

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Santa Clara Police Department. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are requests from the public, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

Santa Clara Police Department

SCPD Policy Manual

Traffic Function and Responsibility

500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

- (a) Explanation of the violation or charge
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

- (a) Vehicular manslaughter
- (b) Felony and misdemeanor driving under the influence of alcohol/drugs
- (c) Felony or misdemeanor hit-and-run
- (d) Refusal to sign notice to appear
- (e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

500.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Santa Clara Police Department

SCPD Policy Manual

Traffic Function and Responsibility

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in a serviceable condition by each member performing traffic related duties.

A supply of high-visibility vests will be maintained by the Training Unit.

Traffic Collision Reporting

501.1 PURPOSE AND SCOPE

The Santa Clara Police Department prepares traffic collision reports in compliance with the Statewide Integrated Traffic Records System (SWITRS) and as a public service makes traffic collision reports available to the community with some exceptions.

Cross referenced with CMD 002 Procedure for Reporting Injuries

501.2 RESPONSIBILITY

The Traffic Sergeant will be responsible for distribution of the SWITRS Manual. The Traffic Sergeant will receive all changes in the state manual and ensure conformity with this policy.

501.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of this department shall be forwarded to the Traffic Unit for approval and data entry into the Records Management System. The Records Manager will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Field Operations Division Commander, or other persons as required.

501.4 REPORTING SITUATIONS

501.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision. Whenever there is damage to a City vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Division Commander.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

501.4.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Santa Clara Police Department resulting in a serious injury or fatality, the Traffic Sergeant or the Watch Commander, may notify the California Highway Patrol for assistance.

The member shall secure the following information:

- names and addresses of persons involved;
- license numbers of all vehicles involved;
- names and addresses of any witnesses;
- number of individuals in each vehicle

When involved in an on-duty traffic collision in another jurisdiction, the member shall notify police and his or her supervisor that an accident has occurred. An on duty supervisor should respond

Santa Clara Police Department

SCPD Policy Manual

Traffic Collision Reporting

to the scene of the collision. Members may provide a statement if the damage to the vehicle is minor in nature and the vehicle remains driveable. a statement is requested by a police officer from another jurisdiction, inform the officer that it is against the policy of the City of Santa Clara to allow its employees to make statements at the scene of an accident. (If the accident occurs outside the City of Santa Clara, notify the agency with jurisdiction. If the accident that occurred outside the City is serious in nature, request that the Santa Clara Police Department also be notified.)

Do not admit liability under any circumstances and do not discuss your accident with anybody except the City Claims Representative, the City Attorney or your supervisor.

[See attachment: CMD 002 Procedures for Reporting Injuries.pdf](#)

501.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The Traffic Sergeant or on-duty Watch Commander may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

Non serious injury or non fatal collisions will be taken by the Santa Clara Police Department as outlined in the attachment below.

501.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

In compliance with the SWITRS Manual, traffic collision reports shall not be taken for traffic collisions occurring on private property unless there is a death or injury to any person involved, a hit-and-run violation, or DUI investigation. An Incident Report may be taken at the discretion of any supervisor.

501.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

- (a) When there is a death or injury to any persons involved in the collision
- (b) When a citation will be issued as a result of a vehicle code violation
- (c) When a report is requested by any involved driver

501.5 NOTIFICATION OF TRAFFIC UNIT SUPERVISION

In the event of a serious injury or death related traffic collision, the Watch Commander shall notify the Traffic Sergeant to relate the circumstances of the traffic collision and seek assistance from the Traffic Unit. In the absence of a Traffic Sergeant, the Watch Commander or any supervisor may assign an accident investigator or motor officer to investigate the traffic collision.

Attachments

CMD 002 Procedures for Reporting Injuries.pdf



ADMINISTRATIVE CODE

CMD NUMBER 2

CITY MANAGER'S DIRECTIVE-PROCEDURE

DATE: July 29, 2008

CANCELS: June 16, 2008

SUBJECT : PROCEDURES FOR REPORTING INJURIES AND PROPERTY DAMAGE

POLICY : All incidents/accidents which result in damage to City property/equipment and/or injury to City personnel and where a private party or property/equipment is involved shall be promptly reported by Department Heads to the City Attorney's Office on the City's Accident Notice form (sample attached).

