
Tri-City Accident Investigation Team (TAIT) Protocol

526.1 POLICY AND PURPOSE

It is the policy of the Fremont, Newark, and Union City Police Departments to conduct independent investigations of all fatal or severe injury collisions occurring in the cities of Fremont, Newark, and Union City; and involving police personnel, or public safety vehicles owned or leased by the three cities, as prescribed by state law, individual department policy and this protocol.

This protocol establishes the procedure(s) for the review and investigation of vehicular collisions involving public safety vehicles owned or leased by the Cities of Fremont, Newark, and Union City and for the requests for assistance from the Tri-City Accident Investigation Team.

526.1.1 COLLECTION OF EVIDENCE

All investigations shall include the collection of the following evidence whenever it is available and/or practical:

1. Data from a vehicle electronic Crash Data System, "Black Box", or other technology capable of capturing vehicle operation and performance data prior to and during a collision.
2. Images and recordings from photo enforced red light systems.
3. Images and recordings from in-car video recording systems.
4. Speed, emergency equipment status, and other data captured by in-car global positioning (GPS) / Automatic Vehicle Location (AVL) systems.
5. Images and recordings from audio or video devices carried and activated by employees at the time of a collision.
6. When practical, all involved party and witness interviews should be captured by recording device and copies of the audio/video files booked in as evidence.

526.1.2 REQUESTING AGENCY RESPONSIBILITIES

It will be the responsibility of the requesting agency to provide those preliminary services that would normally accompany any accident (i.e. Protection of the scene, rendering emergency first aid, traffic control, etc.). In addition, the requesting agency will provide the Team with any necessary support as resources and time allow.

1. It shall be the responsibility of the requesting agency to designate a "Press Information Officer" who shall be responsible for handling all press-related duties concerning the investigation. The Team member(s) assigned to the investigation shall forward all press inquiries to the designated "Press Information Officer" and shall provide the "Press Information Officer" will all necessary information.

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526.1.3 INVESTIGATING OFFICER RESPONSIBILITIES

The investigating officer shall be designated from those Team members responding and shall have the primary responsibility for investigation of the collision. Any additional Team members present will assist the investigating officer as necessary and requested. In no event shall the primary investigating officer be an employee of the requesting or involved agency; with the exception of section 527.1.4.B. above.

A. Should the nature or severity of the collision require additional personnel or resources than were initially summoned, the Team member designated as the investigating officer shall confer with the Team supervisor and summon those personnel and/or resources deemed necessary.

B. It shall be the responsibility of the primary investigation officer to provide the agency with jurisdiction of the collision—a copy of the face sheet and witness/injured party pages prior to securing from duty.

C. The following procedures shall be followed, as a matter of policy, to insure a fair and impartial investigation is conducted:

1. Employees of the Fremont, Newark, and Union City Police Departments involved in collisions falling within the purview of this protocol, shall be afforded the opportunity to obtain representation prior to providing a statement to investigating officer(s). Should the involved employee decline, or be unable, to give a statement immediately following the collision, the investigation officer(s) will schedule an appointment for the employee, and his/her representative if so desired, to meet with the investigating officer(s) as soon as practical for the purpose of soliciting a statement.

2. Upon completion, all collision investigations shall be forwarded to the Alameda County District Attorney for review. No citations shall be issued without first consulting with the District Attorney.

526.1.4 REVIEW BOARD

The Review Board will convene for the purposes of reviewing collision investigations conducted by the Team. The reports will be reviewed for accuracy and completeness.

A. After review, the Review Board will issue a finding and either:

1. Concur with the findings as stated; or,

2. Issue an amended finding, citing the areas amended and supporting data for the amended finding(s).

3. Investigations shall not be released for agency, public, or other review until approved by the Review Board.

B. The Review Board will transmit to the Chiefs an annual report of collisions investigated by the Team. The report shall be completed by January 31, of each year, and cover collisions from the prior calendar year.

1. The report will identify the number of collisions in each City, the number of people killed or injured, the primary collision factors, the parties found to be most at fault, associated factors contributing to the collision, and any other data deemed to be pertinent.

