


GAINESVILLE POLICE DEPARTMENT

GENERAL ORDER

	TITLE Department Traffic Crashes & Vehicle Damage Investigations		ACCREDITATION CALEA 4.2.3
	PROponent UNIT: Patrol Support Bureau/ Traffic Unit		PRIOR REVISIONS 05/21/2020,10/26/21, 09/15/22, ATTACHMENT: None
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I. PURPOSE: The purpose of this Order is to establish procedures for categorizing and investigating crashes / incidents involving Department vehicles.

II. POLICY: The Gainesville Police Department shall, with the cooperation of other law enforcement agencies [e.g., FHP], provide a process for thorough and impartial investigations of traffic crashes and/or damage to Department vehicles. Disciplinary or corrective action, when warranted, as well as the rights and responses of the affected employees, shall follow the provisions of Department Manual General Order 26.5.

III. DEFINITIONS:

- A. Department Vehicle Crash / Incident:** Any incident (even if it occurs on private property) involving a Department vehicle that causes, either directly or indirectly, an injury to any person or damage to property.
- B. Minor Crash / Incident:** A crash / incident which results in the following:
1. Non-disabling damage to one or more vehicles, AND
 2. Total property damage to all involved vehicles/assets is less than \$5,000, AND
- C. Enhanced Crash / Incident:** A crash / incident which results in the following:
1. Disabling damage to any involved vehicle(s) as defined below in Subsection F, **OR**
 2. Total property damage to all involved vehicles/assets is \$5,000 or greater but less than \$15,000.
- D. Major Crash / Incident:** A crash / incident resulting in one or more of the following:

1. Death, **OR**
2. Serious bodily injury as defined in Subsection E, **OR**
3. Total property damage to all involved vehicles/assets is equal to or greater than \$15,000.

E. Serious Bodily Injury: An incapacitating injury requiring immediate transport or admittance to a licensed medical care/treatment facility (not Employee Health Services).

F. Disabling Damage: Damage rendering the vehicle inoperable, such as:

1. Extensive structural damage which restricts the proper safe operation of the vehicle.
2. Damage rendering the vehicle's engine inoperable.
3. Damage which does not permit access to the interior vehicle compartment.

G. Assets: As it relates to this chapter, includes: any permanent or temporary structures, buildings, livestock, landscaping, hauled materials, fencing, roadway elements, or other involved items having tangible value.

H. Damaged Property: A damaged property report will be taken, in lieu of a traffic crash report, if the following conditions are met:

1. The incident occurred within the City limits, and
2. Only City property is damaged (e.g. City vehicle, city sign), and
3. Damage is less than \$5000, and
4. There are no injuries

I. Vehicle Incident Review Board (VIRB): VIRB shall be led by the Traffic Unit Supervisor. It shall also include a designee from the Logistics Division/ Fleet.

IV. PROCEDURE

A. Crash Report: Members involved in a crash or an incident that resulted in vehicle damage while driving a Department-owned or leased vehicle, whether on or off-duty, shall immediately report the incident to the member's supervisor or an on-duty patrol supervisor if the member's immediate supervisor is unavailable.

1. Outside Jurisdiction: Department members involved in a traffic crash in a Department vehicle while outside Gainesville shall, if not incapacitated, request a report and photographs from the investigating agency.

- i. The involved member shall obtain the investigating agency's case report number, the name of the investigating officer, and the agency's procedures on how to obtain copies of the report and photographs.
- ii. A Department member shall be sent to photograph scenes within reasonable driving distance as determined by the on-duty commander/designee, whether or not the investigating agency takes its own photographs.
- iii. The member photographing the crash shall request a case report number and complete an original Damage to City Property Incident Report when another agency investigates the incident.
- iv. If the incident only involves city vehicles and or city property AND there is only minor non-disabling damage (under \$5000 total) AND/OR it occurs on private property, it is not necessary for an investigation to be done by an outside agency unless it is deemed necessary by the GPD on-duty supervisor. An incident report shall be written as Damage to City Property and photographs shall be taken.

B. On-Scene Responsibility: Members involved in a crash / incident while in a Department vehicle shall, if able, render necessary aid to the injured and remove any hazards to life or property.

C. Supervisory Response: If the crash / incident occurs in Alachua County or the surrounding area, the involved member's supervisor shall respond. If the member's supervisor cannot respond, an on-duty patrol supervisor shall do so.

1. If a Department member is injured in the crash / incident, the on-duty supervisor will notify the involved employee's respective Bureau Commander.
2. If the crash / incident involve a death or serious injury, the member shall notify their supervisor who will notify the shift commander. The shift commander will make the appropriate notifications.

