



<b>WRITTEN DIRECTIVE</b>	No.	PD23-0207	Page:	1 of 8
	Subject:	Effective Date: 05-26-23		
	<b>EMPLOYEE-RELATED INJURIES AND MOTOR VEHICLE CRASHES</b>	Supersedes/ Amends:	PD17-0207	
		Reference:		



## I. Purpose

The purpose of this directive is to establish procedures for reporting, recording and handling of employee personal injuries, occupational diseases, and motor vehicle crashes.

## II. Policy

It shall be the policy of the Lynchburg Police Department (LPD) to investigate and properly record all motor vehicle crashes involving police vehicles and all instances of job-related employee injury.

## III. Procedure

### A. GENERAL GUIDELINES

1. For the purposes of this directive *injury* will be defined as any job-related injury, illness, or occupational disease as defined by the Virginia Workers' Compensation Act, Chapter 65, Code of Virginia incurred by an employee of this department.
2. Employee injury/death situations that may be covered by Workers' Compensation include:
  - a. Effecting an arrest (on-duty or off-duty);
  - b. Taking law enforcement action (on-duty or off-duty);
  - c. Involvement in a motor vehicle crash during operation of a police vehicle on-duty;
  - d. Involvement in a motor vehicle crash during authorized operation of a police vehicle off-duty;
  - e. Any authorized activity (on-duty); and
  - f. Work-related diseases as defined by chapter 65, Code of Virginia.
3. Employees initiating civil action to recover losses as a result of the performance of duty will, upon the filing of such litigation:

- a. Submit a memorandum to their immediate supervisor, informing him/her of:
    - 1) The defendant's identity; and
    - 2) The nature of the lawsuit.
  - b. The employee's immediate supervisor will forward the information through the chain of command to the Chief of Police.
4. Employees involved in any work-related incident resulting in injury to a person or damage to property will:
    - a. Refer all claims/inquiries regarding financial responsibility to the City Risk Management Office; and
    - b. Report the incident to their supervisor as soon as practical.
  5. All documentation related to employee injuries and vehicle-related crashes will be considered "Attorney Work Product" when, at the direction of the City Attorney or his/her designee, the information and/or documentation is to be used to assist the City Attorney in evaluating liability or potential/actual claims against the City of Lynchburg, its employees, and/or its departments. Documentation related to employee injuries and vehicle-related crashes, when designated by an Administrative Captain, his/her designee, or a higher-ranking member of the Lynchburg Police Department to be more serious in nature, will receive a written request from the City Attorney or his/her designee requesting the documentation be treated as "Attorney Work Product".
    - a. All documentation related to employee injuries and vehicle-related crashes will be forwarded directly through the chain of command to the Chief of Police; and
    - b. Will not be discussed with or delivered to anyone other than those persons named in this directive, without prior authorization by the Chief of Police.

**B. JOB RELATED EMPLOYEE INJURIES OR ILLNESS**

1. Employees incurring a job-related injury or illness will, if physically capable and as soon as practical:
  - a. Notify their immediate supervisor; and
  - b. Complete all reports required by current department, city or workers' compensation procedures.

2. To have job-related medical bills considered for payment under the City Workers' Compensation Fund, the injured employee must use a physician from the city-approved panel of physicians.
3. All motor vehicle crashes involving employees will be investigated as outlined in III. C.
4. The supervisor of the injured employee will be responsible for:
  - a. Responding to the scene of the injury, if on-duty;
  - b. Completing all report(s) required by current department, city or workers' compensation procedures;
  - c. Ensuring that all necessary incident reports are completed by the employee(s) involved;
  - d. Completing all necessary incident reports for an employee who is physically unable to do so;
  - e. Notifying City Risk Management as soon as practical in severe injury situations;
  - f. Submitting the completed reports and forms to the Finance Division staff; and
  - g. Submitting copies of the completed reports and forms to the involved employee's Bureau Captain.
4. The employee's Bureau Captain will:
  - a. Ensure that all required incident-related paperwork is accurately completed; and
  - b. Ensure that all appropriate reports have been forwarded to the appropriate supervisor.
5. Finance Division staff will:
  - a. Forward the original city employee accident/injury report to City Risk Management;
  - b. Forward an electronic copy of the city employee accident/injury report to:
    - 1) The Chief of Police;
    - 2) The Deputy Chiefs;

- 3) The Chief's Administrative Assistant; and
  - 4) The LPD's Workers' Compensation liaison in the Human Resources Department.
- c. Maintaining an electronic copy of each completed accident/injury report and all supporting documentation; and
  - d. Maintaining the OSHA 300 log.

