

## MEMORANDUM OF LAW

DATE: February 19, 1986  
TO: William Kolender, Chief of Police  
FROM: City Attorney  
SUBJECT: Safety Belts for Police Equipment

You recently posed a question asking whether the Police Department could, from a liability perspective, modify the seat belt assemblies in patrol cars. This question was posed during a discussion of police officer compliance with Vehicle Code section 27315. We have researched the question and have determined that existing regulations provide for limited options in seat belt assemblies.

The standards for safety belts are established by the United States Department of Transportation and are found in Code of Federal Regulations (C.F.R.) Title 49, part 571. Occupant crash protection is at 49 C.F.R. Sec. 571.208, and the subdivision for passenger cars is further subdivided by year-group of manufacture. The standard for cars in the 1973-1986 model year group allows for three options as follows:

1. Frontal/angular automatic protection system. This option requires passive restraints for front outboard seats and Type 1 or Type 2 seat belt assemblies for center front seats and rear seats.  
A Type 1 seat belt assembly is a pelvic restraint (lap belt) while a Type 2 restraint is a pelvic and torso restraint (lap and shoulder belt). There is also a Type 2A which describes a torso restraint for use with a lap belt as a combination restraint.
2. Head-on automatic protection system. This option requires a Type 1 seat belt assembly for front outboard seats, a Type 1 assembly or a Type 2 assembly with detachable upper torso portion for each other seat, plus a passive restraint system and a seat belt warning system for front outboard seats.
3. Lap and shoulder belt protection system with belt warning. This option requires a Type 2 belt with a nondetachable shoulder belt or a Type 1 belt assembly that meets higher crashworthiness standards, plus a belt warning system at front outboard positions; a Type 1 or Type 2 belt assembly plus warning system for center front seats; and a Type 1 or Type 2 assembly for other

seats.

Based on the above, it would appear that the police department cars would no longer meet federal standards if the existing Type 2 belts were modified to make the torso portion detachable. Under such circumstances liability could well attach to the City.

I have contacted Mr. Jay V. Emery, Manager, Transportation Services, California Highway Patrol (CHP), who is responsible for this aspect of CHP equipment. The CHP has responded to the problem by installing a specially selected Type 1 belt as an additional protection to the manufacturer-installed Type 2 belts. The CHP officers are required to use a belt, but have the option of selecting which belt. Mr. Emery informed me that most officers use the supplementary belt at all times and add the Type 2 belt as circumstances warrant.

JOHN W. WITT, City Attorney

By

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Deputy City Attorney

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