

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 3

February 5, 2015


SUBJECT: ASSAULT WITH A MOTOR VEHICLE - REVISED

PURPOSE: The purpose of this Order is to transfer the investigative responsibility for all Assault with a Deadly Weapon (ADW) crimes involving motor vehicles from bureau traffic divisions to geographic Areas. This investigative reassignment will allow traffic detective personnel to concentrate investigative efforts in solving hit and run crimes. Traffic officers will still respond and handle the preliminary investigation.

PROCEDURE: This Order revises Department Manual Section 4/227, *Assault With A Motor Vehicle*. Attached is the revised Manual Section with revisions indicated in italics.

AMENDMENT: This Order amends Section 4/227 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Internal Audits and Inspections Division, will review this directive and determine whether an audit or inspection will be conducted in accordance with Department Manual Section 0/080.30.



CHARLIE BECK
Chief of Police

Attachment

DISTRIBUTION "D"

**DEPARTMENT MANUAL
VOLUME IV
Revised by Special Order No. 3, 2015**

227. ASSAULT WITH A MOTOR VEHICLE.

Motor Vehicle Used As A Deadly Weapon. Unless no traffic officers are available, traffic divisions have primary responsibility for the preliminary investigation and/or reporting of *Assault With A Deadly Weapon (ADW)* crimes involving motor vehicles. Patrol officers who initially arrive at the scene of ADWs involving motor vehicles shall conduct the preliminary investigation until available traffic division officers arrive at the scene.

Traffic Officer's Responsibilities. Whenever a motor vehicle is used as a weapon in an ADW, the designated traffic officer shall arrest the suspect if present, or complete an Investigative Report (IR), Form 03.01.00, using the appropriate title if the suspect cannot be located.

When the suspect's vehicle makes contact with the victim (pedestrian or bicyclist) and/or any vehicle occupied by the victim, the reporting traffic officer shall:

- Complete an IR with the appropriate title:
 - "ADW with a Vehicle – **Pedestrian**";
 - "ADW with a Vehicle – **Bicyclist**"; or,
 - "ADW with a Vehicle – **Victim in Vehicle**";
- Complete a diagram which accurately depicts the assault on a blank white sheet of 8 ½" X 11" paper. Number the diagram as *Page 2* of the IR, including the title of the crime report, and the Division of Record (DR) number in the upper-right hand corner; and,
- Complete the narrative portion of the IR on a continuation sheet.

When the suspect's vehicle does not make contact with the victim or the vehicle that the victim occupies, the reporting officer shall complete an IR titled, "ADW with a Vehicle." No diagram is required.

When the suspect's vehicle does not make contact with the victim, pedestrian, bicyclist or the vehicle that the victim occupies, but strikes another person, vehicle or fixed object, resulting in a transferred intent, the reporting officer shall complete an IR with the title, "ADW with a Vehicle - (Pedestrian, Bicyclist, or Victim in Vehicle)" for the unintended victim or the title, "Vandalism" for a fixed object. Another DR number for the IR titled, "ADW with a Vehicle" shall be created for the original intended victim.

Whenever a motor vehicle is involved in a collision with a party where the elements of ADW are not met, but the party insists that the collision was the result of the driver's malicious intent, the reporting traffic officer shall complete a traffic report and include any statements and evidence in support of such an allegation as a page of the report, regardless of whether the collision resulted in injuries.

Whenever a motor vehicle is involved in an incident with a party where no contact was made, but the other party sustained an injury in an attempt to avoid an imminent collision, a traffic report will be completed.

**DEPARTMENT MANUAL
VOLUME IV
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Obtain the appropriate vehicle or miscellaneous DR number (Department Manual Section 5/040.56).

Note: An ADW with a motor vehicle does not constitute a traffic collision.

Area Detective Section's Responsibilities. The *Area* detective section shall be responsible for the follow-up investigation concerning all ADWs in which the weapon used is a vehicle. The *Area* detectives reviewing a traffic report with allegations of ADW will conduct reasonable follow-up. If upon further investigation it is determined that the elements of an ADW or lesser assault crime are met, the *Area* detective will ensure the traffic report is appropriately reclassified.

Area Crime Analysis Detail Responsibilities. All *Area* Crime Analysis Detail personnel shall input all crime codes and Modus Operandi codes related to tracking ADWs with a vehicle, including the appropriate codes to indicate if the victim was a bicyclist, pedestrian, or victim inside a vehicle.