), the I/O determined that unsafe speed was the Primary Collision Factor (PCF).⁸ The OIG identified that in six of these collisions, officers were negotiating a turn at an unsafe speed. In one collision, officers travelling at an unsafe speed rear-ended a parked patrol vehicle upon arriving at the destination location. In the remaining speed-caused collision, officers in pursuit of a vehicle collided with an unrelated citizen vehicle they were passing at 65 miles per hour.

In addition to these eight collisions, the OIG identified one additional collision where speed appeared to be the PCF, although the officers’ speed was not determined. While pursuing a stolen vehicle, the paved road ended and the officers drove into a tree stump. The I/O identified the PCF as “other than driver.”⁹ Because both officers were hospitalized and the police vehicle received major damage, the OIG believes the PCF was “other improper driving, unsafe speed.”¹⁰

⁶ LAPD, 2014 2nd Quarter Manual, Volume 3 § 207 – “Employee-Involved Traffic Collisions – Administrative Review Process” (2014).

⁷ For the remaining seven officer-at-fault collisions, PCFs included Other Than Driver, Other Improper Driving, Unsafe Turning Movement, Unsafe U-Turn, and Failure to Make Right-Hand Turn as Close to Curb/Edge as Practicable.

⁸ The I/O cited California Vehicle Code § 22350. See Appendix B for text of the section.

⁹ LAPD Traffic Manual § 3/363 C, Other Than Driver: when the primary cause of the collision was beyond control of the driver.

¹⁰ *Ibid*, B, “example, while on private property, a driver operates a vehicle at an unsafe speed and crashes.”

B. Failure to Yield

Failure to yield in an intersection accounted for seven total collisions (27%). In five collisions where officers were not at fault, the I/O determined that the involved citizen failed to yield to a police vehicle with operating lights and siren.¹¹ The OIG noted that the five TCRs included statements from uninvolved witnesses who reported that the officers were attempting to safely travel through the intersection. In four of those collisions, officers cleared the intersections before travelling against a red light. Officers were at fault in the remaining two failure to yield collisions, in both cases travelling against a red light.

C. Unsafe Starting / Backing

The OIG identified officers unsafely starting or backing¹² the patrol vehicle as the cause of 3 of 26 collisions (12%). Two collisions involved officers colliding with other patrol vehicles responding to the same emergency call. In both of these collisions, the involved officers then required assistance themselves. The third collision occurred when a citizen in a pursued vehicle backed into a patrol vehicle. Officers positioned their vehicle behind the pursued vehicle which had entered a driveway to evade the officers. The patrol vehicle was still moving as the pursued vehicle rolled backward. Although the I/O determined the citizen backing was the cause of the collision, the officers' C/O deemed the collision was preventable.

IV. OMISSION OF OFFICER SPEED IN COLLISION REPORTS

Department policy prescribes the review process for determining fault in an officer-involved traffic collision and for holding at-fault officers accountable.¹³ Reaching an impartial outcome in this process depends on the accuracy of the information in the TCRs. Determining the severity of penalty relies in part on considering whether the at-fault officer was driving at a safe speed at the time of collision. Despite this necessity of obtaining speed information from the TCR, current Department policy does not require speed reporting in all instances.

Policy does not require the I/O to attempt to obtain from parties, including officers, statements regarding speed at the time of collision. The OIG identified that in 22 of 24 TCRs (92%), the I/O did not report speed at the time of the collision.¹⁴ Even in the seven TCRs where the I/O reported unsafe speed as the primary collision factor, the I/O did not provide any details in the report regarding the officers' speed at the time of the collision.¹⁵

¹¹ The I/O cited California Vehicle Code § 21806(a)(1). See Appendix B for text of the section.

¹² The I/O cited California Vehicle Code § 22106. See Appendix B for text of the section.

¹³ LAPD, 2014 2nd Quarter Manual, Volume 3 § 207 – "Employee-Involved Traffic Collisions – Administrative Review Process" (2014).

¹⁴ For 2 of the 26 collisions, California Highway Patrol officers completed the TCR. In both instances, the CHP I/O identified the speed of the involved officers prior to collision.

¹⁵ I/O cited California Vehicle Code § 22350 in all seven TCRs.

