

9.02.000 SHERIFF'S OFFICE VEHICLES, REVIEWS INVOLVING

9.02.005

PURPOSE AND SCOPE: 08/24

This policy provides guidance on the administrative review process whenever a Sheriff's Office vehicle is involved in a collision, pursuit, or legal intervention

9.02.010

GENERAL DEFINITIONS: 03/23

For purposes of this policy:

"Collision" when any Sheriff's Office vehicle, while being driven, strikes another vehicle or object, or is struck by another vehicle, resulting in **any** damage. The amount of damage does not need to meet the criteria of a reportable collision under state law. (This excludes "non-collision damage.")

"Collision, Non-Preventable" means the collision could not have been reasonably avoided.

"Collision, Preventable" means there were sufficient facts available to the driver prior to the time of the collision to give reason to anticipate the collision and take reasonable action to avoid the collision.

"Damage, Non-Collision" means damage to a Sheriff's Office vehicle because of vandalism, car wash, rock dings, EVOC damage, etc.

"Eluding, No Pursuit" means that a deputy does not engage in a pursuit of a vehicle that is attempting to elude a police vehicle.

"Emergency" means the driver was responding to an actual or reasonably perceived threat to persons or property and is driving Code 2 or 3.

"Legal Intervention" means tactic(s) which may be considered a use of force and under certain circumstances, deadly force, and are used to stop a vehicle that poses an immediate danger to persons if not stopped, or keep a vehicle that is stopped from moving and becoming a danger to persons or property using devices or a police vehicle(s) that may include an intentional or planned collision (i.e., PIT maneuver, ramming, roadblock or stop sticks). A legal intervention may be appropriate to preempt or prevent a pursuit.

"Policy Violation, Sustained" means there is sufficient factual information to indicate that Sheriff's Office policy or procedure has been violated.

"Reasonable" means based on circumstances and the facts available at the time, the driver exercised a degree of care that a police deputy of ordinary prudence would exercise in the same or similar set of circumstances.

"Vehicle, Sheriff's Office" means any vehicle such as marked and unmarked vehicles, prisoner vans, motorcycles, aircraft, marine craft, TAC-30 vehicles, off-road vehicles, etc., owned, rented, leased, or otherwise appropriated for the official use of the Sheriff's Office.

"Vehicular Pursuit" means an attempt by a uniformed deputy in a vehicle equipped with emergency lights and a siren to stop a moving vehicle, where the operator of the moving vehicle attempts to elude the deputy's vehicle; and the deputy, in an effort to keep pace with and/or immediately stop or apprehend an eluding driver, drives in a manner that is outside of RCW 46.61 traffic laws.

9.02.012

POLICY: 04/00

The Sheriff's Office recognizes the serious nature of Sheriff's Office vehicles becoming involved in collisions, legal interventions, or pursuits. It is the policy of the Sheriff's Office to conduct an administrative review when a Sheriff's Office vehicle is involved in any collision, legal intervention maneuver, or vehicular pursuit. These reviews provide for an accurate database, which profiles several factors including who, what, where, when, why and how we pursue or use legal intervention and is used to evaluate our policies and procedures.

9.02.015

NON-COLLISION DAMAGE: 04/15

Non-collision damage requires:

1. Completion of a Blue Team Non-Collision Damage (NCD) entry:
 - a. The narrative must start with Vehicle ID Number, mileage, description of damage, and brief description of how damage was caused.
 - b. Any associated crime reports, photos, or other supportive documents must be attached.
 - c. The entry must be reviewed via the chain of command to the Precinct/Section Commander and then forwarded to IIU.
2. Completion of an incident report if a crime occurred.

9.02.020

REPORTING AND REVIEW GENERAL CRITERIA: 08/24

1. An incident report, a Blue Team entry, and an administrative review is required when a Sheriff's Office member is involved in any:
 - a. Collision,
 - b. Legal intervention maneuver, or
 - c. Vehicular pursuit as defined in this chapter and GOM 9.01.010
2. Incidents involving "Eluding, No Pursuit" require only a Mark43 incident report and review by a supervisor.
3. The Administrative Review Team (ART) will not be involved in the investigation or review of a driving incident unless it results in death or serious injury (resulting in an extended hospital stay), or when directed by the Undersheriff or designee.