C. MOTOR VEHICLE CRASHES INVOLVING POLICE VEHICLES

1. For the purposes of this directive, the following definitions will apply:
  - a. A **vehicle crash** will be defined as any incident where a department vehicle strikes or is struck by another vehicle, a fixed object, a pedestrian or an animal (on or off the public highway) resulting in any of the below:
    - 1) Damage to the department vehicle that requires repair;
    - 2) Damage to any non-department vehicle, public or private property;
    - 3) Visible personal injury to the involved employee or to any other party;
    - 4) The claim of personal injury by the involved employee or any other party; or
    - 5) The clear possibility of a future injury or fault claim forthcoming from any party as result of the incident (including any claim that an employee may have precipitated a crash in which a department vehicle was not directly involved).
  - b. **Vehicle Repair** will be defined as repair that is necessary to enable continued operation of the vehicle, or repair that is necessary to return the vehicle to an acceptable appearance (such as significant dents, body collapse, paint transfer, etc.).
  - c. A **vehicle damage incident** will be defined as a situation in which a department vehicle sustains minor contact damage during normal operation (such as a dent, ding, scratch, scrape or scuff) and in which the employee's supervisor determines that no repair is required.
2. The operator of a police vehicle involved in a motor vehicle crash, if physically able, will immediately report such crash to LynComm.
3. Employee duty to report:

- a. Involvement in a motor vehicle crash will not preclude or override an employee's employment responsibility as a Lynchburg City and an LPD employee to accurately, fully and promptly report work-related activities and observations.
  - b. Employees will verbally report incident details:
    - 1) To other employees, representatives of other agencies or members of the public as and when necessary to:
      - a) Safeguard human life, aid in suspect apprehension, or otherwise further an ongoing investigation; and
      - b) Fully cooperate and assist in reporting on an incident deemed likely to give rise to a claim against the City of Lynchburg.
    - 2) To any LPD supervisory staff member, on request.
  - c. Employees will complete all procedurally required written administrative reports, statements, memoranda, etc on supervisory request and as soon as practical after incident occurrence.
  - d. An employee who deliberately refuses to provide verbal and/or written incident information when ordered to do so:
    - 1) Will be subject to disciplinary action, up to and including termination of employment, for insubordination; and
    - 2) May have city insurance coverage summarily limited or terminated.
  - e. The on-scene supervisor will assign another employee to complete any required incident report that the involved employee is physically unable to complete in a timely manner.
  - f. The on-scene supervisor will complete any required administrative report that the involved employee is physically unable to complete in a timely manner.
  - g. In cases where such reports were completed for an incapacitated employee, that employee will review the reports for accuracy as soon as practical thereafter, and will correct any errors noted by filing a supplement to the original report.
4. The on-call Traffic Safety Unit supervisor will be notified whenever an employee is involved in a motor vehicle crash.
- a. A Traffic Safety Unit officer will be assigned to investigate the crash whenever possible.

