

Sworn Statement in Proof of Loss

| \$As per form | 2019/2020 |
|--|---|
| AMOUNT OF POLICY AT TIME OF LOSS | |
| 07/01/2019 DATE ISSUED | N/A AGENCY AT |
| 07/01/2020 | N/A |
| DATE EXPIRES | AGENT |
| To the PLAN JPA | |
| At time of loss, by the above indicated policy of insurance you insured | City of Milpitas |
| against loss by all risk of physical damage | to the property described under , according to the |
| terms and conditions of the said policy of and all forms, endorsements, tran | sfers and assignments attached thereto. |
| 1. Time and origin: A vehicle | loss occurred about the hour of <u>11</u> o'clock <u>A</u> M. |
| STATE KIND | |
| on the <u>28th</u> day of <u>April</u> , <u>2020</u> . The | e cause and origin of the said loss were: <u>Collision</u> |
| Occupancy: The building described, or containing the property descripurpose whatever: 2015 Ford Explorer Police Unit #PT-11, license Title and Interest: At the time of the loss the interest of your insured in a statement of the property bed on visited at the raise of the property of the property of the property description. | plate 1478501, VIN 1FM5K8AR7FGC51718 n the property described therein was |
| ownership. No other person or persons had any interest therein or encumit | orance thereon, except: NO EXCEPTIONS |
| 4. Changes: Since the said policy was issued there has been no assign | ment thereof, or change of interest, use, occupancy, possession. |
| location or exposure of the property described, except: NO EXCEPTIC | |
| | arribad by this policy was at the time of |
| Total Insurance: The total amount of insurance upon the property de the loss | Scribed by this policy was, at the time of \$ As per form |
| 6. Full Replacement Cost of said property at the time of the loss was | |
| 7. Full Cost of Repair or Replacement is | \$63,544.78 |
| 8. Applicable Salvage is | \$ 1,216.00 |
| 9. Actual Cash Value Loss is (Line 7 minus Line 8) | \$ 62,328.78 |
| 10. Less Amount of Deductible and/or participation by the insured | \$ 5,000.00 |
| 11. Actual Cash Value Claim is (Line 9 minus Line 10) | \$57,328.78 |
| | aud, or deceive any insurance company files a statement of |
| claim or an application containing false, incomplete or degree. | misleading information is guilty of a felony of the third |
| State of California | Insured: Jane Corpus Asst Finance Derecto |
| County of | Notary Public: |
| | |
| Subscribed and sworn before me this day of | , Notary Seal |
| | |

| ACKNOWLEDGMENT |
|--|
| A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document. |
| State of California County ofSanta Clara) |
| On July 30, 2020 before me, Mary A. Lavelle, Notary Public (insert name and title of the officer) |
| personally appeared, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that be/she/they executed the same in b/s/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. |
| I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. |
| WITNESS my hand and official seal. |
| Signature Mary & Lavelle (Seal) |



Use this form to report loss or damage to property owned or used by the City, including buildings, furniture, equipment, supplies, boilers and heavy machinery.

FROM: Milpitas

| TO: | abagclaims@yorkrs | g.com | Date: 5/18/2020 | | | | | | |
|--------|--|------------------------------------|-----------------|--|---------------------------------------|--|--|--|--|
| | York Risk Services (Attn: PLAN JPA Cla 1390 Willow Pass R | Group aims | S | Submitted by: Rosanne Yamashita Phone: 408.586.3162 | | | | | |
| | Concord, CA 94520 Phone: (925) 349-38 | , | P | | | | | | |
| Date 8 | & Time of Incident: | 4/28/2020 |) | | | | | | |
| Drive | r's Name: | Officer De | erel | k Yamamura | | | | | |
| Depar | tment: | Police | | | | | | | |
| Vehic | | PT11 20 |)15 | Ford Explorer | 1478501 | | | | |
| | | Number Year 1325 E. C | | Make/Model | License# | | | | |
| | Location: | | | e parking ballard and | drove into it | | | | |
| Accide | ent Description: | | | <u> </u> | | | | | |
| Vehic | le Damage: | front end o | dar | mage | | | | | |
| Other | Vehicle: | | | | | | | | |
| | | Number Yea | ar | Make/Model | License# | | | | |
| Other | Driver: | Name: | | Phone: | | | | | |
| | | Address: | | | · · · · · · · · · · · · · · · · · · · | | | | |
| Other | Vehicle Damage: | | | | | | | | |
| Witne | sses/Passengers: | | | | | | | | |
| Police | or FD Report: | Report#: 20-17 | 19- | 047 | | | | | |
| | ct Person: | Robert De | eLo | ng | | | | | |
| | | Phone#: 408.586.2651 Location: DPW | | | | | | | |