9.02.025

RESPONSIBILITIES: 04/15

When any Sheriff's Office member is involved in any collision, legal intervention maneuver, or pursuit:

1. **The Driver shall:**
 - a. If a collision was involved:
 - i. Notify the radio dispatcher as soon as possible.
 - ii. If possible, determine if there are any injuries, render and summon aid.
 - iii. Preserve the scene.

- iv. Not discuss the incident with persons other than law enforcement or authorized officials.

- b. If a pursuit was involved, also include the following:

- i. A complete incident report and deputy's pursuit work sheet detailing the pursuit, whether an arrest was made or not. This Includes assisting in pursuits of other agencies.
- ii. Submit the completed incident report, associated paperwork, and pursuit work sheet, including a description of any vehicle damage caused by a legal intervention maneuver, to the pursuit supervisor via Blue Team.

2. The Radio Dispatcher shall:

- a. Notify the local law enforcement agency if the collision is within a non-contract jurisdiction or WSP if the collision occurs on a state route.
- b. Notify the field supervisor to respond to the scene.

3. The Field Supervisor shall:

- a. If a pursuit was involved:
 - i. Obtain an incident report from the pursuing deputy(s), statements from all other deputies or witnesses involved and the deputy's pursuit work sheet.
 - Ensure the deputy's portion of the pursuit review work sheet and Blue Team data is completely and accurately filled out.
 - ii. Complete the supervisor pursuit work sheet.
 - Include whether or not deputies conformed to Sheriff's Office policy and make appropriate recommendations and comments regarding the incident.
 - iii. Forward originals of all reports to the appropriate CID Unit.
 - **Do not forward the Supervisor's Pursuit Review Report to CID.**
 - iv. Forward the Blue Team report with copies of all reports attached via chain of command to IIU within three (3) days of the incident.
 - **If a collision was also involved, incorporate this reporting procedure with one of the following collision reporting procedures within the vehicle pursuit Blue Team entry. A separate vehicle accident Blue Team entry is only required for collisions not directly related to the pursuit.**
- b. If a collision was involved and reportable under state law:
 - i. Ensure that the appropriate Precinct/Section Commander or Command Duty Officer (CDO) is notified if a collision results in:
 - Death.
 - Injury; or
 - Extensive property damage to any single object.

- ii. Ensure a thorough investigation by:
 - Going to the incident scene and contacting the available parties involved.
 - Notifying the MARR Unit despite jurisdiction when:
 - Injury or death occurs to anyone; or
 - There is extensive damage to any piece of property.
 - There is reason to believe a MARR investigation is needed.
 - Utilizing any other unit deemed necessary.
 - Ensuring photographs have been taken.
 - Obtaining and reviewing the following for completeness:
 - Washington Traffic Collision Report.
 - Witness statements.
 - Exchange of Driver Information Form.
 - iii. Ensure collisions in other jurisdictions, involving King County Sheriff's Office vehicles, are properly investigated by the agency with jurisdiction, when necessary.
 - iv. Forward reports to the appropriate Precinct/Section Commander via Blue Team.
- c. If a collision was involved and not reportable under state law:
- i. Ensure photographs have been taken.
 - ii. Obtain and review the following for completeness:
 - Exchange of Driver Information Form.
 - Witness statements.
 - iii. Forward reports to the appropriate Precinct/Section Commander via Blue Team.

4. The Precinct/Section Commander shall:

- a. Review reports for completeness and make appropriate recommendations regarding the incident.
- b. Within five (5) days of either the collision or pursuit date, forward all reports with the appropriate recommendations to IIU via Blue Team.

5. The IIU Commander shall:

- a. Screen the Blue Team report(s) and assign the appropriate Sheriff's Office review venue according to sections 035 - 040.
- b. Ensure that any incident involving Sheriff's Office vehicles is reviewed monthly at the Sheriff's Office level and reviewed no later than thirty (30) days after the incident date at the Section/Precinct level.
- c. Review Precinct/Section Board findings and disciplinary recommendations for consistency:
 - i. If either the findings or disciplinary recommendations are inconsistent with Sheriff's Office guidelines, the IIU Commander shall request that the Sheriff's Office Review Board review the incident as a new case.
- d. Coordinate and facilitate Sheriff's Office Review Boards.

