



Policy 310

Subject

DISCIPLINARY/FAILURE TO APPEAR AND TRAFFIC MATRIX

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By Order of the Police Commissioner

POLICY

1. **Fair Discipline.** It is the policy of the Baltimore Police Department (BPD) to apply discipline in a fair and standardized manner. The Disciplinary Matrix will ensure that disciplinary recommendations are fundamentally fair and applied uniformly.
2. **Disciplinary Guideline.** It is emphasized that the Disciplinary Matrix is a guideline. The Police Commissioner retains final authority regarding any punishment and is not restricted by the Disciplinary Matrix.

GENERAL

Recommended corrective/disciplinary action relative to preventable departmental accidents will be based on the following criteria:

1. Degree of negligence.
2. Aggravated personal injury.
3. Property damage.
4. Prior preventable departmental driving/accident record.
5. Any extenuating circumstances that could impact on the cause of the accident and/or the corrective/disciplinary action to be utilized.

DEFINITIONS

CATEGORY "A" VIOLATIONS FOR DISCIPLINARY MATRIX

Description

1. First occurrence of minor rules violation – not a disciplinary action.
2. Repeated, same, or similar misconduct within 12 consecutive months enhances the third violation to Category "B."

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- Combination of any three Category “A” violations within 12 consecutive months enhances the third violation to Category “B.”

Discipline Options

- Training and Education; and/or
- Simple Letter of Reprimand; and/or
- Mediation; and/or
- Voluntary restitution; and/or
- Psychological Services; and/or
- Other non-disciplinary action.

CATEGORY “B” VIOLATIONS FOR DISCIPLINARY MATRIX

Description

- First occurrence of Category “B” violation.
- Enhanced violation from Category “A.”
- Repeated, same, or similar violations from Category “A.”
- Same or similar sustained misconduct within 36 consecutive months enhances the third violation to Category “C.”
- Combination of any three Category “B” violations within 36 consecutive months enhances the third violation to Category “C.”

Discipline Options

- Involuntary restitution; and/or
- Simple Letter of Reprimand; and/or
- One day loss of leave; and/or
- One day suspension.

CATEGORY “C” VIOLATIONS FOR DISCIPLINARY MATRIX

Description

- First occurrence Category “C” violation.
- Enhanced violation from Category “B.”

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3. Repeated, same, or similar violations from Category "B."
4. Same or similar misconduct within 60 consecutive months enhances the third violation to Category "D."
5. Combination of any three Category "C" violations within 60 consecutive months enhances the third violation to Category "D."

Discipline Options

1. Middle Letter of Reprimand; and/or
2. Two to four days loss of leave; and/or
3. Two to four days suspension.

CATEGORY "D" VIOLATIONS FOR DISCIPLINARY MATRIX

1. First occurrence of Category "D" violation.
2. Enhanced violation from Category "C."
3. Repeated, same, or similar violations from Category "C."
4. Second Category "D" offense within 60 consecutive months enhances violation to Category "E."

Discipline Options

1. Demotion; and/or
2. Severe Letter of Reprimand; and/or
3. Five to fifteen days loss of leave; and/or
4. Five to fifteen days suspension; and/or
5. Involuntary transfer when the continued presence of the member would affect the performance or integrity of the unit.

CATEGORY "E" VIOLATIONS FOR DISCIPLINARY MATRIX

Description

1. First occurrence of Category "E" violation.
2. Enhanced violation from Category "D."
3. Second Category "D" violation within 60 months.

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Discipline Options

1. Severe Letter of Reprimand; and/or
2. Over fifteen days of loss of leave; and/or
3. Over fifteen days suspension; and/or
4. Demotion; and/or
5. Involuntary transfer when the continued presence of the member would affect the performance or integrity of the unit; and/or
6. Termination.

CATEGORY “F” VIOLATIONS FOR DISCIPLINARY MATRIX

Description

1. First occurrence of Category “F” violation.
2. Second violation of Category “E” violation.

Discipline Option

Termination.

CATEGORY “A” VIOLATIONS FOR FAILURE TO APPEAR DISCIPLINARY MATRIX

Description

First occurrence within a rolling 12 month period.