Please attach any loss documentation including reports, estimates and/or photographs of the damage in your possession with this Loss Report.

MILPITAS POLICE DEPARTMENT EMERGENCY VEARCLE COLLISION REPORT

1275 N. MILPITAS BLVD MILPITAS, CALIFORNIA 95035

| | | | | | 0 | H&R FFF | אט עאט | UITY | MILPITA | s | CLASS 44B00 | CASE NU | | 0.47 | | | |
|-----------------|---|----------|------------|----------|---------|---------|---------------------|---------|---------|--|----------------|----------------------------------|-----------------------|--|-------------|------------|--|
| | ERGENCY V | | | NO. KI | LLED | | H&R MISD. COUNTY | | | | BEAT | 20-119-047 Y OF WEEK TOW AWAY | | | | | |
| | VATE PROP | | DOED ON | | | | | | | SANTA | | 4 | | lesday | | Yes | |
| - | | | alavera | e Blud | | | | | | | | AY YEAR | TIME (2400) | 4308 | | ICER I.D. | |
| õ | GPS COO | | | IS DIVU | | | | | | | 4/2 | 8/2020 | 1102 STATE HWY REL | | RAPHS BY: | 225 | |
| AT | LATITUDE | 37.43 | 37147 | | | L | ONGITUDI | ≡ 121. | 88418 | 0 | | | YES N | 110100 | RAPHS BT; | LI NONE | |
| OCATION | | TERSEC | TION WITH | D | OR: | FI | EET/MILES | 5 OF | | | | | | | 225 | | |
| | parking | lot Mil | lpitas Sp | orts Co | mplex | < | | | | | | | | | | | |
| PARTY | | LICENSE | NUMBER | | STATE | CLASS | | | | VEH. YEAR | 1 | MAKE/MODEL/CO | | | NUMBER | STATE | |
| 1 | | | 5722 | | CA | С | M | | G | 2015 | For | d Explorer B | lk/Wht | 147 | 8501 | CA | |
| DRIVER | NAME (FIRST, MIDDLE, LAST) Derek Kaneto Yamamura | | | | | | | | | | | DT 44 | | | | | |
| | | | | nura | | | | | | | | PT-11 | | | | | |
| PEDES- TRIAN | STREET A | | | | | | | | | OWNER'S N | | | | ······································ | SAM | AS DRIVER | |
| PARKED | 1275 N | | as Blvd | | ···- | | | | | City of N OWNER'S A | lipitas | | | | | | |
| VEHICLE | CITY/STATE/ZIP Milpitas CA 95035 | | | | | | | | | | | /d, Milpitas C | A 95035 | | SAME. | AS DRIVER | |
| BICY- CLIST | SEX | HAIR | EYES | HEIGHT | WEI | GHT | BIRTHD | TE | RACE | | | ON ORDERS OF | | | | THER | |
| | М | BLK | BRN | 5-5 | | 94 | 11/7/19 | | J | Towed by | Economy 1 | lowing | | | | | |
| OTHER | HOME PHONE BUSINESS PHONE | | | | | | | | | | HANICAL DEFE | | EAPPARENT | REFER | TO NARRATIN | Έ | |
| | 408-586-2400 | | | | | | | | | VEHICLE IE | ENTIFICATION | | EHICLE DAMAGE | | SHADE IN | DALLACED | |
| | City of I | Milpita | s | Self Ins | sured | | | | | TYPE | UNK. | NONE | MINOR | | ARI | | |
| | DIR OF TRAVE | | STREET OF | | Y | | | SPEE | DLIMIT | 48 | Мор | MAJOR [| ROLL-OVER | | | | |
| | W | | arking Lo | ot | | | 1 | | | CA | | DOT | | | | 1 | |
