

640.52 Collision Review Board

1st Universal Review Period: 10/15/20 – 11/14/20

Refer:

- City of Portland, Human Resources Administrative Rule 4.09, Use of City Resources
- City of Portland, Human Resources Administrative Rule 4.13, Vehicle Loss Control
- DIR 317.40, Authorized Use of Bureau Resources
- DIR 335.00, Discipline Process
- DIR 338.00, Discipline Guide
- DIR 345.00, Employee Information System (EIS)
- DIR 336.00, Police Review Board
- DIR 630.05, Vehicle Interventions and Pursuits
- DIR 640.50, Traffic Crash Investigations

Definitions:

- **Collision/Crash:** For the purposes of this directive, any impact between a Bureau- or City of Portland-issued, -leased, or -rented vehicle (“Bureau or City vehicle”) and another vehicle or object, while being operated by a Bureau member (sworn or non-sworn) and in readiness for motion, which results in repairable property damage, personal injury or death. “Vehicle” includes bicycles. Repairable property damage consists of non-superficial or non-cosmetic damage to a Bureau or City vehicle or damage to a private vehicle or property for which the Bureau or City is potentially liable. This term also includes irreparable damage (i.e., a totaled vehicle). The collision may occur on a public street or highway, premises open to the public or private property.
- **Collision Review Board:** A Bureau member-comprised panel responsible for the review of collision incidents involving Bureau or City of Portland vehicles. After reviewing collision cases, the board makes a finding and determines the corrective action for the involved member for matters that are not required to go to the Police Review Board for review.
- **Findings:** For the purposes of this directive, a conclusion regarding a driver’s role in or responsibility for a collision:
 - **Non-Preventable Collision:** A collision where the driver acted with due regard and in a manner consistent with vehicle operations training.
 - **Not a Crash:** A collision where deliberate action taken by a driver (e.g., pursuit intervention techniques) results in repairable property damage, personal injury, or death The board can declare whether a collision that they deemed to be a “not a crash” is preventable or not, depending on the member’s behavior and/or decision-making leading up to the incident. Such a finding can result in corrective action.
 - **Preventable Collision:** A collision that occurs because the driver failed to act with due regard or in a manner consistent with vehicle operations training.

Policy:

1. This directive establishes procedures for the review of collisions involving Bureau or City of Portland vehicles.
2. The Collision Review Board (CRB), which is comprised of a panel of Bureau members, shall review and investigate all collisions involving Bureau or City vehicles. The CRB shall perform this function in accordance with City requirements, as established under the City's Crash Analysis Review Program.

Procedure:

1. Role of the Collision Review Board.
 - 1.1 The CRB shall review all collisions and damage involving Bureau and City vehicles driven by Bureau members, except collisions resulting from the use of techniques authorized under Directive 630.05, Vehicle Interventions and Pursuits.
 - 1.2 The CRB shall be responsible for the following:
 - 1.2.1 Ensuring collision investigations and documentation are complete;
 - 1.2.2 Making findings on all collision cases; and
 - 1.2.3 Producing separate reports that summarize CRB findings and identify collision trends.
2. Collision Review Board Composition.
 - 2.1 The CRB shall be comprised of three members of the Traffic Division, with at least two members at the rank of Officer or Sergeant; one member of the Training Division, who shall be certified in police vehicle operations; the Fleet Coordinator (non-sworn member); an at-large member at the rank of Officer, Detective, Criminalist, or Sergeant; and the Assistant Chief (AC) of Operations, who will serve as the chair of the board.
 - 2.1.1 The Captains of the Traffic and Training Divisions shall select representatives for their divisions.
 - 2.1.2 The Portland Police Association (PPA) shall select a rotating at-large member to serve a one-year term.
 - 2.2 The Chief or designee may remove a member from the CRB for the following reasons:
 - 2.2.1 Repeated and excessive unavailability for service when requested;
 - 2.2.2 Objective demonstration of disrespectful or unprofessional conduct;
 - 2.2.3 Excessive collision history;
 - 2.2.4 Consistent failure to adequately prepare for meetings (i.e., reading case materials); or
 - 2.2.5 At the discretion of the Chief or designee.
 - 2.3 The Chief shall confer with a PPA representative prior to removing the PPA at-large member from the CRB.
3. Collision Review Board Meetings.
 - 3.1 The CRB shall meet on a monthly basis at a regularly set time and location.