- e. Issue the appropriate traffic citation in cases when the Prosecutor's Office determines that the filing of a citation is warranted.
- f. Maintain records of any incident that involve Sheriff's Office vehicles.
- g. Provide summary reports of Review Boards to the Undersheriff.

9.02.030**FOLLOW-UP INVESTIGATORS' RESPONSIBILITIES:** 04/14

Upon completion of a follow-up investigation, the assigned CID investigator shall:

1. Forward originals of all reports directly to Records.
2. Forward copies of applicable reports to IIU.
3. Present reports to the Prosecutor's Office for review if there are obvious traffic violations by the Sheriff's Office driver.
 - a. If the Prosecutor's Office determines that the filing of a citation is warranted, forward the reports to the IIU Commander for issuance of the appropriate traffic citation.

9.02.035**DRIVING REVIEW BOARD, SHERIFF'S OFFICE:** 08/24

1. The Sheriff's Office Driving Review Board (DRB) shall review any driving incident involving:
 - a. Injuries to anyone requiring medical attention; or
 - b. Vehicular pursuits that appear to be not in compliance with policy; or
 - c. Vehicular pursuits when a collision or injury is involved; or
 - d. Collisions with property damage over five thousand (5,000) dollars; or
 - e. Any collision on an EVOC course where any person was injured; or
 - f. Any circumstance that appears to be a significant policy violation including EVOC training.
 - i. All other EVOC collisions shall be reviewed by the Training Unit.
2. The Sheriff's Office DRB shall convene monthly.
 - a. If upon review, the Chair or Vice Chair of the Sheriff's Office DRB believes the collision to be non-preventable, the DRB may convene via email.
 - b. If all voting members agree unanimously that the collision was non-preventable, no further Board action is required.
 - c. If the vote is not unanimous, the collision will be reviewed at the monthly Board.
3. The Sheriff's Office DRB shall consist of the following nine (9) members:
 - a. Chief, CID, or designee, (Chair, non-voting except in the event of a tie).
 - b. Captain, IIU, or designee, (Vice Chair).
 - c. Captain, any Division, (rotating every three months).
 - d. Union representative, appointed by the applicable bargaining unit.
 - e. MARR representative.
 - f. EVOC representative.
 - g. Risk Management representative (non-voting).

- h. Safety and Claims representative (non-voting).
 - i. OLEO Director or designee (non-voting).
- 4. Four (4) voting members must be present to constitute a quorum.
- 5. If a driving incident (meeting one or more of the above listed criteria in 9.02.035(1)) occurred as part of a Critical Incident, the DRB will be held during the initial portion of the Critical Incident Review Board (CIRB).

9.02.040**DRIVING REVIEW BOARD, PRECINCT/SECTION LEVEL:** 01/19

1. The Precinct/Section DRB shall review all collisions not meeting the Sheriff's Office Driving Review Board parameters.
2. A Precinct/Section DRB shall convene no later than thirty (30) days following the incident date.
 - a. If upon review, the Precinct/Section Commander believes the collision to be:
 - i. **Non-preventable** - the DRB may convene via email. If all voting members agree unanimously that the collision was non-preventable, no further Board action is required. If the vote is not unanimous, the Board must meet within the thirty (30) days.
 - ii. **Preventable** - and the driver admits fault and waives their appearance, the DRB may convene via email. If all voting members agree unanimously, that the collision is preventable and any mitigating circumstances have been addressed, no further Board action is required. If the vote is not unanimous, the Board must meet within the thirty (30) days.
3. The Precinct/Section DRB shall consist of the following three (3) members:
 - a. Section Commander or designee of captain rank or above (Chairperson).
 - b. Sergeant or designee of sergeant rank or above who was not involved with either the driving or collision investigation.
 - c. A deputy chosen by the driver, who was not involved in either the driving or collision investigation.
4. All members must be present to constitute a quorum.
5. The driver may waive their appearance.
6. If the collision cannot be reviewed within thirty (30) days because the driver is unavailable (i.e. disability leave, military leave, etc.) it will be sent to the Sheriff's Office DRB.
7. The decision of the board, including recommendations for training or discipline, will be sent to IIU via Blue Team. If the findings include recommendations for discipline, those findings shall also be sent to the Sheriff's Office DRB Chairperson.
 - a. Disciplinary notices will be completed by the Sheriff's Office DRB Chairperson.

