

ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

Chapter: 7 - Vehicle Operations

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INTRODUCTION

The purpose of this directive is to outline the procedures for reporting and investigating motor vehicle collisions involving employees operating a departmental or other assigned vehicle.

POLICY STATEMENT

All employees of the Asheville Police Department (APD) must operate departmental or other assigned vehicles in a safe, efficient, and professional manner while obeying all traffic laws. The department holds employees who are involved in a preventable motor vehicle collision accountable to minimize the frequency of crashes involving departmental vehicles. The department strives to correct identified driving-related deficiencies through additional training, guidance, counseling, and, if appropriate, disciplinary measures.

DEFINITIONS

Motor Vehicle Collision: an event that results in death, injury, or property damage directly attributable to an impact from a motor vehicle.

Preventable Collision: a motor vehicle collision that occurred because the driver failed to do everything that they reasonably could have done to avoid it.

Non-Preventable Collision: a motor vehicle collision involving an operator who did not violate any traffic law, who operated the motor vehicle with due care, and whose actions did not contribute in any way to the motor vehicle collision.

Injury: injury to any person caused directly or indirectly by or aggravated by a motor vehicle collision.

Extenuating Circumstances: factors outside the motor vehicle operator's control leading up to or attending the motor vehicle collision, which tends to mitigate or reduce the operator's culpability.

PROCEDURES

702.1 GENERAL PROCEDURES

- A. Per the City of Asheville Vehicular Safety Policy, all city-owned vehicles involved in a motor vehicle collision will be investigated by law enforcement. This includes vehicles that are leased or borrowed for use by the department and its personnel or any other vehicle operated in the performance of an employee's duties.
- B. A motor vehicle collision involving non-ranking or non-sworn department employees will be investigated by an on-duty supervisor unless otherwise noted in this policy.
- C. A motor vehicle collision involving a department supervisor will be investigated by an officer of equal or higher grade or the supervisor of the Traffic Safety Unit. If no personnel of equal or higher grade is available to conduct the investigation, the North Carolina State Highway Patrol (NCSHP) will be contacted and requested to investigate the crash.
- D. *The Traffic Safety Unit or NCSHP must be requested to investigate the collision if [temporarily modified, see the [TSU Policy Memorandum](#)]:*
 1. There is an evident injury to any person; or
 2. The responding supervisor estimates property damage to total over \$10,000.
- E. The NCSHP must be contacted to investigate the collision if:
 1. The collision involves a death; or
 2. There is suspicion that the employee involved is impaired.

- F. Enforcement guidelines will be the same for department members and the general public. The investigating officer will initiate any necessary enforcement action.
- G. All departmental motor vehicle collisions require completing a North Carolina DMV Form 349. Those crashes deemed “non-reportable” by the State of North Carolina will be labeled “non-reportable” at the top of the report.

702.2 EMPLOYEE RESPONSIBILITIES

- A. Any department employee involved in a motor vehicle collision while operating a department vehicle, regardless of duty status, injury, or amount of damage, must immediately report the accident to an on-duty patrol supervisor.
- B. Department employees will make no written or verbal statements regarding the fault or cause of the crash except to the investigating officer, supervisor, risk manager, or other appropriate department or city official except where required by law.

702.3 SUPERVISOR RESPONSIBILITIES

- A. An on-duty sworn supervisor will respond to the scene of all departmental motor vehicle collisions to ensure that a thorough crash investigation is initiated, including a complete motor vehicle crash report, eyewitness interviews, photographs, measurements, and any additional collection of evidence.
- B. The responding supervisor is responsible for the following:
 - 1. Conducting the crash investigation or contacting the Traffic Safety Unit or NCSHP per [Section 702.1\(C-E\)](#).
 - 2. Ensuring a Forensic Services Technician, patrol forensics officer, or Traffic Safety Unit officer is notified, responds, and collects photographs.
 - 3. Ensuring the involved employee completes post-accident testing procedures as outlined in the [City of Asheville’s Drug and Alcohol-Free Workplace Policy](#).
 - 4. Notifying the owner of any property damaged in a motor vehicle collision involving any department vehicle. This notification, or the attempt, will be documented in the BlueTeam report.
 - 5. Notifying City of Asheville Risk Management of the collision via email to the APD Crash Notification group. The email will contain the circumstances of the collision and must include the vehicle year, make, model, VIN, city vehicle number, and accident location.

- C. The responding supervisor must initiate a BlueTeam motor vehicle collision report documenting the collision. This report and its attachments will include, at a minimum:
 - 1. A completed [IA-07 Department-Involved Motor Vehicle Accident Review](#).
 - 2. A complete and accurate DMV-349 collision report.
 - 3. Worker's compensation paperwork (to include the [City of Asheville Injury/Exposure Form](#)), if applicable.
 - 4. Statements from all witnesses and involved parties.
 - 5. Post-accident testing documentation.
 - 6. Color photographs.
 - 7. Any other relevant information or documents.
- D. The collision packet will be forwarded via a BlueTeam to the involved employee's section commander. Supervisors in the employee's chain of command will be responsible for reviewing the collision documentation to ensure all appropriate investigative measures are taken and conduct any necessary follow-up.
- E. The chief of police or designee will determine when, how, and if the City Attorney's Office and city manager will be notified of department motor vehicle collisions.