3.2 A quorum of three CRB members, including at least one representative from the Traffic Division, must be present to conduct a meeting.

3.2.1 Each CRB member shall have an equal vote.

3.2.2 The CRB shall make a finding by majority vote.

3.2.3 If there is a deadlock vote (i.e., no majority), absent CRB members shall vote on the case at the next scheduled meeting to reach a finding.

3.3 Involved Member Participation.

3.3.1 Members shall have an opportunity to attend CRB meetings when their case is under review. Members shall have an opportunity to address the CRB concerning the circumstances of the collision. The CRB may ask the member questions to assist in their understanding of the incident. The member's union representative may also attend CRB meetings with the involved member.

3.3.1.1 Members shall have an opportunity to review the case file prior to the CRB meeting.

3.3.1.2 The union representative may make a statement on behalf of the member.

3.3.2 If the involved member is unable to attend the scheduled CRB meeting when the board reviews their case, the board shall grant the member a continuance. The CRB may grant further continuances for extenuating circumstances (e.g., the member is on extended leave). The CRB Coordinator shall make a reasonable effort to accommodate the involved member's availability when scheduling the meeting.

4. Collision Review Process.

4.1 Following a qualifying collision, the involved member's supervisor shall complete an After Action Report within 7 days of the collision.

4.2 Within 21 days of the collision, the involved member's Responsibility Unit (RU) Manager shall conduct a review of the incident and make a recommended finding.

4.3 The RU Manager shall submit their recommended findings, contained within the After Action Report, to the CRB Coordinator within 21 days of the collision. That concludes the After Action review process.

4.4 The CRB shall review all relevant reports, photographs, videos, and the RU Manager's recommended findings, considering only the facts and circumstances of each individual case. A member's past driving history will have no bearing on the recommendation given.

4.5 Upon completion of its review, the CRB shall make a finding. If the finding is that the collision was preventable, the CRB shall then have a separate and distinct discussion and vote on appropriate corrective action. When determining the corrective action, the CRB shall consider the member's corrective action history, including previous corrective action that indicated poor judgment. The CRB shall act in accordance with Directives 335.00, Discipline Process, and consider Directive 338.00, Discipline Guide, when

determining corrective action. For matters that require Police Review Board (PRB) review, the CRB shall recommend the level of corrective action. If the CRB finds that an investigation is incomplete, they may send the case back to the investigating supervisor for follow up.

- 4.5.1 If the CRB determines the case is eligible for stipulated discipline, all parties shall act in accordance with the stipulated discipline procedures set forth in Directive 335.00, Discipline Process.
- 4.5.2 The CRB shall provide a Corrective Action Recommendation Memorandum to the Discipline Coordinator for all cases with a “preventable” finding.

4.6 The CRB shall determine if the collision was:

- 4.6.1 Preventable;
- 4.6.2 Non-preventable; or
- 4.6.3 Not a Crash (Preventable or Non-Preventable).
 - 4.6.3.1 If the CRB determines that an incident is not a crash, they shall refer the case back to the RU Manager for appropriate follow up.

4.7 The CRB Coordinator shall notify the involved member’s RU Manager of the CRB’s finding.

- 4.7.1 If the collision is found to be preventable and the proposed corrective action is suspension without pay, the case shall go to Internal Affairs (IA) for an initial review, and then to the PRB for its review, as set forth in Directive 336.00, Police Review Board.
 - 4.7.1.1 IA shall determine if there is a need for any additional investigation prior to the scheduling of the PRB.
 - 4.7.2 The CRB Coordinator shall provide the case file to IA and the PRB, and include a summary of the CRB vote with the findings memorandum.

