

Unit Order #1

RISK MANAGEMENT BUREAU - UNIT ORDER



"Mitigate Loss & Control Liability"



SUBJECT: EVENT DATA RECORDER IMAGING FOR DEPARTMENT VEHICLES

PURPOSE OF ORDER

The purpose of this order is to establish the criteria and procedures for imaging electronic data recorders during the investigation of a fatal traffic collision, serious injury traffic collision, or any other incident when deemed appropriate for the incident.

SCOPE OF ORDER

All personnel assigned to Traffic Services Detail (TSO).

ISSUE

There are modules in recent model passenger cars, light trucks, and SUVs which are generically referred to as Airbag Control Modules (ACM). The function of these modules is to control the various restraint systems in these vehicles. Restraint systems include supplemental and primary restraints, such as airbags and seatbelt pretensioners. The ACM has a sub-component which is called the Event Data Recorder (EDR); however, in Ford and Mercury vehicles the EDR is a sub-component of the Powertrain Control Module (PCM). The EDR is a function within the ACM or PCM which has the capability to save certain crash parameters after the primary functions are completed. The primary function of the ACM is to make a deployment/non-deployment decision for airbags and seatbelt pretensioners based on the crash pulse data from the EDR.

Many vehicles are supported by the Bosch Crash Data Retrieval (CDR) system. This system allows an investigator to image the EDR. The Code of Federal Regulations law 49 Part 563 allows EDR access to all supported vehicles.

In 2003, California enacted Section 9951 of the California Vehicle Code (CVC), which is entitled "Recording devices in motor vehicles sold or leased in state; Disclosure; Downloading, retrieval, or release of data; Subscription services; Applicability." The CVC section is listed here in its entity:

9951 CVC

- a. A manufacturer of a new motor vehicle sold or leased in this state, which is equipped with one or more recording devices commonly referred to as "event data recorders (EDR)" or "sensing and diagnostic modules (SOM)," shall disclose that fact in the owner's manual for the vehicle.
- b. As used in this section, "recording device" means a device that is installed by the manufacturer of the vehicle and does one or more of the following, for the purpose of retrieving data after an accident:
 1. Records how fast and in which direction the motor vehicle is traveling.
 2. Records a history of where the motor vehicle travels.
 3. Records steering performance.
 4. Records brake performance including, but not limited to, whether brakes were applied before an accident.
 5. Records the driver's seat belt status.
 6. Has the ability to transmit information concerning an accident in which the motor vehicle has been involved to a central communication system when an accident occurs.

(c) Data described in subdivision (b) that is recorded on a recording device may not be downloaded or otherwise retrieved by a person other than the registered owner of the motor vehicle, except under one of the following circumstances:

(1) The registered owner of the motor vehicle consents to the retrieval of the information.

(2) In response to an order of a court having jurisdiction to issue the order.

(3) For the purpose of improving motor vehicle safety, including for medical research of the human body's reaction to motor vehicle accidents, and the identity of the registered owner or driver is not disclosed in connection with that retrieved data. The disclosure of the vehicle identification number (VIN) for the purpose of improving vehicle safety, including for medical research of the human body's reaction to motor vehicle accidents, does not constitute the disclosure of the identity of the registered owner or driver.

(4) Data is retrieved by a licensed new motor vehicle dealer, or by an automotive technician as defined in Section 9880.1 of the Business and Professions Code, for the purpose of diagnosing, servicing, or repairing the motor vehicle.

(d) A person authorized to download or otherwise retrieve data from a recording device pursuant to paragraph (3) of subdivision ©, may not release that data, except to share the data among the motor vehicle safety and medical research communities, to advance motor vehicle safety, and only if the identity of the registered owner or driver is not disclosed.

(e) (1) If a motor vehicle is equipped with a recording device that is capable of recording or transmitting information as described in paragraph (2) or (6) of subdivision (b) and that capability is part of a subscription service, the fact that the information may be recorded or transmitted shall be

disclosed in the subscription agreement.

(2) Subdivision (c) does not apply to subscription services meeting the requirements of paragraph (1).

(f) This section applies to all motor vehicles manufactured on or after July 1, 2004.

As a result of Section 9951 CVC, the imaging of an EDR requires either consent from the registered owner of the vehicle or a court order. This will ensure that the data imaged will stand up in court proceedings, whether criminal or civil.

ORDER

It shall be the policy of the Risk Management Bureau and Traffic Services Detail that imaging a Department vehicle should be considered in the following circumstances:

- Fatal collisions;
- Serious injury collisions; or
- When deemed appropriate for that incident.

When a Department vehicle is involved in any type of collision and there is deployment level event of any restraint or safety device, the vehicle shall be imaged. Only a certified technician may image the EDR of a Department vehicle.

Traffic Services Detail investigators have the authority to authorize Department consent for imaging Department vehicles for any appropriate investigative purpose(s).

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