| PARTY 2 | DRIVER'S | LICENSE | NUMBER | | STATE | CLASS | AIR BAG | SAFET | Y EQUIP | VEH. YEAR | K | AKE/MODEL/CO | LOR | LICENSE | NUMBER | STATE | |
| DRIVER | NAME (FIF | RST, MID | DLE, LAST) | | | L | L | | | | | | | | | + | |
| | | | | | | | | | | | | | | | | | |
| PEDES- TRIAN | STREET A | DDRESS | | | | | | | | OWNER'S N | IAME | | | | SAME . | AS DRIVER | |
| PARKED | CITY/STAT | E/7ID | | ··- | | | | | | OWNER'S A | DDDEEC | | | | | | |
| | GITIAIXI | E/2,11- | | | | | | | | UWINERSA | DDKESS | | | | SAME / | AS DRIVER | |
| BICY- | SEX | HAIR | EYES | HEIGHT | WEI | GHT | BIRTHD | ATE | RACE | DISPOSITIO | N OF VEHICLE | ON ORDERS OF | | | | | |
| CUST | | | | | | | NO DAY Y | EAR | | Dict Corric | | | | | | ĸ | |
| OTHER | HOME PHO | NE | J | E | BUSINES | S PHON | E | | | PRIOR MECHANICAL DEFECTS: NONE APPARENT REFER TO NARRATIVE | | | | | | | |
| | | | | | | | | | | VEHICLE IDENTIFICATION NUMBER: | | | | | | | |
| | INSURANC | E CARR | IER | POLICY | ' NUMBE | ER | | | | VEHICLE DESCRIBE VEHICLE DAMAGE SHADE IN DAMAGED | | | | | | | |
| | DIR OF TRAV | EL ON | STREET OF | R HIGHWA | Y | | | SPEE | D LIMIT | MOD. MAJOR ROLL-OVER | | | | | | T- | |
| | | | | | | | | | | CA | | DOT | | | | | |
| PARTY | DRIVER'S L | ICENSE | NUMBER | | STATE | CLASS | AIR BAG | SAFET | C EQUIP | VEH, YEAR | N | AKE/MODEL/COI | OR | LICENSE | NUMBER | STATE | |
| 3 DRIVER | NAME /FIR | ST MID | DLE, LAST) | | | | l | | | | | | | | | | |
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| PEDES- TRIAN | STREET AL | DRESS | | | | | ~~~~ | | | OWNER'S N | AME | | | | SAME | AS DRIVER | |
| | | | | | | | | | | | | | | | | io britrat | |
| VEHICLE | CITY/STAT | E/ZIP | | | | | | | | OWNER'S A | DDRESS | | | | SAME / | AS DRIVER | |
| | · | 11010 | | UFICIE | | 0.07 | 0.00 | | | | | | | | | | |
| BICY- CLIST | SEX | HAIR | EYES | HEIGHT | WEI | GHT | BIRTHDA MO DAY Y | EAR | RACE | DISPOSITIO | N OF VEHICLE | ON ORDERS OF | | | С ОТНЕ | R | |
| OTHER | HOME PHO | NE | I | E | BUSINES | S PHON | E | | | PRIOR MEC | HANICAL DEFE | | APPARENT | D perco | TO NARRATIV | E | |
| | | | | | | | | | | | ENTIFICATION | | - ris i russalti i | | | <u> </u> | |
| | INSURANC | E CARRI | ER | POLICY | NUMBER | २ | | | | VEHICLE TYPE | | DESCRIBE VI | HICLE DAMAGE | | SHADE IN | | |
| - | DIR OF TRAV | EL ON | STREET OR | R HIGHWA | Y | | | SPEE | D LIMIT | 116 | | | | | ARE | 21.0 | |
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| | ER'S NAME | 4005 | | | | | REVIEWE | R'S NAM | E | Anor | 2 | 1 | E REVIEWED | | | | |
| Unris | Nicholas | #225 | | | | | | | Xt | 20 ×an | | | | | | 1 | |