D. Investigating Agency:

1. Florida Highway Patrol (FHP): The FHP shall be requested to investigate traffic crashes / incidents involving Department vehicles driven by a sworn member if the crash / incident:

- i. Involves a fatality or potentially life-threatening injuries;
- ii. Could result in criminal charges against a Department member.
- iii. As a result of a vehicle pursuit that meets the above criteria.
- iv. The decision to respond shall be at the discretion of FHP. In the event FHP declines to respond, the Shift Commander shall determine who (i.e. GPD or request another law enforcement agency) will investigate the traffic crash/incident.
- v. **Florida State Statute 316.065(1) states: The driver of a vehicle involved in a crash resulting in injury to or death of any persons or damage to any vehicle or other property in an apparent amount of at least \$500 shall immediately by the quickest means of communication give notice of the crash to the local police department, if such crash occurs within a municipality;** otherwise, to the office of the county sheriff or the nearest office or station of the Florida Highway Patrol. A violation of this subsection is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

2. Gainesville Police Department: Traffic crashes / incidents involving a Department vehicle may be investigated by another Department member unless it meets the criteria set forth in subsection D1 of this General Order. The Department member shall handle the report and if a citation is warranted, shall call for an on-duty supervisor to respond and issue the citation.

- i. **Whereas a Department member is involved in a department vehicle crash and there is no visible damage, no injury, or damage less than \$500 to the vehicles involved, a traffic crash report shall be taken and no citation issued,** but photos must be taken and risk management notified. A VIRB Blue Team should be completed.
- ii. If a citation is not issued in a Preventable Crash that meets the criteria, the supervisor shall document the reason and forward an explanation to the Vehicle Incident Review Board (VIRB) in the Blue Team entry. Following their review, VIRB may consult with the Member's Bureau Commander to review the circumstances surrounding the Preventable Crash and why a citation was not issued. The Bureau Commander shall have final authority of whether to order a supervisor to issue a citation.
- iii. Citations may be issued to the employee away from the scene of the original crash, only if absolutely necessary. If fault is determined at the time of the crash, the shift supervisor should issue the citation on the date of the crash.

E Investigative Actions:

- 1. Report:** A crash report or damaged property report shall be completed (either by the Department, FHP, or other investigating law enforcement agency).
- 2. Towing:** Disabled Department vehicles shall be towed by fleet management (during fleet management operational hours) or, after hours, by the contractual

wrecker service.

3. Photographs: Photographs shall be taken of traffic crashes and damaged property involving Department vehicles and shall be submitted no later than 48 hours after said incident was documented.

4. Risk Management:

i. **Reporting Criteria:** The on-scene supervisor shall notify the City of Gainesville's Risk Management Department, contemporaneous to the incident, whenever a Department vehicle is involved in an incident which causes one or more of the following:

- a. Injury or death to a non-city employee,
- b. Life-threatening injuries or death to a city employee

ii. **Contact Information:**

a. Working Hours: Between 8:00 a.m. and 5:00 p.m., Monday through Friday (excluding holidays), the City of Gainesville's Risk Management staff can be contacted by phoning 352-393-8894 or 352-393-8882.

b. After-Hours: To contact a member of Risk Management after hours, on a weekend, or on a holiday, request Communications page the on-call staff member.

5. Drug-Free Workplace Program (DFWP): If the crash / incident meets the listed requirements under DFWP, the supervisor shall send the involved member for testing as soon as possible, ensuring it is within the specified time frame for the criteria involved. Current DFWP conditions are as follows: (1) accidents involving death, (2) injury to employee requiring medical treatment off-site, (3) issuance of a moving violation, (4) and/or damage greater than \$2500 when employee can't be absolved of fault.

i. **Contract Provider:** During regular business hours, members shall report to the contract facility. Information for the contract facility can be found on the Department Intranet under *Personnel Information/After Hours Drug Testing Procedures*.

ii. **Time Frames:** Members shall report for testing upon being ordered to do so; and in no case will any delay exceed the deadline identified in the applicable collective bargaining unit.

iii. **Employees Needing Medical Attention:** The supervisor shall ensure any necessary emergency medical care is provided to the member without delay and prior to testing.

iv. **Required Form:** The supervisor shall provide the employee with the testing form specific to the contract testing company. Forms shall be kept in the Shift Commanders Office. During regular business hours, the employee shall be given the form to take to the contract testing location. During after hours, the form shall

be given to the on-call person that responds to conduct the testing.

v. The supervisor shall document whether the violation triggered the Drug-Free Work Place mandatory testing, as well as whether the employee was sent and reported as ordered. This information shall be documented in the narrative of the Blue Team entry. If the contract provisions are met and not followed the supervisor shall provide the reasons. The supervisor can also consult with the Risk Management Supervisor if there are any questions regarding the requirement for testing.

F. Internal Review/Investigation of Vehicle Incidents:

1. Investigative Authority: Vehicle crash / incident investigations shall normally be conducted by the responding dispatched officer, shift supervisor, or Shift Commander.

2. Assigned Supervisor's Responsibilities: The responding supervisor shall initiate an initial investigation to include the following

- i. Complete an entry in the Blue Team Module
- ii. Complete and forward a City of Gainesville Accident Analysis Form, **only** if an employee is injured, to Personnel and email a copy to DG_GPD_OJI. This should be done the same day as said event.
- iii. The investigating supervisor shall complete an entry into the Blue Team module and email it to the VIRB group, as soon as possible, but no later than 7 days after the event.