Discipline Options

Simple Letter of Reprimand.

CATEGORY “B” VIOLATIONS FOR FAILURE TO APPEAR DISCIPLINARY MATRIX

Description

Second occurrence within a rolling 12 month period.

Discipline Options

Fine of \$100.00.

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CATEGORY “C” VIOLATIONS FOR FAILURE TO APPEAR DISCIPLINARY MATRIX

Description

Third occurrence within a rolling twelve (12) month period.

Discipline Options

Fine of \$150.00.

CATEGORY “D” VIOLATIONS FOR FAILURE TO APPEAR DISCIPLINARY MATRIX

Description

Fourth occurrence within a rolling twelve (12) month period.

Discipline Options

Case is forwarded to the Disciplinary Review Committee for formal charging and a recommendation of discipline under a Category “D” violation.

CATEGORY “E” VIOLATIONS FOR FAILURE TO APPEAR DISCIPLINARY MATRIX

Description

Fifth occurrence within a rolling twelve (12) month period.

Discipline Options

Case is forwarded to the Disciplinary Review Committee for formal charging and a recommendation of discipline under a Category “E” violation.

CATEGORY “A” VIOLATIONS FOR TRAFFIC DISCIPLINARY MATRIX

Description

1. Superficial or minor vehicle damage that reduces the monetary value of that property.
2. Possible injuries reported or claimed which is not fatal, incapacitating or non-incapacitating, life threatening or life altering.
3. First occurrence Category “A” violation.
4. Additional preventable accident within 18 consecutive months enhances to Category “B.”
5. Two or more moving violations of the Maryland Transportation Articles and any subsequent preventable accident within 18 consecutive months enhances a Category “A” accident to Category “B.”

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Discipline Options

1. Simple Letter of Reprimand; and/or
2. Ten day suspension of departmental driving privileges; and/or
3. One to three days loss of leave; and/or
4. First occurrence - Restitution equal to 10% of the damage to the departmental vehicle up to a maximum of \$1,000.00, not to exceed 6 pay periods from the date of the Personnel Order; and /or
5. Enhanced Driver's Training, conducted by the Professional Development and Training Academy.

CATEGORY "B" VIOLATIONS FOR TRAFFIC DISCIPLINARY MATRIX

Description

1. Functional vehicle damage other than disabling damage, which affects operation of the vehicle or its parts.
2. Non-incapacitating evident injury other than a fatal, incapacitating or life altering injury, which is evident to observers at the scene of the accident.
3. First occurrence Category "B" violation.
4. Enhanced violation from Category "A."
5. Preventable accident within 18 consecutive months enhances to Category "C."
6. Two or more administratively documented violations of the Maryland Transportation Articles and any subsequent preventable accident within 18 consecutive months enhances a Category "B" accident to Category "C."

Discipline Options

1. Simple Letter of Reprimand; and/or
2. One to four days loss of leave; and/or
3. 20-day suspension of departmental driving privileges; and/or
4. First occurrence - Restitution equal to 10% of the damage to the departmental vehicle up to a maximum of \$1,000.00, not to exceed 6 pay periods from the date of the Personnel Order; and /or
5. Enhanced Driver's Training, conducted by the Professional Development and Training Academy.

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CATEGORY “C” VIOLATIONS FOR TRAFFIC DISCIPLINARY MATRIX

Description

1. Disabling vehicle damage which prevents departure of the vehicle from the scene of the accident. This also includes vehicles that could be driven but would sustain further damage by doing so.
2. Disabling/Incapacitating injury other than a fatal, life altering or life threatening injury, which prevents the injured person from walking, driving, or normally continuing the activities the person was capable of performing before the injury.
3. First occurrence of Category “C” violation.
4. Enhanced violation from Category “B.”
5. Additional violation(s) within 18 consecutive months enhances to Category “D.”
6. Two or more administratively documented violations of the Maryland Transportation Articles and any subsequent preventable accident within 18 consecutive months enhances a Category “C” accident to Category “D.”

