5-09/434.20 - Executive Risk Review Committee

Each Traffic Collision Response Team report, as well as any administrative investigations relating to sexual harassment, discrimination, and other select risk/liability incidents/issues, is evaluated by the Executive Risk Review Committee. The committee is comprised of three area commanders, one of whom oversees the equity program and acts as the chairperson. The two other commanders shall, where possible, be from separate divisions that have a case or cases scheduled before the Executive Risk Review Committee.

Traffic Collision Response Team Cases

If the review involves a Traffic Collision Response Team roll-out, the purpose of the committee is to review all roll-outs that involve employee-related traffic collisions resulting in complaint of pain, serious injury, death, substantial property damage, or which are the result of a pursuit and/or code 3 operation. The role of the committee is to review each incident in detail to determine if there are any aspects of the incident that expose the Department to undue risk, constitute violations of the law or policy, involve training issues, or other risk management considerations.

The package submitted to the Executive Risk Review Committee for review shall include the Collision/Incident Analysis from Traffic Services Detail and the Traffic Collision Report (CHP-555). The Incident Report (SHR-49) and any related Departmental reports are required when a crime is involved. Each of the three commanders, as well as the concerned unit commander, will receive a copy of appropriate portions of the Traffic Collision Response Team reports (which become a component of the Executive Risk Review Committee package) and each is responsible for reading the documentation and being prepared to discuss the facts and reach conclusions. The investigator of the incident shall be available to present the case, discuss, and/or clarify issues.

Based on their findings, the Executive Risk Review Committee shall determine disposition (i.e., preventable, non-preventable, work damage, etc.), and has the option of recommending a commendation, or directing that a debriefing, training discussion or counseling session be conducted. The committee might also determine that no further action is required, or that additional interviews or investigations are required for clarification. The committee may direct that an administrative or even a criminal investigation be conducted. Upon the completion of any additional review or investigation, the package is returned to the committee chairperson and the incident is again brought before the Executive Risk Review Committee for final determination.

The Executive Risk Review Committee package and the committee's findings and recommendations shall be forwarded to the concerned unit commander via division headquarters. The unit commander has thirty (30) business days to complete his evaluation of the material, act on the recommendations, document his/her actions, and forward the reports via his division chief for approval back to the committee chairperson. If the Executive Risk Review Committee has determined that violations of policy have occurred, the unit commander shall determine the appropriate discipline and prepare a disposition sheet for each employee that was deemed to have violated policy.

Following the review, the unit commander and watch commander should complete the Supervisor’s Report of Damage to County Vehicle or Permittee’s Vehicle, SHR-257, based on all the available information.

In the event that the unit commander disagrees with the findings and recommendations of the Executive Risk Review Committee, the dissent must be justified in a memorandum to his/her division chief. In addition to the

memorandum, the unit commander shall submit a copy of the Executive Risk Review Committee package, and copies of any audio or video tapes, pictures and/or materials related to the case (which can be obtained from Traffic Services Detail). With the concurrence of the concerned unit commander's division chief and the appropriate assistant sheriff, the Executive Risk Review Committee's recommendations may be overruled.

The concerned unit commander shall ensure adherence to recommendations of the Executive Risk Review Committee. Actions taken must be documented by the concerned unit commander on the "Unit Commander's Response" form contained within the Executive Risk Review Committee package, which is then forwarded to the committee chairperson.

Sexual Harassment/Discrimination Cases

In the areas of sexual harassment and discrimination, the role of the committee is to review each incident in detail to determine if there are any aspects of the incident that expose the Department to undue risk, constitute violations of the law or policy, or involve training issues or other risk management considerations.

Upon the conclusion of the investigation by Internal Affairs Bureau, as outlined in the Manual of Policy and Procedures Section 3-04/020.00, the case will be presented at an Executive Risk Review Committee meeting. Prior to that meeting, each of the three commanders, as well as the concerned unit commander, will receive a copy of the Internal Affairs Bureau investigation, and will be responsible for reading the documentation and being prepared to discuss the facts and reach conclusions. The Internal Affairs Bureau investigator who wrote the report shall be available to present the case, discuss and/or clarify issues. Regular attendees shall include representatives from the Office of the Ombudsperson, Training Bureau's Mandated Training Unit, and Employee Relations/Advocacy Services to provide subject matter expertise, and representatives from Bureau of Compliance, who serve as staff for the Executive Risk Review Committee.

Once the case has been presented, the Executive Risk Review panel will render their decision as to whether the case is founded, unfounded or unresolved. If the case is deemed **founded**, the panel, along with the unit commander, Internal Affairs Bureau, and Advocacy Services representatives will meet in "executive session" and further discuss the mitigating and aggravating factors of the case. Thereafter, the Executive Risk Review panel, in conjunction with the unit commander, will determine the appropriate level of discipline.

At the conclusion of each Executive Risk Review Committee meeting, the committee staff will document the committee's findings and recommendations, and prepare the final disposition sheet, which is then forwarded to the committee chairperson for his review and final approval.

The entire Executive Risk Review Committee/Internal Affairs Bureau package, including all reports and documents describing the Executive Risk Review Committee's findings and recommendations, documentation of all remedial and/or disciplinary actions taken, and appropriate disposition sheets, is maintained by the Internal Affairs Bureau. All appropriate data bases are updated from the information provided within the Executive Risk Review Committee/Internal Affairs Bureau package.