Department policy directs involved officers to complete a written statement including the speed of the vehicle at the time of collision, "if known."¹⁶ However, the OIG found that in 4 of the 26 TCRs (15%) the involved officers did not include any narrative regarding their speed prior to the collision.¹⁷

All I/Os submit their completed TCRs to supervisors who are responsible for reviewing the reports for completeness and accuracy. Supervisors signed and approved all 24 of the Department TCRs despite the absence of the I/O reporting the speed of the involved officers, or the involved officers themselves stating their speed.

V. SEAT BELT NONUSE

Both California law and Department policy require that police officers be seat belted when operating and riding in police vehicles.¹⁸ In October 2013, the OIG reported to the Board of Police Commissioners (Commission) on police officer seat belt nonuse in officer-involved collisions.¹⁹ Subsequently, in 2014, the Commission and the Chief of Police issued messages emphasizing seat belt usage.²⁰ In this review of TCRs, the OIG identified that seat belt nonuse continues to be an issue.

In this review, the OIG determined that 49 officers were involved in the 26 collisions.²¹ For 26 officers, the OIG found consistent TCR information that the officers were belted at the time of collision. For 14 officers, the OIG found consistent information the officers were unbelted. However, for the remaining 9 officers, the OIG could not determine seat belt use due to inaccurate or inconsistent information in the TCRs.²² Therefore, the OIG determined that the rate of seat belt nonuse could be as low as 14 of 49 officers (29%) or as high as 23 of 49 officers (47%) involved in these collisions.²³

¹⁶ LAPD, Traffic Manual – Volume 3/701 "Duties of Employees Involved in Traffic Collisions" (2004).

¹⁷ In one case, officers have not completed statements due to being on Injury on Duty status.

¹⁸ California Vehicle Code § 27315(d) states, "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 seat belt." LAPD, 2014 2nd Quarter Manual, Volume 4 § 289, "Safety Belts in Department Vehicles," requires that employees and all others riding in Dept. vehicles "shall" wear seatbelts.

¹⁹ ALEXANDER A. BUSTAMANTE, REVIEW OF THE DEPARTMENT'S TRAFFIC COLLISION REPORTS & SAFETY BELT USE, SECOND QUARTER 2012 (Oct. 29, 2013).

²⁰ See Appendix A for full transcript of the messages.

²¹ Some patrol vehicles were solo occupancy and some collisions involved more than one patrol vehicle.

²² The OIG could not determine whether officers were belted because the applicable check box was not completed, officer statements and check box information did not match, or officer statements were missing entirely or did not mention seat belt usage. (EOD advised they sent out a request for clarification regarding inaccurate or inconsistent seat belt information.)

²³ A range exists because of inaccurate/inconsistent information reported in the TCRs.

For the officers whose statements reported seat belt nonuse, 16 of 20 (80%) said they did not comply with seat belt policy due to tactical reasons.²⁴ Three officers did not provide any reason for failing to wear their seat belt and one officer stated he was unbelted because he was planning to stop to complete his log. The C/Os did address seat belt nonuse for five officers: one officer received a Comment Card and a Complaint Investigation²⁵ was initiated against four officers involved in two collisions.²⁶

VI. RECOMMENDATIONS

Based on the information obtained in this review, the OIG has three recommendations:

Regarding speed, the OIG recommends the Department take steps to remind officers of the importance to drive at a reasonable speed when responding Code Three to ensure their safe arrival. Further, the OIG recommends the Department adopt as policy the requirement that TCRs shall include the I/O's statement regarding the speed of all parties immediately prior to the collision and that involved officer statements shall include the officer's report of speed (known or estimated) immediately prior to the collision.

Regarding driving Code Three through intersections, the OIG recommends the Department remind officers to appropriately slow/stop at the limit line to clear an intersection prior to proceeding, particularly when entering the intersection against a red light.

Regarding seat belts, the OIG noted that in December 2014, the Department issued a revision to the adjudication of Employee-Involved Traffic Collisions to ensure C/Os address seat belt nonuse as part of the Administrative Review Process.²⁷ Because this modification may address the issue of seat belt nonuse, the OIG makes no recommendation on this issue.