Discipline Options

1. Middle Letter of Reprimand; and/or
2. Two to five days loss of leave; and/or
3. 30-day suspension of departmental driving privileges; and/or
4. First occurrence - Restitution equal to 15% of the damage to the departmental vehicle up to a maximum of \$1,000.00, not to exceed 6 pay periods from the date of the Personnel Order; and /or
5. Enhanced Driver’s Training, conducted by the Professional Development and Training Academy.

CATEGORY “D” VIOLATIONS FOR TRAFFIC DISCIPLINARY MATRIX

Description

1. A motor vehicle is destroyed when salvage is not possible or reasonable. This excludes damage which may be feasible only for economical reasons.
2. Any injury that is not fatal or life altering, but has a potential to cause death or alter the injured person’s normal lifestyle.
3. First occurrence of Category “D” violation.
4. Enhanced violation from Category “C.”

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5. Additional Category "D" violation within 18 consecutive months enhances to Category "E."
6. Two or more administratively documented violations of the Maryland Transportation Articles and any subsequent preventable accident within 18 consecutive months enhances a Category "D" accident to Category "E."

Discipline Options

1. Demotion; and/or
2. Severe Letter of Reprimand; and/or
3. Five to fifteen days loss of leave; and/or
4. Enhanced Driver's Training, conducted by the Professional Development and Training Academy; and/or
5. 60-day suspension of departmental driving privileges; and/or
6. First occurrence - Restitution equal to 15% of the damage to the departmental vehicle up to a maximum of \$1,000.00, not to exceed 6 pay periods from the date of the Personnel Order; and/or
7. Involuntary transfer, when the continued presence of the member would affect the performance or integrity of the unit.

CATEGORY "E" VIOLATIONS FOR TRAFFIC DISCIPLINARY MATRIX

Description

1. Property loss where two or more motor vehicles and/or other property are destroyed at a loss of \$25,000.00 or more.
2. Any injury that results in the change of an injured person's normal or expected lifestyle.
3. Any injury that results in death.
4. First occurrence of Category "E" violation.
5. Enhanced violation from Category "D."
6. Second Category "D" violation within 18 months.
7. Two or more administratively documented violations of the Maryland Transportation Articles and any subsequent preventable accident within 18 consecutive months enhances a Category "E" accident to Category "F."

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Discipline Options

1. Severe Letter of Reprimand; and/or
2. Fifteen or more days loss of leave; and/or
3. Fifteen or more days suspension; and/or
4. Revocation of departmental driving privileges; and/or
5. Enhanced Driver's Training by the Professional Development and Training Academy; and/or
6. Involuntary transfer, when the continued presence of the member would affect the performance or integrity of the unit; and/or
7. First occurrence - Restitution equal to 20% of the damage to the departmental vehicle up to a maximum of \$1,000.00, not to exceed 6 pay periods from the date of the Personnel Order; and/or
8. Demotion; and/or
9. Termination.

CATEGORY "F" VIOLATIONS FOR TRAFFIC DISCIPLINARY MATRIX

Description

1. Any injury that results in death.
2. First occurrence of Category "F" violation.
3. Second violation of Category "E" violation.

Discipline Option

Termination.

REQUIRED ACTION

Disciplinary Review Committee

Apply disciplinary recommendations with expedience and without undue delay (excluding stand-alone traffic offenses) consistent with the Disciplinary Matrix.

Commanding Officer

Discipline, which includes suspension or other loss of leave, shall be imposed upon receipt of the applicable personnel order, and shall be enforced promptly. Apply traffic disciplinary recommendations with expedience and without undue delay, consistent with the Traffic Disciplinary Matrix.

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APPENDICES

- A. Disciplinary Matrix
- B. Traffic Disciplinary Matrix
- C. Preventable Departmental Accident Category

RESCISSION

Remove and destroy/recycle Policy 310, *Disciplinary/Failure to Appear and Traffic Disciplinary Matrix*, dated 20 September 2017.

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.

