



DEPARTMENTAL ACCIDENTS

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I. DEFINITIONS

A. MOTOR VEHICLE ACCIDENT (MAARS)

A motor vehicle in transport must be involved in the accident and the event must meet at least two additional conditions:

1. Loss must occur (injury or property damage) and
2. The loss must be unintentional (intentional acts are **EXCLUDED**).

B. DEPARTMENTAL ACCIDENT

A County owned vehicle must be involved in the accident and the event must meet at least two additional conditions:

1. Loss must occur (injury or property damage) and
2. The loss must be unintentional.

C. PREVENTABLE ACCIDENT (County Vehicle Policies and Procedure Manual)

A motor vehicle collision in which a County driver fails to take all reasonable precautions to keep the loss from happening, including a collision involving two or more vehicles impacting each other, a vehicle impacting a fixed object, and a vehicle impacting a person or animal.

II. INVESTIGATION REQUIREMENTS

The following procedures apply to any situation where a Police Department vehicle is involved in an Accident.

A. The Traffic Safety Section will investigate Departmental accidents involving death or serious personal injury.

B. In cases of a complex nature (i.e., causation/fault is in question, extensive property damage, involvement of a commercial motor vehicle, vehicle operating in emergency mode) the on-scene supervisor must request that Traffic Safety respond to the scene to render technical guidance and investigative assistance (not to handle the investigation).

C. The commander of the Traffic Safety Section or his/her designee will be consulted prior to the dispatching of Traffic Safety personnel to the scene of Departmental accidents. He or she will exercise final authority regarding the involvement of Traffic Safety personnel in the investigation of these accidents.

D. Patrol Division personnel will investigate Departmental accidents not meeting the above listed criteria. In all cases, an on-duty supervisor will respond to and assume responsibility for the scene.

E. If the Traffic Safety Section is not investigating the accident, the field supervisor will direct the investigation through a District Crash Investigator, when available. Otherwise, the supervisor may investigate the crash personally or through another officer not involved in the accident. The supervisor must fill out the Departmental Accident Investigation Summary Form (PD 333).

F. In all Departmental accidents occurring on private property not open to the public in general, a MAARS Report must be completed with **NON-TRAFFIC** being checked in **BOX #5**.

G. In cases where there is no apparent damage, the MAARS Report and the Departmental Accident Investigation Summary form (PD 333) do not have to be completed; however, the County Vehicle Accident or Damage Report must be completed.

III. INVESTIGATOR'S RESPONSIBILITIES

A. The investigator will conduct the investigation in the same manner as any other accident investigation, but it should be remembered that disciplinary action might be based on the information in the report.

B. The investigator may file appropriate traffic charges against any and all persons who in his/her opinion have violated the law.

C. If the County owned vehicle was being operated at the time of the accident, as opposed to being parked, then the investigator must obtain statements from all drivers and witnesses. If the civilian driver refuses to provide a statement, the report will indicate such refusal.

D. Photographs are often the sole means of documenting physical evidence at accident scenes. Evidence such as roadway marks, vehicle damage, property damage, and roadway conditions cannot be collected and preserved without photographs. It is highly recommended that photographs of all Departmental accidents be taken with a digital camera; however, 35mm color print film is acceptable if a digital camera is not available (refer to Index Code 1203.2).

The following minimum photographic aspects should be documented at Departmental accident scenes:

1. Overall view of the accident scene from four (4) sides
2. Overall view of all involved vehicles from four (4) sides
3. Overall view of involved vehicles from all four (4) corners at an approximate 45-degree angle
4. Overall view of damage profiles for every vehicle involved in the accident including progressive close-up views to highlight detail
5. Overall view of all roadway evidence at the accident scene including, but not limited to skid marks, yaw/tire scuffmark, debris or fluid trails, scrapes, gouges, scars, damaged property, etc.
6. Overall view of the interior compartment and/or safety equipment of involved vehicles if applicable
7. Polaroid photographs are not acceptable

E. The investigator is responsible for completing the following:

1. MAARS Report (on all Departmental accidents)
2. Driver's statements
3. Witness statements (if applicable).
4. Vehicle Inventory Reports (if applicable).

IV. DRIVER'S RESPONSIBILITIES

Members of the Department who are involved in an accident have the following responsibilities:

- A. If possible, report by radio immediately that he/she has been involved in an accident.
- B. When directed by a supervisor, submit to a physical examination even when no apparent injury has been sustained.
- C. Complete and submit, to the supervisor, the County Vehicle Accident or Damage Report, page 1 (Appendix B of this Index Code) within 24 hours. The form will be completed even if there is no apparent damage to the Departmental vehicle(s). If the driver is unable to complete the report due to injury, the investigator or supervisor may complete the County Vehicle Accident or Damage Report.

The current form is available on the County Website at: <http://countyweb/Resources/index.htm#CentServ>.

- D. Provide a statement to the investigator (on Driver's Statement Form as soon as possible).

