

CHAPTER 4
CASE REVIEW PANEL
REVISED JUNE 2025
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CHAPTER 4

CASE REVIEW PANEL

1. PURPOSE. The purpose of this chapter is to establish a procedure for the critique of significant crash investigations. The review is intended to ensure findings and recommendations are supported by facts, proper analysis, witness statements, and policy and procedures related to Multidisciplinary Accident Investigation Team (MAIT) investigations are followed.

2. POLICY. All significant cases investigated by MAIT shall be evaluated and critiqued by a review panel prior to the release of the final report to any agency or individual outside the Department. All significant cases involving a departmental aircraft will be evaluated and critiqued in accordance with Highway Patrol Manual 100.7, Air Operations Manual, Chapter 9, Aircraft Accidents, Incidents, and Occurrences.

3. DEFINITIONS.
 - a. Significant Case. A significant case is any crash or event investigated by a MAIT which, by its nature, is subject to unusual public interest, or can be expected to result in an unusual depth of investigation by any other public or private agency, or any other investigation the Division commander or Commissioner determines appropriate for review by the Case Review Panel. Examples of significant cases investigated by MAIT include the Caldecott Tunnel investigation, the Coalinga Dust Storm disaster, the Palm Springs school bus case, and the Orland FedEx case.

 - b. Minor Case. A minor case would be all other investigations that do not meet the definition of a significant case but require an additional level of review. A minor case review is a process enabling the investigating MAIT to solicit the viewpoints of investigators assigned to other MAITs that may have a high level of expertise in a particular area. This process is a step below a significant case.

 - c. Case Review Panel. The Case Review Panel is a group of individuals selected from within the California Highway Patrol and the California Department of Transportation (Caltrans). The panel's primary function is to serve as a resource to an individual MAIT in the evaluation and critique of the findings, and to report those findings in significant and minor case investigations.

4. SIGNIFICANT CASE REVIEW PANEL COMPOSITION. The review panel should consist of the following persons:

a. The Division commander of the responsible MAIT or the Division commander's delegated representative will serve as the panel chairperson.

b. The following should serve as members on the review panel:

(1) The commander of the Area in which the crash or event occurred, or the commander's delegated representative.

(2) If different than paragraph 4.b.(1), the commander of the Area, or agency having jurisdiction for the investigation, or the commander's delegated representative.

(3) The team leader and the primary investigating member(s) from the investigating Division MAIT.

(4) The team leader from each Division MAIT.

(5) A minimum of two MAIT members from a Division MAIT having expertise in the specified areas of concern. The MAIT members may be from separate MAITs.

(6) The Enforcement and Planning Division (EPD) MAIT coordinator and supervisor or delegated representative.

(7) The Caltrans Headquarters MAIT coordinator or representative.

(8) Departmental legal counsel or a representative.

(9) Any other person deemed necessary by the panel chairperson or the team leader of the investigating MAIT.

5. MINOR CASE REVIEW PANEL COMPOSITION. The review panel should consist of the following persons:

a. The EPD MAIT coordinator will serve as the panel chairperson.

b. The following should serve as members on the review panel:

(1) The team leader and the primary investigating member(s) from the investigative Division MAIT.

- (2) A team leader from two Division MAITs.
- (3) A minimum of two MAIT members from other Division MAITs having expertise in the specified areas of concern. The MAIT members may be from separate MAITs.
- (4) An EPD MAIT leader or representative.
- (5) A Caltrans MAIT representative, if appropriate.
- (6) Departmental legal counsel or a representative, if appropriate.
- (7) Any other person deemed necessary by the panel chairperson or the team leader of the investigating MAIT.

6. REVIEW PANEL RESPONSIBILITIES.

- a. The review panel will be responsible to the investigating MAIT's Division commander or designee.
- b. The review panel should review all elements of the investigation with the members of the investigating MAIT.
- c. The review panel should evaluate and critique each element of the investigation from all possible points of view.
- d. In those areas where questions or concerns are raised, the review panel, in cooperation with investigating MAIT members, will attempt to resolve issues to the mutual satisfaction of all concerned.
- e. The final decision as to the formal course of action to be taken, determined by the review panel's concerns or recommendations, will be the responsibility of the investigating MAIT's Division commander.
- f. All final documentation will be the responsibility of the investigating MAIT's Division commander.
- g. Following the conclusion of a significant case review and prior to release of the report, the appropriate Division commander will present the panel's conclusions to Assistant Commissioner, Field, for concurrence.
- h. Following the conclusion of a minor case review and prior to release of the report, the appropriate Division team leader will present the panel's conclusions to the Division commander or designee for concurrence.

i. All information reviewed and discussed by the Significant Case Review Panel is confidential and must not be discussed outside of this forum. After the final review has occurred, the official conclusions will be documented as described in paragraph 6.e. of this chapter.

7. REQUESTING REVIEW PANEL PARTICIPATION.

a. It is the responsibility of the investigating Division MAIT leader or designee to advise the Division commander when an investigation meets the definition of a significant case or minor case. The Division commander shall determine if the case should be subject to review by a review panel.

b. If the Division MAIT coordinator elects not to request a review panel, the commander of the Area in which the crash or event occurred may request that a review panel be convened. The Division commander shall consider if the investigation meets the definition of a significant case or minor case and would benefit from such a review prior to requesting a review panel.

NOTE: If an Area commander or designee is requesting a review panel, the MAIT report shall not be released, in any manner, until the Division commander determines whether a review panel is warranted, or until the review panel has convened and any conflicts have been resolved.

c. When requesting a review panel, the following guidelines should be followed:

(1) The Division commander or designee of the MAIT shall route a request for a review panel through channels to the Collision Investigation Unit (CIU).

(2) All review panels will be coordinated by the EPD, CIU.

8. CONFLICT. If a conflict arises regarding interpretation of law(s), the Department's legal counsel and the Attorney General will be consulted, and the final decision will rest with Executive Management.