FORM NO. \$4380_S (REVISED 9/11)

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| DAT | E OF COL | LISION (MO DAY YEAR) | | TIME (2400) | .3# | | | FICER | RID | C | AUMBER | | | | | | | |
| - | OPERTY | 4/28/2020 | | 1102 4308 | | | | 225 20-119 | | | | | 119-047 | | | | | |
| | AMAGE | OWNERSNAME | | | OWNER'S ADDRESS | | | | | | | | | | | | NOTIFIED YES NO | |
| | | DESCRIPTION OF DAMAG | E | | l . | | | | | | | | | | | | | |
| | - | | | | | | | | | | | | | | | | | |
| | SEAT | ING POSITIONS OCCUPAN | TS | | | | | | | BAG/SAFETY | M /C BICYC DRIVER | | ELME SSEN | | | | FENTION CODES | |
| | | | | A - NONE | IN VEHICLE | | 1 | | | DEPLOYED | V - NO | | X - N | 0 | E | - CELLP | HONE HANDSFREE | |
| | $ \frown $ | 7 | | C - LAP E | BELT USED | | | | | NOT DEPLOYED | W - YES | | Y - Y | 'ES | | C - ELECI D - RADIC | RONIC EQUIPMENT | |
| | Ц | 1 - DRIVER | | | BELT NOT USED | | N - (| OTHE | ER | | EJECETED P | ROM | VEHI | CLE | E | E - SMOK | NG | |
| | 123 | 2 TO 6 - PASSENGER 7 - STA, WGN, R | | F - SHOL | LDER HARNESS NOT USE | | P - 1 | NOT | REG | QUIRED | 0 – NOT EJ 1 – FULLY | | | | | F - EATING G - CHILDREN | | |
| | 456 | 8 - RR. OCC. TR | | | SHOULDER HARNESS USE SHOULDER HARNESS NOT | | | | | RAINT | 2 - PARTIA | | | TED | | - ANIMA | | |
| | | 9 - POSITION UI 0 - OTHER | NIV.IN | USED | | | | | | CLE USED CLE NOT USED | 3 UNKNO | WN | | | | - PERSO | NAL HYGIENE | |
| | 7 J - PASSIVE RESTRAINT USED S | | | | | | | | | LE USED UNKNOWN | | | | | | - OTHE | | |
| K - PASSIVE RESTRAINT NOT USED U - NONE IN VEHICLE ITEMS MARKED BELOW WHICH ARE FOLLOWED BY AN ASTERICK (*) SHOULD BE EXPLAINED IN THE NARRATIVE | | | | | | | | | | I_ | ···· | | | | | | | |
| | | COLLISION FACTOR R (#) OF PARTY AT FAULT | | | TROL DEVICES | 1 | 2 | 3 | | SPECIAL INFORMA | | 1 | 2 | 3 | M | | IT PROCEEDING | |
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| | B OTHE | R IMPROPER DRIVING *: | H | C CONTROLS OF | | 늼 | 늼 | | | CELL PHONE HANDSFR | | 늼 | H | 十十 | | AN OFF F | | |
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| | C OTHE | R THAN DRIVER* | | TYPE OF | COLLISION | $\overline{\Box}$ | | - | | SCHOOL BUS RELATED | | | Ī | | | | FT TURN | |
| | D UNKN | IOWN* | | A HEAD ON | | | | | F | 75 FT MOTORTRUCK CC | мво | | | E | FM | AKING U | TURN | |
| | | | | B SIDESWIPE | | | | | G | 32 FT TRAILER COMBO | | | | | G BA | CKING | | |
| | · | | | C REAR END | | | | | н | | | | | | | | STOPPING | |
| 57 | | ER (MARK 1 TO 2 ITEMS) | | D BROADSIDE | | | | | 1 | | | | | | | | THER VEHICLE | |
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| H | D SNOV | and a state of the | H | H OTHER* : | LOTRIAN | | | | M | ····· | | 片 | ┟┝┥ | ┼┾═ | - | | | |
| | | VISIBILITY FT. | | | | | | _ | N | | | Ħ | tH | ┼╞╴ | | M OTHER UNSAFE TURNING N XING INTO OPPOSING LANE | | |
| | F OTHE | R* | | MOTOR VEHICL | E INVOLVED WITH | | *** | | 0 | | | | | | O P/ | | | |
| | G WIND |) | | A NON-COLLISIO | N | | | | | | | | | | PME | RGING | | |
| | | LIGHTING | | B PEDESTRAIN | | | | | | | | | | | QTR | AVELING | WRONG WAY | |
| <u> </u> | A DAYL | | | C OTHER MOTOR | | 1 | 2 | 3 | | OTHER ASSOCIATED | | | | IC | RO | THER | | |