4.8 Involved Member Notification.

- 4.8.1 If the CRB determines a collision is “preventable,” the Discipline Coordinator shall notify the involved member of the finding pursuant to Directive 335.00, Discipline Process.
- 4.8.2 If the CRB determines a collision is “non-preventable” or deems it “not a crash,” the RU Manager shall notify the involved member of the finding.

5. Responsibility Unit Manager Responsibilities.

- 5.1 The RU Manager shall:
 - 5.1.1 Make a recommended finding (not including recommended corrective action) within 21 days of the collision;
 - 5.1.2 Submit the After Action Report, which includes the recommended finding, to the CRB Coordinator within 21 days of the collision; and
 - 5.1.3 For non-preventable collisions and incidents deemed “not a crash” by the CRB, notify the involved member of the CRB’s finding.
 - 5.1.3.1 The RU Manager shall conduct an informal debriefing of the incident with the involved member. The debrief is intended to provide a learning opportunity for the member and is non-disciplinary in nature.

6. Collision Review Board Coordinator Responsibilities.

6.1 The CRB Coordinator shall:

- 6.1.1 Set a date, time, and location for CRB meetings;
- 6.1.2 At least 7 days prior to the meeting, notify the CRB members of the date, time, and location of the meeting;
- 6.1.3 At least five days prior to the meeting, notify the involved Bureau member of the date, time and location of the meeting;
- 6.1.4 Distribute relevant meeting materials, including the After Action Report, that are generated from a vehicle collision investigation at least five days prior to the meeting;
- 6.1.5 Prepare a written statement of the CRB's findings and proposed corrective action, as well as any policy, training or investigation issues or concerns raised by the board for each case.
 - 6.1.5.1 If the CRB's finding differs from the RU Manager's finding, the CRB Coordinator shall document the discrepancy by updating the RU's Performance Discussion Tracker (PDT) entry of the incident in the Employee Information System (EIS).
- 6.1.6 Notify the RU Manager for incidents the CRB determines to be non-preventable or not a crash.
- 6.1.7 Notify the Discipline Coordinator for collisions the CRB determines to be preventable.
- 6.1.8 Prepare CRB meeting minutes, which shall include a record of CRB member attendance;
- 6.1.9 Serve as the custodian of all CRB records;
- 6.1.10 On behalf of the CRB, produce a semi-annual report each calendar year that includes summations of the CRB's findings and, when applicable, documentation of training or investigation issues identified by the board. The report shall not include the names of involved members or witnesses. A case may not be included in the report until the CRB has reached a finding and proposed corrective action; and
- 6.1.11 On behalf of the CRB, produce an annual trend analysis report that identifies training gaps, common collision causes, patterns in member driving behavior, and other similar trends. The report shall not include the names of involved members or witnesses. A case may not be included in the report until the CRB has reached a finding and proposed corrective action.

Provide feedback [here](#).

640.52 ~~VEHICLE COLLISION REVIEW BOARD~~

Refer: ~~City Code 3.58.060 Fleet Accident~~ Collision Review Boards ~~Board~~

Refer:

- City of Portland, Human Resources Administrative Rule 4.09, Use of City Resources
- City of Portland, Human Resources Administrative Rule 4.13, Vehicle Loss Control
- DIR 344317.40, Authorized Use of Bureau Resources
- DIR 335.00, Discipline Process
- —DIR 338.00, Discipline Guide
- DIR 345.00, Employee Information System (EIS)
- DIR 336.00, Police Review Board
- DIR 630.05, Vehicle Interventions and Pursuits
- —DIR 640.50, Traffic Crash Investigations

Definitions:

- Collision/Crash: For the purposes of this directive, any impact between a Bureau- or City of Portland-issued, -leased, or -rented vehicle (“Bureau or City vehicle”) and another vehicle or object, while being operated by a Bureau member (sworn or non-sworn) and in readiness for motion, which results in repairable property damage, personal injury or death. “Vehicle” includes bicycles. Repairable property damage consists of non-superficial or non-cosmetic damage to a Bureau or City vehicle or damage to a private vehicle or property for which the Bureau or City is potentially liable. This term also includes irreparable damage (i.e., a totaled vehicle). The collision may occur on a public street or highway, premises open to the public or private property.
- Collision Review Board: A Bureau member-comprised panel responsible for the review of collision incidents involving Bureau or City of Portland vehicles. After reviewing collision cases, the board makes a finding and determines the corrective action for the involved member for matters that are not required to go to the Police Review Board for review.
- Findings: For the purposes of this directive, a conclusion regarding a driver’s role in or responsibility for a collision:
 - Non-Preventable Collision: A collision where the driver acted with due regard and in a manner consistent with vehicle operations training.
 - Not a Crash: A collision where deliberate action taken by a driver (e.g., pursuit intervention techniques) results in repairable property damage, personal injury, or death The board can declare whether a collision that they deemed to be a “not a crash” is preventable or not, depending on the member’s behavior and/or decision-making leading up to the incident. Such a finding can result in corrective action.
 - Preventable Collision: A collision that occurs because the driver failed to act with due regard or in a manner consistent with vehicle operations training.

Policy:

1. ~~Collisions~~ This directive establishes procedures for the review of collisions involving Bureau assigned or City of Portland vehicles will be investigated and reviewed by a panel of peers. This function will be carried out by the
2. ~~The~~ Collision Review Board (CRB), which ~~meets the~~ is comprised of a panel of Bureau members, shall review and investigate all collisions involving Bureau or City vehicles. The CRB shall perform this function in accordance with City requirements of the City for a Fleet Accident, as established under the City's Crash Analysis Review Board (FARB) Program.

Procedure:

1. ~~The~~ Role of the Collision Review Board:
 - 1.1 ~~The~~ CRB will consist of ten members, including the Loss Control manager who will serve as the chairperson. The remainder of the CRB will be comprised of representatives from the following divisions: Traffic, Training, Detectives, Fleet and five representatives from precinct operations. It is not mandatory that each RU be represented individually. The RU manager of an outgoing board member will determine his/her replacement.
 - 1.3.1.1 ~~The~~ CRB will meet monthly at a regularly set time and location. A minimum of five CRB members must be present to conduct a meeting. ~~All~~ The CRB shall review all collisions and damage involving Bureau assigned and City vehicles with another vehicle, object, or person will be reviewed, driven by Bureau members, except collisions resulting from the use of techniques as defined by DIR authorized under Directive 630.05, Vehicle Interventions and Pursuits.
 - 1.4.1.2 ~~The~~ CRB serves two main functions in shall be responsible for the review of Bureau vehicle collisions following:
 - 1.4.11.2.1 ~~Ensure that~~ Ensuring collision investigations and documentation are complete;
 - 1.4.2 ~~Make a recommendation for finding on all cases reviewed and submit the recommendation to the appropriate RU manager for consideration.~~
2. ~~Collision Review Process:~~
 - 2.1 Copies of all reports that are generated from a vehicle collision investigation are to be sent through channels to Police Liability Management (PLM). These include, but are not limited to, accident reports, Special Reports, After Action Reports and City Traffic Accident Reports. Files will be established for each case and copies distributed to the CRB for their review. If these documents are not received in their entirety, the CRB may elect to send the case back for further investigation prior to hearing the case.
 - 1.2.2 ~~The~~ CRB will consider Making findings on all collision cases; and
 - 1.2.3 ~~Producing separate reports that summarize CRB findings and identify collision trends.~~

2. Collision Review Board Composition.

2.1 The CRB shall be comprised of three members of the Traffic Division, with at least two members at the rank of Officer or Sergeant; one member of the Training Division, who shall be certified in police vehicle operations; the Fleet Coordinator (non-sworn member); an at-large member at the rank of Officer, Detective, Criminalist, or Sergeant; and the Assistant Chief (AC) of Operations, who will serve as the chair of the board.