²⁴ LAPD, 2014 2nd Quarter Manual, Volume 4 § 289, "Safety Belts in Department Vehicles."

²⁵ The outcome of the complaint investigations are pending.

²⁶ The same C/O adjudicated both collisions.

²⁷ Department Special Order No. 12-2014, "Department Employee-Involved Traffic Collision Reporting, Investigation and Adjudication – Revised; and Fleet Safety Report, Form 01.13.00 – Revised" (Dec. 17, 2014).

APPENDIX A

Focus Issues for Board of Police Commissioners (FY 2014-15)

VII BUCKLE UP: Ensure the Department implements a program to mandate that seat belts are to be worn by all personnel who operate and are a passenger in a Department vehicle.

Chief's Message - January 2014: Seat belts

“I am concerned about each of you since on-duty collisions continues to be one of the highest risk activities to our personnel year after year.

One of the cornerstones of safe vehicle operation is the practice of wearing your seat belts. I know there is no need to remind you that doing so is a matter of law and Department policy. We have conducted training, shown videos and developed seatbelt removal tactics. Still, a recent inspection of employee-involved traffic collisions determined that a fair percentage of employees still do not wear their seat belts. It is not only officers in black and whites but detectives and specialized units as well.

Wearing a seat belt has not been shown to be a threat to officer safety, but instead it is an important element of your safety. The reality is that no officers in America have died due to a seatbelt related tactical issue. However, it is important for you to remember that across the country in 2011, 61 officers were killed during on-duty traffic collisions and another 47 lost their lives in 2012. These are tragic events - most of which may have been avoided had seat belts been worn.

Last month, on December 12th, marked the 25 year anniversary of the death of three LAPD police officers, known to us as the “5th and Wall” traffic collision. To this day, we still mourn the tragic loss of **Police Officer Manuel Gutierrez #24654, Police Officer David Hofmeyer #24984 and Police Officer Derrick Conner #25472**. Police Officer Venson Drake was the only surviving officer and the only officer wearing his seatbelt at the time of the collision.

We have learned the most important preventable measure we can take is wearing our safety belts and exercising safe driving habits. Officers’ intentions are noble and they have a strong desire to serve the public and get to incidents to assist other officers as quickly as possible. A cautious attitude of self-restraint won’t dampen these good intentions. As a Department, we can honor the lives of Manuel Gutierrez, David Hofmeyer and Derrick Conner by learning from this and using safe driving habits to prevent or reduce future injuries and deaths. So remind each other every day to buckle up and drive safely.

As your Chief - and on behalf of your families and the communities in which you work so diligently, I am telling you to wear them while you are at work, no exceptions. Challenge your partners to do likewise. Commit to driving with precision and caution because at the end of the day, the most important thing is for you to arrive home safely to those for whom you care.”

Chief's Message - July 2014: Safety

“Making sure you go home safely is my most important job. When out on patrol, you use good judgment that guides you in dangerous situations. Anything that makes our job less safe must be eliminated and replaced with good solid tactics that become routine and second nature to you. This means wearing your seatbelt and reminding your partner to do the same. Remember, distracted driving is anything that takes your focus away from the road.

Lastly, remember the on duty training we have provided you and apply it off duty to keep you and your loved ones safe. When things are in order at home, you will have less to worry about while at work.”

APPENDIX B

California Vehicle Code Section 22350

“No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property.”

California Vehicle Code Section 21806(a)(1)

“Upon the immediate approach of an authorized emergency vehicle which is sounding a siren and which has at least one lighted lamp exhibiting red light that is visible, under normal atmospheric conditions, from a distance of 1,000 feet to the front of the vehicle, the surrounding traffic shall, except as otherwise directed by a traffic officer, do the following:

(a) (1) Except as required under paragraph (2), the driver of every other vehicle shall yield the right-of-way and shall immediately drive to the right-hand edge or curb of the highway, clear of any intersection, and thereupon shall stop and remain stopped until the authorized emergency vehicle has passed.”

California Vehicle Code Section 22106

“No person shall start a vehicle stopped, standing, or parked on a highway, nor shall any person back a vehicle on a highway until such movement can be made with reasonable safety.”