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2. The report will be utilized to determine trends and to identify training needs in an effort to reduce the number and/or severity of collisions.

526.1.5 MISCELLANEOUS PROCEDURES

The following incidents, commonly considered traffic collisions, but not reportable as such, shall be investigated by the responsible agency in which the incident occurred. The Team will be available to the responsible agency as a resource and, when requested to respond, will act at the direction of the investigating officer(s) from the responsible agency. Any request for assistance will be coordinated through the Team Supervisor.

A. Collisions deemed to be "Legal Intervention" - Legal intervention collisions are a use of force and, as such, shall be investigated in accordance with each individual agency's policy concerning the use of force and use of force investigations.

B. "Staged" collisions - Staged collisions are collisions intentionally planned or contrived for fraudulent purposes and, as such, should be investigated as a crime for profit and not as a collision.

C. Watch commanders may request the assistance of the Team to investigate collisions that are unusual or otherwise contain sensational or political overtones. These requests shall come from the agency watch commander and be routed through the Team supervisor or Team Manager.

D. It is the intent that the Team be used judiciously in these situations. The Team is not intended to be used solely to supplement resources due to shift activity, etc.

E. For the purpose of indemnification, each participating agency of the Tri-City Accident Investigation Team shall be responsible for the acts of its participating officer(s) and shall incur any liabilities arising out of the services and activities of those officers while participating in the Tri-City Accident Investigation Team. Personnel assigned to the Tri-City Accident Investigation Team shall be deemed to be continuing under the employment of their jurisdictions and shall have the same powers, duties, privileges, responsibilities and immunities as are conferred upon them as peace officers in their own jurisdictions.

F. A copy of this protocol signed by all Chiefs of Police is on file.

526.2 REFERENCE

- Fremont Police Department Directive G-4
- Newark Police Department Procedural Memorandum 2.4 and Policy 527
- Union City Police Department Directive T-04 (After July 1, 2009, Policy #502 and #503)
- Section 165 of the California Vehicle Code
- Department of the California Highway Patrol, Collision Investigation Manual (C.I.M.)

526.3 DEFINITIONS

ELECTRONIC COMMUNICATION DEVICE (ECD): Any pager, cell phone, or portable electronic device by which off-duty personnel can be summoned to respond to a callout.

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FATAL INJURY : Death as a result of injuries sustained in a collision, or any injury resulting in death within 30 days of the collision.

LEGAL INTERVENTION COLLISION: Means any collision involving a public safety vehicle owned or leased by the Cities of Fremont, Newark, or Union City involving use of force.

PUBLIC SAFETY VEHICLES OWNED OR LEASED BY THE CITY: Means any vehicle owned, leased, or rented by the Cities of Fremont, Newark, or Union City and operated by a Police employee within the course and scope of their duties.

REVIEW BOARD: Means a panel comprised of one traffic sergeant, former traffic sergeant, or sergeant trained through Advanced Collision Investigation, from each of the involved Cities and appointed by the Chief or their designee.

SEVERE INJURY: An injury, other than a fatal injury, which results in broken, dislocated or distorted limbs, severe lacerations, or unconsciousness at or when taken from the collision scene. It does not include minor lacerations.

STAGED COLLISION: Any collision intentionally planned or contrived for fraudulent purposes.

TRI-CITY ACCIDENT INVESTIGATION TEAM SUPERVISOR: Means an employee, with the rank of Sergeant or above, selected by the Chiefs, or their designee, from the Cities of Fremont, Newark, and Union City, who shall have functional supervision of the team members while functioning as members of the Tri-City Accident Investigation Team, and who shall act a liaison between the Chiefs, the individual Cities, and the Team members.

TRI-CITY ACCIDENT INVESTIGATION TEAM MANAGER: Means an employee, with the rank of Lieutenant, Commander, or above, selected by the Chiefs, or their designee, from the City currently designated as supervising the Team. The Team Manager shall be responsible for ensuring the Team is operating as intended by this protocol.