V. SUPERVISOR'S RESPONSIBILITIES

- A. Respond to and take control of the scene.
- B. Check the well being of all parties and ensure that medical aid is being provided if necessary.
- C. Supervisors responding to a Departmental accident involving injury or significant property damage (damage that renders a vehicle temporarily or permanently inoperable) will ensure that a lieutenant trained as a CDS Manager is notified of the accident. Lieutenants responding to accidents meeting the criteria cited will ensure compliance with Anne Arundel County Executive Regulations 87.2 (revision #3) and 94.1 (revision #4) regarding critical events. Note: If an on-duty supervisor is unable to notify a lieutenant, the on-call captain will be contacted.
- D. Contact Traffic Safety (if applicable).
- E. The supervisor may investigate the accident, assign it to a District Crash Investigator if available, or assign it to another officer not involved in the accident.
- F. Complete the Departmental Accident Investigation Summary form (PD 333), including the determination of a primary and secondary cause in addition to any contributing circumstances in the case. ***Do not include a determination of PREVENTABILITY on this form. Only the Department Accident Review Board can make a determination of Preventability (Preventable or Non-Preventable) in the case.***
- G. Review page 1 of the County Vehicle Accident or Damage Report and complete page 2. ***When completing page 2, do not complete the section labeled PREVENTABLE (Yes, How? or No, Why?). The Department Accident Review Board will determine if the accident is Preventable or Non-Preventable after a careful review of the case.*** Enter the information into STARS. Place the STARS claim number on the top right hand corner of page 2 and fax pages 1 and 2 to Risk Management (410-222-7640), within 24 hours. Forward the original form to Risk Management at MS 9303.
- H. In the event that an officer is injured, follow the guidelines set forth in Index Code 702.
- I. Ensure that the following items are completed and submitted via chain of command to the District/Division Commander, within 24 hours:
 - 1. M.A.A.R.S. Report
 - 2. Departmental Accident Investigation Summary PD 333 (**supervisor must complete**)
 - 3. Driver's Statement Forms
 - 4. Witness Statement Forms (if applicable)
 - 5. County Vehicle Accident or Damage Report (copy)
 - 6. Vehicle Inventory Reports (if applicable)
 - 7. Authorization for/Certification for Treatment (if applicable)

8. Employer's First Report of Injury (if applicable)
9. STARS Form (if applicable)
10. Ensure that all required accident scene photographs have been taken by the investigator
11. Ensure that the accident scene photographs are submitted as required by Index Code 1203.2 V. Processing of Film

J. In cases where the officer is incapacitated or refuses to complete required reports, it is the responsibility of the on-scene supervisor to ensure that the necessary reports are completed.

K. In cases where an officer is injured, the supervisor will forward copies of all reports and forms to Police Personnel within 24 hours.

VI. REVIEW OF DEPARTMENTAL ACCIDENTS

A. A supervisor in charge of a Departmental accident investigation must complete a Departmental Accident Investigation Summary form (PD 333). The Departmental Accident Investigation Summary will be reviewed by the involved officer's chain of command, up to the level of District/Division Commander. The purpose of the review is to evaluate the accident investigation itself and comment on the following areas:

1. Ensure that all required reports and statements are completed in addition to ensuring that all required scene photographs have been taken.
2. Ensure that a thorough accident investigation was conducted.
3. Ensure that the determination of cause is consistent with the facts of the case.
4. Adherence to department policy.

B. After completing his/her review, the District/Division Commander will forward the completed Departmental accident report to the Central Records Section for dissemination.

VII. REPORT DISTRIBUTION

A. The responding supervisor will forward all reports and forms to Central Records via chain of command, through the District/Division Commander, within 24 hours. Central Records will distribute one copy of every Departmental accident report file to:

1. The Fleet Coordinator
2. The Internal Affairs Section

B. The Internal Affairs Section will assign a **V Number (example: V-2010-000)** to every Departmental accident for tracking purposes.

C. The Internal Affairs Section, after receiving the investigative information, will compile data to be used in periodic reports.

D. The Internal Affairs Section is the official clearing house and custodian for all reports and data with regards to departmental accidents.

VIII. DEPARTMENT ACCIDENT REVIEW BOARD

A. The Chief of Police appoints the members of the Accident Review Board. The Board consists of the following members:

1. Board Chairperson – Assistant Chief
2. A captain or lieutenant – Management Representative (Assistant Chairperson)
3. A police officer/detective of the rank of PFC or Corporal
4. A police sergeant - Sergeant's Association Representative
5. A police officer/detective of the rank of PFC or Corporal - FOP Representative
6. A Risk Management Representative

B. The Accident Review Board will meet at least quarterly (more frequently as needed) at a time and place established by the Internal Affairs Section based on the availability of the board members.

- C. Completed Departmental accident case files will be presented to the Accident Review Board by a member of the Internal Affairs Section.
- D. Duties, responsibilities, and procedures of the Accident Review Board include:
1. Reviewing Departmental accidents to determine if the officer(s) involved could have reasonably prevented a crash from occurring.
 2. Through a majority vote, determine if a crash was preventable or non-preventable.
 3. The Accident Review Board will be comprised of a Chairperson and five (5) voting members (captain/lieutenant, police sergeant, police officer, FOP Representative, and a Risk Management Representative) and in the event that a voting member is unable to attend a meeting and there is a tie vote, the Chairperson will become a voting member in order to break the tie.
 4. If determined "Preventable," forward the report with the findings of the Board to the Commander of the Internal Affairs Section for disciplinary review.