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APPENDIX A

Disciplinary Matrix

DISCIPLINARY MATRIX

(1-0) CONDUCT - GENERAL

<u>CATEGORY</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>
(1-1) Violations concerning general misconduct	X	X	X	X	X	
(1-2) Violations relating to inappropriate comments and gestures	X	X				
(1-3) Violations relating to rude or discourteous conduct, coarse, profane or insolent language (directed towards members of the department or public)		X	X			
(1-4) Violations relating to rude or discourteous conduct, coarse, profane or insolent language (not directed toward any person)		X				
(1-5) Violations relating to inappropriate comments, gestures, discourtesies or conduct relating to a person's race, religion, ethnicity, national origin, sexual orientation, disability, or gender					X	X
(1-6) Violations relating to harassment of non-member citizens				X	X	
(1-7) Knowingly associate with any person or organization advocating hatred oppression or prejudice based on: race, religion, gender, or sexual orientation; disseminating defamatory material; to be engaged in, likely to engage in, or to have engaged in criminal activities						X
(1-8) Violations concerning the misuse of body-worn camera		X	X	X	X	

(2-0) MISREPRESENTING FACTS

(2-1) All intentional misrepresentation of facts and any manner of false reports or statements						X
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(3-0) DOMESTIC VIOLENCE

(3-1) Violations concerning domestic violence/battery and other violations						X
(3-2) Violations concerning domestic violence/assault (no physical touching, to include threats, threatening behavior)					X	X

(4-0) CONTROLLED DANGEROUS SUBSTANCE AND ALCOHOL

<u>CATEGORY</u>	A	B	C	D	E	F
(4-1) Violations concerning illegal drug use						X
(4-2) Violations concerning abusive use of properly legally obtained drugs					X	X
(4-3) Violations relating to intoxication, drinking on duty, reporting to work impaired					X	X
(4-4) Violations relating to excessive alcohol use off-duty				X	X	
(4-5) Violations relating to off-duty driving under the influence				X	X	
(4-6) Violations relating to off-duty driving under the influence with injury or property damage					X	X

(5-0) CRIMINAL CONDUCT

(5-1) Violations concerning criminal conduct					X	X
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(6-0) HARASSMENT AND DISCRIMINATION
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(6-1) Violations relating to racial harassment/discrimination					X	X
(6-2) Violations relating to religious or ethnic harassment/discrimination					X	X
(6-3) Violations relating to sexual orientation harassment/discrimination					X	X
(6-4) Violations relating to pregnancy harassment/discrimination					X	X
(6-5) Violations relating to gender harassment/discrimination					X	X
(6-6) Violations relating to age harassment/discrimination					X	X
(6-7) Violations relating to disability harassment/discrimination					X	X
(6-8) Violations relating to other harassment/discrimination					X	X
(6-9) Retaliation against person(s) alleging harassment/discrimination						X

<u>CATEGORY</u>	A	B	C	D	E	F
(6-10) Failure to cooperate with harassment/discrimination investigation					X	X
(6-11) Failure to cooperate with Equal Opportunity & Diversity Section or the Office of Professional Responsibility					X	X
(6-12) Failure to report acts of harassment/discrimination					X	X

(7-0) EXCESSIVE FORCE AND BRUTALITY						
(7-1) Unnecessary Force - force that is unreasonable under the circumstances, but not brutal or excessive	X	X	X	X		
(7-2) Excessive Force - force that is excessive in scope, duration or severity in light of the circumstances					X	X
(7-3) Violations relating to failing to intervene to prevent use of excessive force by another member					X	X

(8-0) NEGLECT OF DUTY						
(8-1) Violations concerning general neglects of duty	X	X	X	X	X	
(8-2) Violations concerning failure to take required action	X	X	X	X	X	
(8-3) Violations concerning failure to take required action (including but not limited to the failure to write a report) regarding complaints on investigations of domestic incidents and/or child abuse			X	X	X	
(8-4) Violations concerning inadequate performance of duty	X	X	X			
(8-5) Violations concerning failure to perform duty		X	X	X		
(8-6) Violations concerning accuracy or completeness of reports	X	X	X			
(8-7) Violations concerning failure to submit appropriate reports or information as required		X	X	X		
(8-8) Violations concerning failure to report matters of misconduct as required					X	
(8-9) Violations concerning failing to report level 2 and/or 3 Use of Force as required				X	X	X