526.4 PROCEDURE

The Tri-City Accident Investigation Team shall be comprised of personnel from the Cities of Fremont, Newark and Union City. The primary function of the Team shall be the investigation of fatal or severe injury collisions that occur within the cities of Fremont, Newark, or Union City and involving police personnel or public safety vehicles owned or leased by the Cities of Fremont, Newark, and Union City.

A. The Tri-City Accident Investigation Team shall have eight members and one supervisor. The eight team members shall be comprised of the following: four (4) Team members from the City of Fremont, and two (2) Team members each from the Cities of Newark and Union City.

1. Qualifications for selection to the Team shall be successful completion of a California Peace Officers Standards and Training (P.O.S.T.), or equivalent accrediting agency, Basic, Intermediate, Advanced Accident Investigation Class, and an Accident Reconstruction Class. If possible, at least one Team member from each City shall complete an accredited Accident Crush Reconstruction class.

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2. Each agency shall determine the manner in which they select officers assigned to the Team.
 - B. The Team shall be supervised by an employee of the rank of sergeant or above, selected by the Tri-Cities' Chiefs. The supervisor shall serve for a period of three years and shall rotate among the three Cities. The duties of the supervisor shall be as delineated in the Definitions Section above.
 - C. Team members and the Team supervisor shall be furnished with Electronic Communication Devices (ECD's) for use in summoning them when required. The Team will have an on-call cadre of three officers at any time; the scheduling of the officers will be determined and coordinated among the Team members and supervisor. It shall be the responsibility of the Team supervisor to advise the Cities which Team members are on-call for the time period as determined by the Team members. It is understood that the ECD's supplied to the Team members are carried on a voluntary basis and the on-call status is also on a voluntary basis.
 1. Should a Team call-out be necessary, the requesting agency will call the on-call Team member's agency to determine their duty status. If on-duty the on-call Team member will respond as requested. If off-duty, the Team member's agency will summon them as necessary.
 2. All collisions investigated by the Team shall be documented on the State Traffic Collision form No.555 and shall follow the guidelines established by the current Collision Investigation Manual (C.I.M.) provided by the Department of the California Highway Patrol.
 3. Follow up reports to collision investigations shall be written on the State provided supplemental form as directed in the State provided manual (C.I.M.)
 4. The following criteria for documentation shall apply to both public and private roadways unless specifically stated otherwise.
 5. Collisions not falling within the purview for investigation by the Team shall be documented as per applicable departmental policy and procedures.
 6. Collisions investigated by the Team shall be documented with a case number from the agency having jurisdiction over the collision scene.

526.5 COLLISIONS TO BE INVESTIGATED

The following collisions that occur within the Cities of Fremont, Newark, or Union City, shall be investigated by the Tri-City Accident Investigation Team:

- A. All collisions resulting in a fatality or severe injury and involving a public safety vehicle owned or leased by the Cities of Fremont, Newark, or Union City.
 1. Generally, the Team will not investigate collisions involving pursued vehicles where the pursued vehicle is the only vehicle involved or the collision does not involve a public safety vehicle.
- B. All collisions resulting in a fatality or severe injury, involving an on-duty State, Federal, or non-TAIT Municipal Law Enforcement Agency.
- C. All collisions involving off-duty police personnel (Sworn and Non-Sworn) from the Cities of Fremont, Newark, or Union City occurring in their city of employment, and involving a fatal injury.

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1. At the discretion of the responsible agency's watch commander, the Team may be called to investigate off-duty collisions involving a severe injury, or off-duty collisions where the potential for significant liability to the City is apparent.

D. In conducting investigations involving emergency vehicles (As defined by the California Vehicle Code) which were operating as emergency vehicles at the time of collision, the investigation shall include, in addition to all other required information:

1. The number, and precise location, of all forward and rear burning red, amber, or blue lamps.
2. The model number and manufacturer's name of the light shell, or housing on sealed beam units, and bowl.
3. The manner in which the red, amber, or blue light was operating - steady, flashing or revolving.
4. The model number and manufacturer's name of the siren as well as the siren's precise mounted location.
5. In addition to the above, if any City vehicle is operating a rear red or amber light it should be so indicated, including mount, lamp number, and manner of operation.