Personal Injury And Property Damage Accidents Involving City Property And/Or City Personnel:

RESPONSIBILITY : ACTION

All Employees

1. Locate and notify the owner or person in charge of that property of the name and address of the driver and owner of the vehicle involved.
2. Secure the following information:
 - names and addresses of persons involved;
 - license numbers of all vehicles involved;
 - names and addresses of any witnesses;
 - number of individuals in each vehicle
3. For accidents involving only property damage, present the following information upon request of the driver, property owner, or person in charge of that property:
 - driver's license, including current residence of the driver and of the registered owner;
 - vehicle registration
4. For accidents resulting in injury or death of any person, provide to the person struck or the driver or occupants of any vehicle collided with:
 - name;
 - current resident address;
 - names and current residence addresses of any occupant of the driver's

CMD NUMBER 2

- vehicle injured in the accident;
 - driver's license;
 - registration number of the vehicle;
 - name and current residence address of the owner
5. Leave in a conspicuous place on the vehicle or other property damaged a written notice giving the name and address of the driver and of the owner of the vehicle involved and a statement of the circumstances of the accident.
 6. Notify police and your supervisor that an accident has occurred.
 - If the accident involves only minor property damage and both of the involved cars are still drivable, you may make a statement at the scene of the accident to the police officer, in the interests of expediting any police investigation.
 - If the accident is a serious accident, e.g. physical injuries and/or one or both of the involved cars are no longer drivable, do not make any statements (other than providing the above information) at the scene of the accident. If a statement is requested by a police officer, inform the officer that it is against the policy of the City to allow its employees to make statements at the scene of a serious accident. (If the accident occurs outside the City of Santa Clara, notify the agency with jurisdiction. If the accident that occurred outside the City is serious in nature, request that the Santa Clara Police Department also be notified.)
 7. Do not admit liability under any circumstances and do not discuss your accident with anybody except the City Claims Representative or the City Attorney, except as noted elsewhere in this Directive.
 8. Report accident to department head and provide information to assist in completion of the Accident Notice Form.
 9. Within 48 hours of the accident, file the Accident Notice as follows:
 - Original and one copy to City Attorney's Office;
 - Retain one copy for Department file;

Department Head

In addition to completion of the Accident Notice form, in the event of a vehicle/equipment accident, refer to CMD 45 for procedures for filing Vehicle and Equipment Damage Report.

CMD NUMBER 2

10. If a non-vehicle related accident that involves City property and/or personnel is reported to a City employee by a citizen, refer the individual to the appropriate department (example: sidewalk accident should be referred to Public Works), and the same procedure for reporting the accident should be followed by the department as outlined in steps 1-5 above; excluding the procedures that specifically deal with vehicles.

City Property Damage Or Injury Caused By Persons Other Than City Personnel

The reporting of accidents in which City property damage is caused by persons other than City personnel shall be reported by the Department Head or his/her assistant in the same manner outlined in steps 1-6 above; and also to include the following procedures:

Department Head

1. Department affected by damage investigates and gathers all pertinent information.
2. Upon receipt of such pertinent information, prepares and furnishes an original and one copy of the Accident Notice within 48 hours to the City Attorney's Office.
3. Send a copy of the Police Report, if any, and written estimate of repairs (consult Automotive Services Division for vehicle estimate of repairs) and forward to the City Attorney's Office for evaluation. (Do not delay filing loss report while waiting for police report or damage estimate. Forward these reports to City Attorney's Office as soon as received.)

Human Resources Department

4. If a personal injury to an employee has occurred, an Accounts Receivable Memorandum (attached) should be prepared and should include the following: 1) Workers' Compensation cost for 4850 benefit of Temporary Disability plus Fringe; 2) Out-of-pocket medical expenses, which can be obtained from Records & Benefits.

Department Head

5. If the identity of the responsible person is unknown, the file shall be retained open in the department for a period of one year and closed out at that time if the responsible party has not been identified.

City Attorney

6. Upon receipt of accounts receivable memorandum and other documents, City Attorney determines liability and forwards to Accounts Receivable Clerk in the Finance Department.

CMD NUMBER 2

- Accounts Receivable Clerk 7. Accounts Receivable Clerk forwards confirmation to originating department.
- Director of Finance 8. Files SR-1 with Department of Motor Vehicles, where City vehicles are not involved.
9. Determines if responsible party has insurance and directs billing either to the insurance company or the responsible individual, if not covered by insurance.
10. Maintains files and follow-up on collection until City's claim is satisfied.
11. If beyond jurisdiction of Small Claims Court and otherwise uncollectible, refer to City Attorney or Collection Agency for collection.
- Superintendent of Auto Services 12. Ensure that copies of "Procedures for Reporting Injuries and Property Damage" be placed in glove compartment of all City vehicles.

Each Department Head should make copies of the attached Accident Notice form for use in reporting the accident.

Cross Reference:

CMD 86 - Reporting of Industrial Injuries/Illnesses
CMD 90 - City Procedure in Case of Death of Employee
CMD 112 - Emergency Medical/First Aid Treatment
California Vehicle Code §20002
California Vehicle Code §20003

Disabled Vehicles

506.1 PURPOSE AND SCOPE

Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

506.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

506.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of department resources, and the vulnerability of the disabled motorist.

506.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

506.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

506.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should occur with the person's consent, unless exigent circumstances exist, and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

506.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.