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(8-10) Violations concerning failing to report level 1 Use of Force as required		X	X	X		
(8-11) Violations concerning permanent-rank supervisors failing to conduct Use of Force review as required				X	X	X
(8-12) Violations concerning failing to render aid/medical assistance to an individual in need			X	X	X	

(9-0) UNIFORM AND EQUIPMENT						
(9-1) Violations concerning loss or damage of equipment not including service weapons, radios, or automobiles		X	X			
(9-2) Violations concerning loss or damage of service weapons, radios, or automobiles				X	X	
(9-3) Violations concerning improper attire/appearance	X	X	X	X		
(9-4) Violations concerning allowing unauthorized persons to use Departmental equipment				X	X	
(9-5) Violations concerning failing to activate Body-Worn Camera when required			X	X	X	
(9-6) Violations concerning failing to maintain, secure and leave unobstructed issued Body-Worn Camera			X	X	X	
(9-7) Violations concerning failing to carry Body-Worn Camera when issued				X	X	
(9-8) Violations concerning failing to report broken Body-Worn Camera as required			X	X	X	
(9-9) Violations concerning supervisors failing to inspect Body-Worn Cameras as required			X	X	X	

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(10-0) FIREARMS						
(10-1) Violations concerning negligent handling of a firearm resulting in discharge causing injury to another party					X	
(10-2) Violations concerning negligent handling of a weapon resulting in discharge of a firearm causing no injury to another party			X	X	X	
(10-3) Violations concerning carrying unauthorized firearm on duty					X	
(10-4) Violations concerning carrying unauthorized ammunition on duty				X		
(10-5) Violations concerning failure to secure firearm				X	X	
(10-6) Violations concerning failure to report discharge of firearm					X	
(10-7) Violations concerning failure to maintain firearm as operational				X		

(11-0) PRISONER-RELATED VIOLATIONS						
(11-1) Violations relating to arrests			X	X		
(11-2) Violations relating to searches		X	X	X		
(11-3) Violations relating to transportation of prisoner		X	X	X		
(11-4) Violations relating to prisoner property		X	X	X		
(11-5) Violations relating to restraint violations			X	X		
(11-6) Violations relating to guarding violations			X	X	X	
(11-7) Violations related to medical/mental treatment violations				X	X	
(11-8) Violations related to failing to thoroughly search an individual in police custody				X	X	X

(12-0) CONDUCT – EVIDENCE AND PROPERTY						
<u>CATEGORY</u>	A	B	C	D	E	F
(12-1) Violations related to the initial recovery of evidence at a scene	X	X	X			
(12-2) Violations related to the receipt of evidence	X	X	X			
(12-3) Violations related to the processing/testing of evidence	X	X	X			
(12-4) Violations related to the storage and/or the release of evidence	X	X	X			
(12-5) Violations relating to the initial recovery of found property	X	X	X			
(12-5a) Violations relating to the initial recovery of money and/or CDS	X	X	X	X	X	
(12-6) Violations relating to the receipt of found property	X	X	X			
(12-7) Violations related to the storage/release of found property	X	X	X			
(12-8) Violations related to the intentional and willful destruction of evidence or tampering						X
(12-9) Violations relating to improper inspection/CDS found in police vehicles	X	X	X			

(13-0) MISCELLANEOUS						
(13-1) Violations relating to criminal history dissemination				X		
(13-2) Violations relating to unauthorized access to criminal history information			X			
(13-3) Violations relating to MVA history dissemination				X		
(13-4) Violations relating to unauthorized access to MVA information			X			
(13-5) Violations relating to unauthorized dissemination of investigation information					X	X
(13-6) Violations relating to being off post or leaving assignment without permission			X			
(13-7) Violations relating to cheating on tests or other assignments						X
(13-8) Violations concerning failure to appear	X	X	X	X	X	X
(13-9) Violations relating to failure to obey a directive from a superior (oral or written)			X	X	X	