9.02.045

DRIVING REVIEW BOARD RESPONSIBILITIES: 05/16**1. The DRB Chairperson shall:**

- a. Notify all concerned parties of the time and place of the DRB meetings.
- b. Prepare a written report of the Board's findings and recommendations.
- c. Write any disciplinary notices.
 - i. All disciplinary notices from the Sheriff's Office and Precinct/Section Level Boards shall be prepared by the Chair of the Sheriff's Office DRB.

2. The DRB shall:

- a. Review all written descriptions provided by:
 - i. The driver.
 - May waive personal appearance before the DRB, if requested to appear, by signing the waiver on the appearance notification.
 - May offer any information for the Board to consider.
 - Must attend if ordered by the Board regardless of whether they wish to waive appearance.
 - ii. Investigators.
 - iii. Supervisor(s).
 - iv. Other witnesses.
- b. Shall hear testimony relevant to the incident from either the driver or other individuals that the Board deems necessary.
- c. Determine if a collision was involved and whether the collision was "preventable" or "non-preventable" by majority vote.
- d. Determine if a pursuit was involved and whether it was within policy.
- e. Determine if legal intervention was used and whether it was within policy.
- f. Determine if tactical decisions leading up to the incident were handled consistent with training and policy.
- g. Determine whether post incident actions were within policy.
- h. Make recommendations for discipline and/or training if necessary.
- i. Make a recommendation to the Undersheriff for:
 - i. Modification of training.
 - ii. Modification of policy.
 - iii. Specific remedial training.
 - iv. Disciplinary action.

9.02.050

FINDINGS AND DISCIPLINARY GUIDELINES: 12/92

Disciplinary actions shall be consistent with Sheriff's Office policy and the Collective Bargaining Agreement. The chairperson of the DRB shall notify the driver in writing within ten (10) working days of the findings of the Board, via the chain of command, including recommendations for disciplinary actions.

Unless mitigating circumstances exist, the following are guidelines for Review Boards' disciplinary recommendations for either "sustained policy violation(s)" or "preventable collisions":

1. Disciplinary action is not required if:
 - a. The driver has not had a "preventable" collision within the past three (3) years; and
 - b. There were no injuries; and
 - c. The damage was non-reportable under state law; and
 - d. There was no policy violation by the driver.
2. A written reprimand should be recommended if:
 - a. The driver has had one (1) "preventable" collision within the past three (3) years; or
 - b. The damage was reportable under state law; or
 - c. There were injuries; or
 - d. There was a policy violation by the driver.
3. Suspension without pay should be recommended if:
 - a. The driver has received a written reprimand for a "preventable" collision within the past three (3) years; and
 - b. The damage was reportable under state law; or
 - c. There were injuries; or
 - d. There was a policy violation by the driver.
4. Suspension or termination should be recommended if:
 - a. The driver demonstrated a willful violation of:
 - i. Law; or
 - ii. A direct order; or
 - iii. Sheriff's Office policies or procedures.
5. The following training may be recommended with the above disciplinary guidelines:
 - a. EVOC; and/or
 - b. Behavioral Modification; and/or
 - c. Other appropriate training deemed necessary.

9.02.055

APPEAL PROCESS: 03/23

1. The findings of the Precinct/Section DRB may be appealed to the Sheriff's Office DRB by the driver, Precinct/Section Commander, IIU Commander, or Division Commander.
 - a. The driver shall request an appeal on an Officer's Report via the chain of command to the Sheriff's Office DRB within ten (10) working days after written notification by the Precinct/Section board.

- b. A Precinct/Section Commander, IIU Commander, or Division Commander may request an appeal within ten (10) working days after written notification by the Precinct/Section Board and include the reason(s) for their request.
 - c. The incident shall be reviewed as a new case and the Sheriff's Office DRB shall make an independent ruling by the next Review Board date.
- 2. The driver may appeal either the Sheriff's Office DRB's decision or disciplinary recommendation(s) according to their Collective Bargaining Agreement.