IX. DISCIPLINARY PROCESS FOR PREVENTABLE ACCIDENTS

- A. It is the Department's policy that the assigning of Personal Patrol Vehicles (PPV) is a management prerogative. No member is entitled to a PPV.
- B. Preventable accidents are considered disciplinary matters and fall under the guidelines set forth in the Department's progressive disciplinary process as outlined in Index Code 303, Disciplinary Process.
- C. When a Departmental accident is found to be "Preventable" by the Accident Review Board, the case file will be forwarded to the Internal Affairs Section for review.
- D. In preventable Departmental accidents involving sworn employees, the following actions will take place:
1. The Internal Affairs Section will forward a Departmental accident packet to the sworn employee's commander. The sworn employee's commander will make the Department accident packet available to the sworn employee for review. The Departmental Accident Packet will contain the following:
 - Notification of findings made by the Accident Review Board
 - Copy of the accident summary presented to the Accident Review Board
 - Copy of the Departmental accident investigation file
 - Notification of Charges/Offer of Punishment form (PD 647)
 - Acceptance/Refusal of Punishment form (PD 645)
 2. In accordance with Index Code 303, Disciplinary Process, the sworn employee will be given a period of five (5) days to consider the offer of punishment.
 3. If the findings of the Accident Review Board are in dispute, the sworn employee may petition in writing that the case be reheard by the Accident Review Board.
 4. Sworn employees wishing to dispute the findings of the Accident Review Board will send an Inter-Office Correspondence to the Commander of the Internal Affairs Section outlining any pertinent facts or information that was not considered during the first Board.
 5. If the case is reheard by the Accident Review Board and still found to be "Preventable", sworn employees may request an Administrative Hearing (Trial Board) as outlined in Index Code 304, Administrative Hearing and Suspension Boards, to further dispute the facts of the case.
- E. In preventable Departmental accidents involving civilian employees, the following actions will take place:
1. The Internal Affairs Section will forward a Departmental accident packet to the civilian employee's supervisor. The civilian employee's supervisor will make the Department accident packet available to the civilian employee for review. The Departmental Accident Packet will contain the following:
 - Notification of findings made by the Accident Review Board

- Copy of the accident summary presented to the Accident Review Board
- Copy of the Departmental accident investigation file
- Inter-Office Correspondence containing the disciplinary action to be taken in the case

2. If the findings of the Accident Review Board are in dispute, the civilian employee may petition in writing that the case be reheard by the Accident Review Board.

3. Civilian employees wishing to dispute the findings of the Accident Review Board will send an Inter-Office Correspondence to the Commander of the Internal Affairs Section outlining any pertinent facts or information that was not considered during the first Board.

4. If the case is reheard by the Accident Review Board and still found to be “Preventable”, disciplinary action will be imposed against the civilian employee in accordance with Index Code 303 A, Disciplinary Process for Civilian Employees and all applicable labor agreements.

F. The minimum acceptable level of discipline for a preventable accident is the “DOCUMENTED VERBAL REPRIMAND”. The administering of discipline for preventable accidents shall follow the guidelines for progressive discipline and consider the seriousness of the incident, the circumstances surrounding the incident, the employee’s previous disciplinary record and work performance, the overall negative impact on the organization, and the likelihood for future similar problems.

G. Officers who exhibit carelessness or neglect in the operation of Departmental vehicles may be suspended, removed, and/or denied the privilege of participating in the PPV program as part of the disciplinary process.

H. Loss of PPV privileges should be accompanied by training tailored to the needs of the particular officer.

I. The driving record of officers who are not participants in the PPV program will be taken into consideration when determining future assignment of PPV’s.

J. The disciplinary process should not prevent command personnel from ordering physical and psychological tests for subordinate officers involved in Departmental accidents. In fact, it is the responsibility of commanding officers to evaluate the need for such tests upon the review of the accident history of officers within their command. However, such tests will not be a substitute for disciplinary action or remedial training.

X. REMEDIAL DRIVER TRAINING

A. Members of the Department who operate County owned vehicles will be referred to the Training Academy for remedial driver training if their driving skills and/or Departmental accident record reveal a need for driver improvement training. Such referrals must be approved by the employee’s commander and coordinated through the Commander of the Training Academy.

B. If the remedial training referral is a result of a Departmental accident, the Internal Affairs Section will notify the involved employee of the date and time of the training. The employee is responsible for attending the training session on the date and time specified, unless advised otherwise by a member of the Training Academy.

C. The Training Academy Commander is responsible for notifying the referring commander that the employee has successfully completed the remedial training.

VIII. PROPONENT UNIT: Internal Affairs Section.

IX. CANCELLATION: This directive cancels Index Code 1503 dated 01-26-10.