

	<b>ROSENBERG POLICE DEPARTMENT</b>	
	<b>General Order 2.06 Accident and Injury Prevention</b>	
	<b>Effective Date: 11-21-2012</b>	<b>Replaces: General Order 240.2</b>
	<b>Approved:</b>  <small>Chief of Police</small>	
<b>Reference: TBP: 4.10</b>		

## I. POLICY

Motor vehicle crashes involving agency vehicles present serious risks to agency personnel and the public as well as considerable financial loss due to injury, loss of manpower, vehicle damage, and possible tort liability. Personnel injuries also result in lost time, financial loss and the pain and suffering of our personnel. It is the department's responsibility to minimize these incidents through training, policy development, and review of incidents for compliance with policy. The department will utilize a review process for evaluating crashes and injuries in order to determine cause and to institute corrective and preventive actions where needed. The reviews and hearings concerning these crashes and injuries shall be conducted according to policy and procedures established herein.

## II. PURPOSE

This policy provides the authority, and operating procedures for review of agency motor vehicle crashes and personnel injuries.

## III. DEFINITIONS

- A. **Motor Vehicle Accident:** For purposes of this policy, a motor vehicle crash is any collision of a vehicle—with another vehicle, stationary object, or person—owned by or assigned to this agency that results in property damage (regardless of amount) or personal injury.
- B. **Personal Injury:** For purposes of this policy, a personal injury is any injury to a member of this department resulting in immediate or subsequent treatment by a physician, lost work time, or requiring reporting under workers compensation rules.
- C. **Non-preventable Crash or Injury:** A crash or personal injury shall be classified as non-preventable when it is concluded that the member/operator exercised

reasonable caution to prevent the crash or injury from occurring and observed applicable agency policy, procedures, and training.

- D. Preventable Crash or Injury: A crash or injury shall be deemed preventable when the member/operator failed to observe agency policy, procedures, or training, and/or failed to exercise due caution or appropriate defensive driving or trained defensive tactics.

#### **IV. PROCEDURES:**

##### **A. Training**

1. The department will provide on-going training to all employees on accident and injury prevention. The Annual Analysis of Accidents and Injuries described in Section E of this order shall be reviewed to identify the training needs of the department.
2. All sworn officers shall complete an Emergency Driving Course at least every three years where their job assignment requires emergency response.

##### **B. Accident Review Board Authority and Responsibilities**

1. This agency's Accident Review Board (ARB) shall be responsible for conducting administrative reviews and/or hearings regarding agency motor vehicle crashes and on-duty personal injuries of agency personnel. The ARB shall review all accidents and injuries and determine findings and/or if a hearing is warranted with the parties involved.
2. The ARB is responsible for reviewing all aspects of these incidents and identifying causative and/or contributory factors, where possible. The ARB shall serve in an advisory capacity only, using this agency's chain of command to present findings and make recommendations to the Chief of Police. The ARB may draw conclusions concerning whether the accident or injury was preventable and may recommend discipline or other personnel action. Information reported by the ARB includes but is not limited to the following:
  - a. Details of the accident or injury and contributory factors to the crash or injury.
  - b. Statements of witnesses.
  - c. Name and insurance information on involved drivers and others involved in a crash, and the nature/seriousness of injuries and/or property damage.
  - d. A statement as to whether the ARB believed the member's injury or crash was "preventable" or "non-preventable"—as defined by this policy—with documentation supporting those conclusions.

- e. Any recommendations that would help prevent similar crashes in the future.

#### C. Board Composition

1. The ARB shall consist of at least three and not more than five voting members as determined and selected by the Chief of Police. Three voting members are required to establish a quorum.
2. The board shall be chaired by a senior supervisor or command-level officer for a period of time designated by the Chief of Police. The chairperson shall be responsible for establishing board operating procedures, where not otherwise specified in this policy, subject to the approval of the Chief of Police. The chairperson shall ensure that all personnel under review are provided with current operating procedures of the ARB.
3. The ARB chairperson may appoint a nonvoting board coordinator on a permanent or temporary basis for the purpose of processing departmental motor vehicle crash and injury reports, scheduling cases for review or hearing, and processing disposition reports, among other tasks.
4. Any member of the ARB who does not feel capable of making an impartial decision in a given case because of a conflict of interest with individuals involved or for other reasons shall request replacement for purposes of that specific case review.
5. The ARB chairperson has the authority to call members of this agency to testify at board hearings or to provide written statements necessary for board review.
6. Recommendations of the ARB shall be made by a simple majority vote.

#### D. Reporting and Investigating Motor Vehicle Crashes and Injuries.

1. Unless incapacitated, employees are responsible for immediately notifying communications or their supervisor of any motor vehicle crashes and any personal injury sustained while on duty. Communications shall notify the on-duty patrol supervisor and watch commander.
2. Supervisors shall be responsible for ensuring that crash investigations are conducted by persons with appropriate traffic investigation training. The supervisor will also conduct an investigation and complete any necessary worker's compensation forms needed for treatment or immediate reporting of an injury.

3. Where feasible, the supervisor, any accident investigators, and the involved officer(s) shall file reports on departmentally approved forms within 24 hours of a crash or injury occurrence.
4. The supervisor shall prepare a memorandum to the Chief that shall include all details regarding the crash and subsequent investigation.
5. ARB Proceedings
  - a. The ARB shall convene as soon as practicable, and not later than 20 days post incident, unless exigent circumstances exist or as directed by the Chief of Police, following an agency-involved motor vehicle crash or reportable injury for hearings and/or deliberations.
  - b. The board may consider investigative reports submitted from agency personnel and/or statements of witnesses. The board's findings will be classified as Preventable or Non-Preventable.
  - c. As soon as possible after completing its review, the ARB shall submit a preliminary written report of its findings, conclusions, and recommendations to the involved officer(s), through the chain of command to the agency Chief of Police. Such recommendations may include but are not limited to the following:
    - i. remedial or refresher training,
    - ii. modifications or evaluation of equipment; and
    - iii. modifications or review of agency policy, procedures, training, or tactics.
  - d. The Chief of Police may order an internal investigation if policy or procedure was violated.
6. Appeal Procedures
  - a. Officers may appeal findings and recommendations of the ARB regarding preventable crashes or injuries by submitting a written appeal to the Chief of Police within 5 days of the issuance of its preliminary report. Appeals must be accompanied by a written statement specifying points of disagreement with, or perceived oversights in, board findings, and/or provide additional information not previously considered that may bear on the board's findings and recommendations.
  - b. Where uncontested within 5 days or when otherwise unmodified, the preliminary report of findings of the ARB shall be considered final.

- c. The Chief of Police or designee will notify the employee of his decision by memorandum within 10 days of receipt of their appeal.

## 7. Remedial Action

In addition to any other disciplinary measures taken by the department for a violation of policy, members of the department may be required to comply with the following:

- a. Members of the department that have a preventable vehicle crash may be required to undergo additional training, take a defensive driving course, or be subject to other corrective measures, up to and including termination.
  - b. Members of the department that have repeated preventable injuries may be terminated due to inability to perform basic job functions in a safe manner.
- E. Annually the Patrol Commander shall conduct an analysis of all accidents and injuries and make any recommendations for training, equipment or policy changes needed to reduce employee motor vehicle accidents or personal injuries. The report with its recommendations will be forwarded to the Chief of Police for review and any action necessary.