| إسميما | B DUSK | - STREET LIGHTS | | | E ON OTHER ROADWAY | | | | | (MARK 1 TO 2 IT | | | | | | | | |
| 1 ma | | - NO STREET LIGHTS | | E PARKED MOTO | RVERICLE | | | | A | | CITED | | | | | | | |
| | - | - STREET LIGHTS | 片 | G BICYCLE | | | | | - | | CITED | | - | | + | · • · · · · · · · · · · · · · · · · · · | | |
| $ \Box $ | | FUNCTIONING* | | H ANIMAL: | | | | | IYES INO | | - | + | | | | | | |
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| \boxtimes | A DRY | | | I FIXED OBJECT | | | | П | C | E | YES NO 1 | | 2 | 3 | - | | 1 TO 2 ITEMS) | |
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| | C SNOV | | | J OTHER OBJEC | Г: | | | | - | VISION OBSCUEMENT | | | | | | | ER INFLUENCE | |
| Ц | D SLIPP | ERY (MUDDY,OILY,ETC) | | | | | | | + | INATTENTION: | | | | _ | | | UNDER INFLUENCE* | |
| | | DWAY CONDITIONS ARK 1 TO 2 ITEMS) | | PEDESTR | IAN'S ACTIONS | 님 | 믬 | 븎 | - | STOP AND GO TRAFFI | | H | 님 | | | | IRMENT UNKNOWN* | |
| | | S, DEEP RUT* | | A NO PEDESTRI | AN INVOLVED | 님 | | 片 | | PREVIOUS COLLISION | | H | HH | + 72 | | | JG INFLUENCE* T - PHYSICAL* | |
| | B LOOS | E MATERIAL ON | | B CROSSING IN C | | 믐 | | | | | | <u> </u> | 님 | - | 1 | | | |
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| | | CED ROADWAY WIDTH | Ē | | OT IN CROSSWALK | | | m | 1- | UNINVOLVED VEHICLE | | | | | III SE | | ATION # | |
| | F FLOO | | 드 | | UDES SHOULDER | H | H | m | + | OTHER . | | | | | | <i>Q</i> ,1 | | |
| | G OTHE | R* | _ | F NOT IN ROAD | | \boxtimes | | | + | NONE APPARENT | | | PART | ΓY # | | CIT | ATION # | |
| \boxtimes | H NO UI | NUSUAL CONDITIONS | | G APPROACHING | / LEAVING SCHOOL BUS | | | | 0 | RUNAWAY VEHICLE | | | | | | | | |
| S | e atta | ached sketch 🛛 | | | | | (| 7 | T | OVET OUT OF | | | | | - 1 | | T. ATTACHED | |
| | | | | | | | 5 | | | SKETCHLEG | END L SEE | IAGR | 434 | | _ | | T, ATTACHED | |
| | | | | | | | | | | | BRCADSIDE | | -> | Q | | | T. RECORDED | |
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| | | | | | | | | | | (NOTPARKED) | APPROACH TURN | | -> | 0 | | | CHP180 | |
| | | | | | | | | | | PEDESTRIAN | OVERTAKIN TURN | G . | > | 9 | | | REFER: | |
| | | | | | | | | | ł | TRAIN | OUT OF | | | | | | FFIC FOR INFO | |
| | | | | | | | | | - 1 | PARKED | CONTROL | | \sim | | | | | |
| | | | | | | | | | - L | VEHICLE | > OVERTURNI | D / | - | لارار | | | FFIC FOR F/U | |
| | | | | | | | | | | FIXED DBJECT | VEHICLE BACKING | < | ~ | \leftarrow | ►T | SIU | FOR INFO | |
| | | | | | • | | | | ľ | | MOTORCYC | LE | | > | | ແລ 🗌 | FOR F/U | |
| | | | | | • | | | | 1 | HEAD-ON | BICYCLE | | | | | | | |
| | | | | | | | | | | SIDESWIPE | | () | | - | | ş | TRICT ATTORNEY | |
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|---------------------|---------------|-----------------|---|------------------|
| REPORT TYPE | SUPPL | EMENTAL | NARRATIVE | CASE NO. |
| Property Damage Col | lision – PD V | Vehicle | MILPITAS POLICE DEPT. 1275 N. MILPITAS BLVD., MILPITAS, CA 95035 (408) 586-2400 | 20-119-047 |
| DATE OF ORIGINAL | REPORT: | 04/28/20 | DATE AND TIME OF CONTINUATION: | 04/28/20 1250 hr |
| LOCATION: 132 | 25 E Calaver | as Blvd Parking | g Lot Sports Complex | |