3. Crashes Involving Serious Bodily Injury or Death: The involved member shall be placed on administrative assignment at the discretion of the Chief of Police until at least a preliminary review has been done and employee has been afforded EAP (Refer to GO 22.7 EAP). [CALEA 4.2.3]

4. Internal Affairs Division (IAD) Responsibilities: The IAD staff assistant shall be responsible for tracking vehicle crashes/incidents. Following a review by the VIRB, IAD members shall investigate all crashes/incidents and damaged property that involve potential discipline.

5. Responsibilities of the VIRB:

- i. VIRB has the authority and responsibility to review all applicable crashes and damaged property incidents involving Department members operating Department vehicles and to determine if the crash and damaged property incident was "preventable" or "non-preventable." VIRB may, on occasion, consult with other traffic crash experts within our agency.
- ii. This will enable the Department to recognize specific training needs concerning driving skills and habits and to provide consistency in remedial training. The time frame for the Traffic Unit Commander to review a crash / incident shall be based on the time frames set forth in the

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applicable contract (FOP, PBA, or CWA) and Florida State Statutes.

iii. **Investigative Dispositions:** Overall Disposition: The disposition of all crash /incident investigations or damaged property will be classified using one of the following:

- a. Preventable: The investigation disclosed the member's actions directly contributed to the resulting crash / incident or damaged property.
- b. Non-Preventable: The investigation revealed the member was obeying all applicable laws and the crash / incident occurred as the result of the errors or actions of the other involved parties.

iv. Discipline and Conduct:

- a. Employees shall operate City owner or leased vehicles in a safe manner with due regard to the public and shall be held accountable by Policy for damages and injuries during a preventable crash/incident.
- b. Crashes, incidents, or damaged property that are found to be preventable by the VIRB shall be referred to the Internal Affairs Division to be investigated.
- c. Incidents that meet the damaged property criteria will not result in points from vehicle crash point system but corrective action may be taken via written warning if deemed preventable.

Three (3) or more preventable damaged property incidents within a 24 month period will result in 3 points being assessed to any cumulative total the member has collected within those same 24 months.

- d. All sworn and non-sworn GPD employees shall be held responsible for crashes under the following point system matrix. Enhanced or different penalties may apply if there are additional violations of law or policy occurring during or contributing to the preventable crash, or if the employee's actions are found to amount to more than mere carelessness or negligence.

1. Minor Crash – 1 point

2. Enhanced – 2 points

3. Major Crash— 3 points

- e. Point totals and discipline shall be within a 24 month period:

1 point: Written Warning

2 points: Employee notice loss of take home car/assigned car for one week (7 days) starting on the employee's first day of their work week.

3 points: Employee Notice, loss of take home/assigned car **for two weeks.**

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(14 days) starting on the employee's first day of their work week.

4 points: Employee Notice, loss of take home/assigned car **for 4 weeks (28 days) starting on the employee's first day of their work week.**

5+ points: Employee Notice, suspension or termination(based on E-3 Rule 23), loss of take home/assigned car **for 8 weeks (56 days) starting on the employee's first day of their work week.**

- f. The point total system shall not limit discipline during incidents in which an employee's actions are found to involve any instances of wanton and willful violations of GPD policy, City policy, and/or state statute.
- g. Management shall have the right to adjust loss of vehicle privileges on a case by case basis due to the various manners and results in which crashes/incidents occur.
- h. Any employee, found to be at-fault, in damaging their assigned vehicle shall not have a vehicle assigned to them during the time of repair. An employee may get another vehicle assigned to them if they have completed their loss of vehicle privileges and their vehicle is still under repair or a total loss.
- i. Employees shall have their point total reduced to zero if they are not involved in any crashes/incidents for 24 months. However past violations shall be considered in instances of potential termination.

G. Crash / Incident Analysis:

1. The Traffic Unit Supervisor shall periodically and routinely review Department crashes / incidents to determine their cause to identify trends which may indicate training needs.
2. The Traffic Unit Supervisor shall annually (March 31st of each calendar year) compile a report which summarizes:
 - i. Statistical crash / incident data,
 - ii. Trends or causes of crashes / incidents,

3. The report shall be forwarded to the Chief of Police and copied to the Internal Affairs Division and the Training and Education Division.

H. Damage to Vehicle (Non-Criminal or Unknown Cause)

1. An employee shall report any damage to their vehicle to a supervisor and Fleet supervisor, to arrange an assessment of the vehicle (G.O 41.3) Employees will provide an emailed statement to their supervisor in regards to how and when the damage occurred, if known.
2. Any and all vehicle damage shall be documented in a GPD incident report.
3. Supervisors shall document any damage to a GPD vehicle via the Blue Team Module and attach any photos to that entry.
4. The entry shall be emailed to the VIRB Group.

By Order of

*Signed Original on File in the
Accreditation Unit*

**Lonnie Scott
Chief of Police**