- b. Employee vehicle crashes may be investigated by field supervisors:
  - 1) As requested by the Traffic Safety Unit supervisor; or
  - 2) As determined appropriate by the Traffic Safety Unit supervisor to preclude calling out a Traffic Safety Unit officer for a minor incident.
- c. The Traffic Safety Unit officer or field supervisor investigating an employee-involved traffic crash will be responsible for:
  - 1) Completing a *Police Accident Report* before the end of that tour of duty and submitting it to Traffic Safety Unit Review for proper routing and filing;
  - 2) Notifying the City Risk Management Office immediately when any death or serious bodily injuries are sustained. By Department of Labor (DOL) mandate, City Risk Management has 8 hours to file a report with DOL when there is an event involving an employee death or an incident where 3 or more employees are hospitalized.
  - 3) Requesting on-scene supervisory investigative assistance as necessary; and
  - 4) Submit all accident documentation through Blue Team within 7 days through the chain of command to the Deputy Chief of the employee involved in the crash, which will:
    - a) Detail all information obtained regarding the crash, including statements by involved parties (officers, citizens or witnesses);
    - b) Detail the results of the crash investigation;
    - c) Indicate any deviation from LPD policy or procedure; and
    - d) Indicate any possible civil liability incurred by the city as result of the traffic crash.
- 5. Supervisory review of employee traffic crashes will be conducted in accordance with guidelines set forth within directive PD-1601 (*Internal Investigations*).
- 6. Employee-involved traffic crashes resulting in death, serious physical injury, significant damage to non-LPD property, or other circumstances or effects deemed likely to foster significant public interest or concern will be responded to, handled and reported according to procedures set forth within PD-0402 (*Significant Incident Management*).

7. Any documentation related to employee injuries and vehicle-related crashes other than Police Accident Reports will be considered "Attorney Work Product" when, at the direction of the City Attorney or his/her designee, the information and/or documentation is to be used to assist the City Attorney in evaluating liability or potential/actual claims against the City of Lynchburg, its employees, and/or its departments. Documentation related to employee injuries and vehicle-related crashes, when designated by an Administrative Captain, his/her designee, or a higher-ranking member of the Lynchburg Police Department to be more serious in nature, will receive a written request from the City Attorney or his/her designee requesting the documentation be treated as "Attorney Work Product".
8. Upon receiving the investigative reports, the involved employee's Deputy Chief will:
  - a. Advise the Chief of Police of the status of the investigation; and
  - b. Review the content of the report(s) and determine if a sufficient degree of culpability exists to warrant further investigation.
9. Upon completion of the crash investigation, the Deputy Chief will:
  - a. Advise the Chief of Police of the results of the investigation;
  - b. Ensure that all related information is forwarded to the Office of the Chief of Police; and
  - c. Forward the accident investigation to the Professional Standards Unit through Blue Team for filing.
10. If further investigation is deemed necessary by the reviewing Deputy Chief or the Chief of Police, he/she may:
  - a. Require further investigation by the appropriate supervisor; or
  - b. Initiate internal investigation procedures.
11. Employees will immediately report any vehicle damage incident to their immediate supervisor.
  - a. The involved employee will document the vehicle damage on the *Vehicle Damage Sheet* along with the date of the incident and the employee's initials.
  - b. The employee's supervisor will inspect the vehicle damage as soon as practical and, if he/she concurs that the damage does not require repair, will also initial the *Vehicle Damage Sheet*.

- c. No further action will be required in these cases.

D. DAMAGE TO PRIVATE PROPERTY

1. Employees who damage private property while on-duty or while performing any work-related function will immediately report the incident to their immediate supervisor.
2. The supervisor will be responsible for:
  - a. Attempting to identify and contact the property owner;
  - b. Notifying a representative from the City Risk Management Office of the incident as soon as possible and no later than the next city work day; and
  - c. Submitting a written report within 48 hours of the incident occurrence.

E. CLAIMS AGAINST THE CITY / DEPARTMENT / EMPLOYEE

1. Any employee who receives court papers or other correspondence regarding a claim against him/her or the City of Lynchburg will notify the Professional Standards Unit.
2. The Professional Standards Unit will:
  - a. Advise the City Attorney's Office of the papers;
  - b. Serve as the coordinator between the department and the City Attorney;
  - c. Ensure that all reports, files, photographs, etc. needed by the City Attorney are provided in a timely manner; and
  - d. Keep the involved officer informed of the progress of the suit or information request.

*Original Signed*

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Ryan M. Zuidema  
Chief of Police

May 26, 2023

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Date