2.1.1 The Captains of the Traffic and Training Divisions shall select representatives for their divisions.

2.1.2 The Portland Police Association (PPA) shall select a rotating at-large member to serve a one-year term.

2.2 The Chief or designee may remove a member from the CRB for the following reasons:

2.2.1 Repeated and excessive unavailability for service when requested;

2.2.2 Objective demonstration of disrespectful or unprofessional conduct;

2.2.3 Excessive collision history;

2.2.4 Consistent failure to adequately prepare for meetings (i.e., reading case materials); or

2.2.5 At the discretion of the Chief or designee.

2.3 The Chief shall confer with a PPA representative prior to removing the PPA at-large member from the CRB.

3. Collision Review Board Meetings.

3.1 The CRB shall meet on a monthly basis at a regularly set time and location.

3.2 A quorum of three CRB members, including at least one representative from the Traffic Division, must be present to conduct a meeting.

3.2.1 Each CRB member shall have an equal vote.

3.2.2 The CRB shall make a finding by majority vote.

3.2.3 If there is a deadlock vote (i.e., no majority), absent CRB members shall vote on the case at the next scheduled meeting to reach a finding.

3.3 Involved Member Participation.

3.3.1 Members shall have an opportunity to attend CRB meetings when their case is under review. Members shall have an opportunity to address the CRB concerning the circumstances of the collision. The CRB may ask the member questions to assist in their understanding of the incident. The member's union representative may also attend CRB meetings with the involved member.

3.3.1.1 Members shall have an opportunity to review the case file prior to the CRB meeting.

3.3.1.2 The union representative may make a statement on behalf of the member.

3.3.2 If the involved member is unable to attend the scheduled CRB meeting when the board reviews their case, the board shall grant the member a continuance. The CRB may grant further continuances for extenuating circumstances (e.g., the member is on extended leave). The CRB Coordinator shall make a reasonable

effort to accommodate the involved member's availability when scheduling the meeting.

4. Collision Review Process.

4.1 Following a qualifying collision, the involved member's supervisor shall complete an After Action Report within 7 days of the collision.

4.2 Within 21 days of the collision, the involved member's Responsibility Unit (RU) Manager shall conduct a review of the incident and make a recommended finding.

4.3 The RU Manager shall submit their recommended findings, contained within the After Action Report, to the CRB Coordinator within 21 days of the collision. That concludes the After Action review process.

2.24.4 The CRB shall review all relevant reports, photographs, videos, and the RU Manager's recommended findings, considering only the facts and circumstances of each individual case. A member's past driving history will have no bearing on the recommendation given.

~~2.3 PLM will notify members of the date, time and location of the CRB meeting that will be reviewing their case. Members will have an opportunity to attend the meeting when their case is reviewed. If the members wish to attend the CRB meeting, and are unable to do so, arrangements can be made with PLM to have the case rescheduled to the following month. Members attending a CRB meeting will be given an opportunity to speak concerning the circumstances of the collision and may be asked questions by the CRB to assist in their understanding of the incident.~~

~~2.4 Upon completion of each case, the CRB will make a recommendation for finding to the member's RU manager. The recommendation for finding, along with the investigation completed by the member's supervisor, will assist in the final determination. If the CRB finds that an investigation is incomplete, the case may be sent back to the investigating supervisor for follow up.~~

~~2.5 The CRB's recommendation for finding will be based on criteria established by the National Traffic Safety Council (i.e., did the driver do everything reasonable to avoid the collision?). Recommendation categories include:~~

~~2.5.1 Preventable (i.e., the driver failed to recognize a hazardous condition or circumstance and failed to take appropriate action to maintain control of the vehicle and avoid a collision).~~

~~2.5.2 Non-preventable (i.e., the driver did recognize a hazardous condition or circumstances and took appropriate action to maintain control of the vehicle and avoid a collision).~~

~~2.5.3 Not an Accident (i.e., when a collision and investigation had been initiated and concluded that there was a deliberate action taken by a driver that resulted in damage or injury, or that a non-deliberate action had occurred, but it was later determined that there was no damage and no injury).~~

