

Collision Reviews

1019.1 PURPOSE AND SCOPE

This policy sets forth the guidelines for reviewing collisions involving members operating county vehicles. This policy should be read as consistent with all other policies regarding discipline and any applicable collective bargaining agreement.

1019.2 POLICY

All employees or members of the Kitsap County Sheriff's Office who operate county vehicles shall use their best judgement and operating abilities to avoid becoming involved in any type of traffic collision.

1019.3 INVESTIGATION OF COLLISIONS

All motor vehicle collisions involving county equipment or collisions occurring while on county business with a private vehicle will be investigated in conformance with existing collision investigation policies. It shall be the policy of the Sheriff's Office to take photographs, if possible, in conjunction with investigation of county employee collisions. Collisions shall be reviewed by a police supervisor comparable in rank or above that of the county employee driver.

1019.3.1 CRITERIA FOR REVIEW

The police supervisor will forward all reports concerning the collision to the division chief or designee who shall conduct a division review when the circumstances of the collision meet the following criteria (all other collisions shall be subject to supervisory review):

- A) In any collision where more than one vehicle is involved or,
- B) When damage to a single vehicle is in excess of the accident-reporting threshold according to WAC 446-85-010 or,
- C) When there is reportable damage to the property of another or,
- D) When any person is injured as a result of the collision or,
- E) Repeated incidents involving the same employee driver that raise a question about the skill and due care exercised by the employee driver. This includes collisions when damage to a single vehicle is less than the accident-reporting threshold according to WAC 446-85-010.

1019.3.2 MEMBER NOTIFICATION

The employee-driver shall be notified of the division review within twenty-four hours of the division chief's decision to conduct a division review. Notice may be given by telephone, in person or through delivery of written notification to the employee-driver.

1019.4 DIVISION CHIEF RESPONSIBILITIES

When conducting a division review, the division chief or designee shall review all available information including reports, diagrams and testimony from witnesses. The division chief or

Kitsap County Sheriff's Office

Collision Reviews

designee shall determine whether the collision was "preventable" or "non-preventable" . Upon a determination that the collision was preventable, the division chief or designee will then determine whether a collision is chargeable under the following criteria:

- A) Any preventable collision where the employee driver has shown a willful violation of any lawful order given by a superior.
- B) Any preventable collision where the employee driver fails to exercise reasonable care and good judgment in the operation of a motor vehicle.
- C) Any preventable collision resulting from a negligent action on the part of the employee driver as defined in RCW 46.61.525, to wit: "...operate in a negligent manner' shall be construed to mean the operation of a vehicle upon the public highways of this state in such a manner as to endanger or be likely to endanger any persons or property."
- D) Any preventable collision occurring when the employee is intoxicated or has consumed intoxicating liquor.
- E) Any preventable collision occurring when the employee uses a controlled substance considered to be illegal under RCW 69.50; or an over the counter drug where the manufacturer recommends that the user avoid the operation of mechanical equipment; or uses a drug prescribed by a physician where the manufacturer of the drug recommends that the user avoid the operation of mechanical equipment.
- F) Any preventable collision where a violation of state, county or municipal law occurs.

The division chief or designee shall issue a final decision in writing within fifteen (15) business days; Monday through Friday, from the date of the collision. The requirement that the division chief or designee issue a report within fifteen (15) business days from the date of the collision may be extended under extraordinary circumstances.

1019.5 DISCIPLINE GUIDELINES

If the division chief or designee determines that the collision is preventable/chargeable, the division chief or designee may implement disciplinary action. When considering whether to impose discipline the division chief or designee should consider the following guidelines. Depending upon the circumstances of a particular collision, the division chief or designee may deviate from the guidelines and impose discipline that is above (up to and including termination) or below the range of discipline (including no discipline) recommended in the guidelines. All decisions resulting in discipline may be appealed in accordance with existing policies, rules and contracts.

- (a) First chargeable/preventable collision
 - 1. Written letter of reprimand or;
 - 2. Written letter of reprimand and defensive driving instruction, or;
 - 3. One to three days suspension from duty without pay, or;

Kitsap County Sheriff's Office

Collision Reviews

4. One to three days suspension from duty without pay and defensive driving instruction.
- (b) Second chargeable/preventable collision within one year of the first
 1. Three to five days suspension from duty without pay and,
 2. Re-training as deemed appropriate by the division commander or his/her designee. Training may include, but is not limited to: counseling in office policy regarding vehicle operation; participation in a "commentary driving course"; four hours practice on the pursuit/placement course or other suitable training that may be available outside the Sheriff s Office.
- (c) Third chargeable/preventable collision within eighteen months of the first.
 1. Five to ten days suspension without pay and re-training or;
 2. Termination

1019.6 STORAGE AND RETENTION

The completed investigative file, including all materials and findings, shall be forwarded to the Office of Professional Standards. The file will be cataloged, secured and retained in accordance with standard retention guidelines. A copy of any discipline will be stored and retained in accordance with the Personnel Complaints Policy.