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(13-10) Violations relating to failure to report for urinalysis						X
(13-11) Violations relating to failure to obey an order					X	
(13-12) Violations relating to insubordination					X	X
(13-13) Violations relating to obstructing or hindering a criminal investigation					X	X
(13-14) Violations relating to obstructing or hindering an OPR or administrative investigation					X	X
(13-15) Violations relating to failure to appear at court	X	X	X			
(13-16) Violations relating to absence without permission or leave			X	X	X	
(13-17) Violations relating to lateness to assignments			X			
(13-18) Violations relating to sleeping on duty			X	X		
(13-19) Violations concerning failure to follow chain of command, obtaining a supervisor's approval			X	X		
(13-20) Violations concerning failure to attend required training			X			
(13-21) Violations concerning failure to conduct inspection when required		X	X	X	X	

(14-0) SECONDARY EMPLOYMENT VIOLATIONS						
(14-1) Violations relating to no approved secondary employment form on file			X			
(14-2) Violations relating to expired secondary employment form	X	X				
(14-3) Violations relating to restriction violations (Hours/Week)			X	X		
(14-4) Violations relating to working while on Limited Duty				X	X	X
(14-5) Violations relating to working while on stress/medical leave					X	X
(14-6) Violations relating to using unauthorized departmental equipment while working secondary employment			X	X		
(14-7) Violations relating to working unauthorized secondary employment or working at an unauthorized site					X	X

APPENDIX B

Traffic Disciplinary Matrix

TRAFFIC DISCIPLINARY MATRIX

(15-0) DEPARTMENTAL VEHICLE VIOLATIONS						
<u>CATEGORY</u>	A	B	C	D	E	F
(15-1) Violations relating to parking infractions	X	X				
(15-2) Violations relating to preventable accident. (Fleet or Non-fleet)	X	X	X	X		
(15-3) Violations relating to emergency response		X	X	X		
(15-4) Violations relating to moving violations of the Maryland Transportation Articles	X	X	X	X	X	X
(15-5) Violations relating to preventable accidents with fatalities					X	X
(15-6) Violations relating to failure to report departmental accident (Fleet or Non-fleet)				X	X	X
(15-7) Violations relating to vehicle abuse			X	X	X	

NOTE: All fines and fees related to the receipt of parking citations (**under 15-1**) and receipt of moving violations relating to infractions of the Maryland Transportation Articles (**under 15-4**), inclusive of red light camera violations, shall be the responsibility of the member who had control/custody of the vehicle on the date and time of the violation. In addition to paying the fines associated with the citation, members will also be subject to departmental disciplinary action.

To qualify for reinstatement of a revoked departmental driving privilege, a period of 90 days must have expired from the date of revocation. The involved member must also have a recommendation of reinstatement of driving privilege from their Commanding Officer and successfully complete the Emergency Vehicle Operation Course (EVOC) for sworn members.

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APPENDIX C

Preventable Departmental Accident Category

Category A

Superficial or Minor Damage — Damage to property that reduces the monetary value of that property.

Possible Injuries — Injury reported or claimed which is not fatal, incapacitating or non-incapacitating, life threatening or life altering.

Category B

Functional Vehicle Damage — Any road vehicle damage other than disabling damage, which affects operation of the vehicle or its parts.

Non-incapacitating Evident Injury — Any injury other than a fatal, incapacitating or life altering injury, which is evident to observers at the scene of the accident.

Category C

Disabling Vehicle Damage — Vehicle damage, which prevents departure of the vehicle from the scene of the accident. This also includes vehicles that could be driven but would sustain further damage by doing so.

Disabling/Incapacitating Injury — Any injury other than a fatal, life altering or life threatening injury, which prevents the injured person from walking, driving, or normally continuing the activities the person was capable of performing before the injury.

Category D

Vehicle Damage (Destroyed) — A motor vehicle is destroyed when salvage is not possible or reasonable. This excludes damage which may be feasible only for economical reasons.

Life Threatening Injury — Any injury that is not fatal or life altering, but has a potential to cause death or alter the injured person's normal lifestyle to which they are accustomed.

Category E

Catastrophic Property Damage — Property loss where two or more motor vehicles and/or other property are destroyed at a loss of \$25,000 or more.

Permanent Life Altering Injury — Any injury that results in the change of an injured person's normal or expected lifestyle to which they are accustomed.

Category F

Fatal Injury — Any injury that results in death.