- 2.6 Members are often required to drive under circumstances that are unusual and at times extreme. The determination of preventable/non-preventable by the CRB must be tempered by the nature and significance of the mission at hand.
- 2.7 Members will not be notified at the time of the meeting of the CRB's recommendation for finding. The RU manager will give notice to the member of the final determination.
- 2.8 Should the recommendation of the CRB be in conflict with initial supervisory recommendations, the CRB will submit an additional memorandum to the RU manager explaining the CRB's rationale.
- 2.9 If an RU manager finds a case to be preventable, he/she will make a recommendation, including discipline, to the Branch chief. It is the responsibility of the RU manager to notify PLM of their recommended discipline and when the discipline has been completed, as PLM maintains the driver history information for Bureau members.
- 2.10 Should the RU manager's final decision be in conflict with the recommendation of the CRB, a memorandum will be submitted by the RU manager to his/her Branch chief, with a copy to the CRB, explaining his/her decision.
- 2.11 The CRB will not make a recommendation for specific discipline and will not track this process. However, since the ultimate outcome of collision investigations is possible disciplinary action, Bureau policies for disciplinary action will be followed.
- 2.12 The CRB will produce an annual report for RU managers and, when necessary, identify factors that may lead to improved training and education. The CRB will produce a monthly summation of the recommendations for finding given at each meeting.
- 4.5 Upon completion of its review, the CRB shall make a finding. If the finding is that the collision was preventable, the CRB shall then have a separate and distinct discussion and vote on appropriate corrective action. When determining the corrective action, the CRB shall consider the member's corrective action history, including previous corrective action that indicated poor judgment. The CRB shall act in accordance with Directives 335.00, Discipline Process, and consider Directive 338.00, Discipline Guide, when determining corrective action. For matters that require Police Review Board (PRB) review, the CRB shall recommend the level of corrective action. If the CRB finds that an investigation is incomplete, they may send the case back to the investigating supervisor for follow up.
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- 4.5.2 The CRB shall provide a Corrective Action Recommendation Memorandum to the Discipline Coordinator for all cases with a "preventable" finding.
- 4.6 The CRB shall determine if the collision was:
- 4.6.1 Preventable;

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4.6.3 Not a Crash (Preventable or Non-Preventable).

4.6.3.1 If the CRB determines that an incident is not a crash, they shall refer the case back to the RU Manager for appropriate follow up.

4.7 The CRB Coordinator shall notify the involved member's RU Manager of the CRB's finding.

4.7.1 If the collision is found to be preventable and the proposed corrective action is suspension without pay, the case shall go to Internal Affairs (IA) for an initial review, and then to the PRB for its review, as set forth in Directive 336.00, Police Review Board.

4.7.1.1 IA shall determine if there is a need for any additional investigation prior to the scheduling of the PRB.

4.7.2 The CRB Coordinator shall provide the case file to IA and the PRB, and include a summary of the CRB vote with the findings memorandum.

4.8 Involved Member Notification.

4.8.1 If the CRB determines a collision is "preventable," the Discipline Coordinator shall notify the involved member of the finding pursuant to Directive 335.00, Discipline Process.

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6.1.4 Distribute relevant meeting materials, including the After Action Report, that are generated from a vehicle collision investigation at least five days prior to the meeting;

- 6.1.5 Prepare a written statement of the CRB's findings and proposed corrective action, as well as any policy, training or investigation issues or concerns raised by the board for each case.
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- 6.1.9 Serve as the custodian of all CRB records;
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- 6.1.11 On behalf of the CRB, produce an annual trend analysis report that identifies training gaps, common collision causes, patterns in member driving behavior, and other similar trends. The report shall not include the names of involved members or witnesses. A case may not be included in the report until the CRB has reached a finding and proposed corrective action.

#1

COMPLETE

Collector: Web Link 1 (Web Link)
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Page 1

Q1 Please provide feedback for this directive

Modify language in Directive to reflect the fact that not all collisions involve "members." There are many non-PPB employees authorized to drive PPB vehicles (Transit Police come to mind).

Q2 Contact Information (optional)

Respondent skipped this question