1 Notification:

On April 28, 2020, I was working full uniform and riding a fully marked police motorcycle. At 1105 hours, I was notified of a property damage collision involving a police vehicle in the parking lot of the Milpitas Sports Complex. I responded to the sports complex from the police station. All measurements and times are approximate.

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Summary:

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10 I arrived and met with Officer Yamamura, #197, who provided me with the following statement. Officer Yamamura said he was driving his assigned police vehicle, PT-11, 2015 Ford Explorer License 11 12 Plate 1478501. Officer Yamamura was in the parking lot of the sports complex and was driving 13 westbound preparing to drive towards the exit. Officer Yamamura said he started forward and made a 14 left turn towards the exit. Officer Yamamura said he did not know what happened, but he hit a ballard near the north end of the parking row. Officer Yamamura was not injured in the collision. I asked 15 16 Officer Yamamura if he was using a cell phone or his mobile computer terminal, and Officer Yamamura 17 said that he was not.

18

I examined the damage to the ballard but could not determine if there was any new damage due to the extent of previous damage on the pole. I examined the damage to PT11 and saw crush damage to the center of the front of the vehicle. The push bar was bent back, and the hood was buckled. I noted the radiator was punctured and grill was damaged. I took photographs of the damage to the vehicle, and later downloaded them to the MPD photo database.

24

I examined the area of impact. I noted a scuffmark on the pavement about a foot long in front of the right front tire and another mark in front of the right rear tire. The scuffmark was post collision as a result of the vehicle coming to a stop. I noted the scuff was in a straight line and in line with the tires, as the vehicle was backed away from the pole. I did not see any scuffed indicating the vehicle yawed as a result of the collision. Based on these observations, I believe the collision occurred at a low speed.

31 Cause:

32

Based on the statement provided by Officer Yamamura, the damage to the vehicle, and other evidence, I
 determined that Officer Yamamura failed to see the parking ballard in the parking lot as he started his
 turning movement. It was this other improper driving that caused the collision.

- 36
- 37 Refer Traffic

| OFFICER'S NAME | ID NO. | DATE/TIME | SHIFT/DAYS OFF | SUPERVISOR REVIEW | ID NO. | DATE | PG |
|----------------|--------|-----------|----------------|-------------------|--------|------|----|
| Chris Nicholas | 225 | 04/28/20 | W2 | (50) +253 | | | 1 |

STATE OF CALIFORNIA FACTUAL DIAGRAM CHP 555 Page 4(Rev. 11-06) OPI 065 Page of YEAR) TIME (2400) OFFICER I.D. NUMBER DATE OF COLLISION (MO. DAY NCIC # 20-119-047 4308 4 28/20 1102 225 ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =) INDICATE PARICING LOT 1325 & CALAVREAS BUD. Sports Complex NORTH V-1 POLE