702.4 CRASH INVESTIGATOR RESPONSIBILITIES

- A. The officer assigned to investigate a department motor vehicle collision will complete the DMV-349 collision report before ending their shift. If additional follow-up is needed, a preliminary report will be submitted, and supplemental reports will be filed as needed.
- B. The investigating officer will make a determination and assign the appropriate factors as to:
 - 1. Whether the crash was preventable or non-preventable on the part of the employee.
 - 2. Causative factor(s) involved.
 - 3. Injury factors involved.
 - 4. The existence of any extenuating circumstances.
- C. If the collision is investigated by a member of the Traffic Safety Unit, they will complete the DMV-349 and forward it and all relevant information to Professional Standards and the responding supervisor directing the incident.
- D. If NCSHP investigates the collision, Professional Standards will request a copy of the DMV-349 from the NCSHP once completed.

702.5 COLLISION FACTOR SCALES

- A. The most serious injury resulting from the motor vehicle collision will be used to determine the injury factor. Injury to the responsible employee will not be used to calculate the **injury factor**. Choose one based on the most serious injury sustained as a result of the motor vehicle collision:

Point(s)	Injury
0	No evident injury No visible or evident injury
1	Evident injury or complaint of injury An injury that is evident or reported at the scene, for example: pain, bruises, swelling, limping, or soreness. Such injuries would not prevent the person from carrying on his/her normal activities.
3	Disabling injury An injury obviously serious enough to prevent the person from performing normal activities. For example: broken bone(s), significant bleeding, or unconsciousness.
5	Fatal injury

- B. **Causation factors** will be determined by the investigating officer utilizing codes provided by the DMV-349 collision report. Choose one based on the most serious causative factor contributing to the motor vehicle collision:

Point(s)	Causative Factors
1	Improper backing Driver inattention
2	Improper turn Improper passing Improper lane change
3	Drove left of center Follow too close Fail to reduce speed Fail to yield the right-of-way Mechanical/equipment defect known to the driver Too fast for road conditions
4	Disregard signal or stop sign Texting while driving
5	Excessive speed Aggressive driving

C. The following **additional factors** will also be considered:

1. Prior Preventable Accidents – One point (1) will be added for each preventable accident occurring within the past three years.
2. Extenuating Circumstances – One point (-1) will be subtracted for an extenuating circumstance as assigned by the investigating officer for a maximum of one (-1) point. Examples of possible extenuating circumstances include:
 - Debris on roadway
 - Animals/pedestrians on the roadway
 - Road defects
 - Police-related distractions such as gunshots, screaming, weapons present, an officer in need of assistance on the scene, etc.
 - Actions were taken to prevent a more serious collision
 - Weather
3. Good Driving Incentive – One point (-1) will be subtracted for each consecutive three-year period with no preventable accidents for a maximum of two (-2) points.

702.6 PERSONNEL ACTIONS

- A. The following will be used as a guideline for personnel actions resulting from preventable motor vehicle collisions. Any final decision regarding discipline resulting from a motor vehicle collision is completely within the chief of police's discretion.
- B. In the instance of a score of ten (10) or greater on the following scale, serious injury, or a human fatality, the chief of police will determine the appropriate action, which may include discipline up to and including termination.
- C. Employees receiving a score of zero (0) on the following scale will receive verbal counseling to be documented in the collision packet.
- D. Point Scale:

Total Points	Personnel Action(s)
1-3	Coaching Session*
4	Documented Verbal Warning
5	Written Warning**
6	Written Warning 8-hour suspension***
7	Written Warning** 16-hour suspension*** Loss of take-home vehicle for 15 calendar days

8	Written Warning** 24-hour suspension*** Loss of take-home vehicle for 30 calendar days
9	Written Warning** 32-hour suspension*** Loss of take-home vehicle for 3 calendar months
10	Written Warning** 40-hour suspension*** Loss of take-home vehicle for 6 calendar months Possible termination

*Coaching Sessions are not considered discipline under the City of Asheville Corrective Action and Discipline Policy.

**Appropriate level of written warning will be determined based on the employee's previous disciplinary history and the severity of any policy violations.

***Suspension hours will be proportionately adjusted for employees who work 1950 hours per year.

E. In accordance with the [City of Asheville Overtime Policy for Exempt Employees](#), exempt staff who receive a disciplinary suspension will not be suspended for periods of less than one workweek.

F. Discipline may include temporary suspension of city driving privileges.

G. Employees who lose take-home vehicle privileges per this policy will not use their assigned vehicle or any other departmental vehicle for commuting back and forth to work, for voluntary overtime purposes, or for extra duty assignments (including secondary employment). Loss of take-home vehicle privileges will be measured in consecutive calendar days/months.

H. In accordance with the progressive discipline system outlined in the [City of Asheville Corrective Action & Discipline Policy](#), a final written warning may be issued in conjunction with other disciplinary action(s). Factors considered for issuance of a final written warning include the severity of any policy violation(s), the previous number of disciplinary actions, and the amount of time since the last disciplinary violation.

702.7 APPEAL PROCESS

A. An employee who disagrees with the crash investigation or subsequent personnel or disciplinary action may request a meeting with the chief of police or designee or elect to file an appeal using the grievance process as outlined in the [City of Asheville Personnel Policy](#).

BY ORDER OF:

A handwritten signature in black ink, appearing to read "ML LH", is positioned above the printed name of the Chief of Police.

Michael Lamb
Chief of Police