	<b>Matthews Police Department</b>		
<b>General Order: POLICE VEHICLE ACCIDENTS</b>		<b>Section 04: Equipment and Personal Appearance</b>	<b>Order #: 04-03</b>
<b>Review: Annually in December by the Admin Division Commander</b>		<b>Issue Date: 08/11/2020 (supersedes: 11/01/2019)</b>	

### **I. PURPOSE:**

To establish procedures governing investigation and reporting of motor vehicle accidents involving Police Department employees who are operating Town-owned vehicles.

### **II. CROSS-REF:**

GO 02-07 "Internal Investigations"

GO 02-04 "Discipline"

Town of Matthews Supervisor's Accident & Investigation Report

Form TU-003 "Collision Report Form"

Form OPS-001 "Notice of Internal Investigation"

Form OPS-006 "Internal Closure Report"

Form OPS-014 "At Fault Vehicle Crash Form"

### **DISCUSSION:**

The nature of emergency services exposes personnel to various traffic hazards. Personnel must defensively operate their vehicles at all times which means that a driver will adjust their driving to compensate for unusual weather, road, and traffic conditions, as well as the unsafe actions of pedestrians and other drivers. Due to liability concerns, collisions involving on-duty personnel or those who are operating town-owned vehicles must be fully documented, explaining causes and circumstances of the collision

### **III. POLICY:**


It shall be the policy of the Matthews Police Department that all motor vehicle accidents involving Town-owned vehicles are investigated and the appropriate reports submitted. The Department and the Town is available to provide support and referrals to assist the employee with managing the effects of any collision

### **IV. DEFINITIONS:**

Department Employee – Includes sworn, civilian, and volunteer staff.

### **V. EMPLOYEE ACTIONS AND RESPONSIBILITIES:**

1. Whenever a police vehicle is involved in any accident, the operator will immediately notify the Communications Center, giving the accident's location and advising whether there is property damage or personal injury.
2. The employee will immediately check on the condition and welfare of any involved motorists or individuals, requesting immediate medical response when appropriate. The employee, if a sworn officer, and if physically capable, shall take whatever steps necessary to ensure the safety of all persons on the scene as well as the passing motorists until relieved by responding officer.
3. Notify their supervisor, if unavailable, the on-duty patrol supervisor immediately.
4. While on the scene, the employee shall only provide an account or statement of his actions and/or liability to the investigating officer(s) and/or the employee's responding supervisor.
5. Submit to any physical examination and/ or alcohol/drug testing when directed by a supervisor as outlined in the Town of Matthews Personnel Policy.
6. Complete an accident summary memorandum in his/her own words stating his/her

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account of the accident. The accident summary memorandum shall be submitted through the chain of command to the employee's Division Commander. *Exception* – if the driver is incapacitated the supervisor will submit an Accident Report for Personal Injury for the driver if necessary after evaluating the situation. The operator will complete a memorandum once s/he is able to do so.

#### **VI. PASSENGER RESPONSIBILITIES (DEPARTMENT EMPLOYEE):**

1. Follow steps 1-4 listed in section VI, if needed.
2. Submit a summary memorandum as stated in #6.

#### **VII. SUPERVISOR RESPONSIBILITIES:**

1. The vehicle operator's immediate supervisor will conduct the collision investigation whenever possible. Any on-duty supervisor may conduct this investigation when the immediate supervisor is unavailable.
2. On-duty supervisors will:
  - A. Conduct a collision investigation in accordance with Department policy and practice. Supervisors may not decline to conduct an investigation unless approved by a command officer.
    - i. In the event of any officer-involved fatality or serious injury accident, either the State Highway Patrol or, if within Mecklenburg County, the Charlotte-Mecklenburg Police Department's Crash Unit, is to be requested to conduct the investigation.
    - ii. In the event of any injury in a collision that may require the employee or a civilian to be admitted to a medical facility for treatment, the Division Commander shall be notified.
    - iii. The Department's address and phone number will be substituted for a member's home address and phone number in any reports requesting that information.
3. Require an employee to submit to any medical exam and/or alcohol/drug testing as appropriate;
4. Cause photographs to be taken of the vehicles and any damaged property;
5. Collect and document any additional information that is necessary to make a conclusion as to the primary cause of the collision;
6. After reaching a conclusion as to "fault", submit all reports and other related documents through the *operator's* chain of command and forward associated paperwork to the Town of Matthews Risk Management Office (submission to the Town Risk Manager will be immediate and concurrent with the chain of command review); and
7. Supervisors will ensure Collision Report Form (TU-003) is completed for each Departmental collision and will deliver a copy of the form to the Training Supervisor either via a Departmental mailbox or electronically via email. This report is located on PowerDMS/Documents/Training Forms/TU-003 Collision Report Form.
8. Complete a Benchmark Analytics Entry for a Vehicle Accident and attach all appropriate documents to include the DMV-349, Photographs, Involved Officers statement, etc.
9. Complete the Town of Matthews Supervisor's Accident & Investigation Report for all "At Fault and Not at Fault Accidents" found on Power DMS/Documents/Forms/Town Forms.

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Forms must be completed with all required signatures before being forwarded to the Division Commander.

### **VIII. COLLISIONS OCCURRING OUTSIDE THE TOWN OF MATTHEWS:**

1. An employee who is involved in a Departmental collision outside of the Town of Matthews will follow all of the requirements of Section VI. of this order.
2. The supervisor will ensure that the operator's division commander is advised of the accident.
3. The operator will ensure that the appropriate police agency is contacted and requested to conduct a complete investigation of the collision UNLESS a command officer waives this requirement. In all cases, the operator will ascertain the proper procedure by which a copy of all official reports may be obtained. This information will be included in their summary memorandum. In the event the police agency refuses to conduct an investigation, the operator will so advise their supervisor and be guided by their instructions.
4. If the vehicle is disabled, the operator will arrange for towing of the vehicle, as well as arrangements for transportation back to the Town of Matthews, in consultation with their supervisor.


### **IX. "AT-FAULT" DEPARTMENTAL COLLISIONS:**

An "at fault" accident may subject an employee to disciplinary action. If the employee's supervisor believes discipline is warranted or is likely to be recommended by anyone in the review process, the Department's internal investigation process will be utilized to ensure personnel are afforded their rights under applicable laws and/or regulations. Therefore, upon determining that an employee is "at fault", their supervisor will:

1. Document all evidence and reasoning why discipline is warranted within the Benchmark Analytics Narrative entry.
2. Complete Form OPS-14 "At Fault Vehicle Crash Form." Attach Witness/Officer Statements, DMV-349, Form OPS-001 "Notice of Internal Investigation", Form OPS-006 "Internal Closure Recommendation", and any other documentation available.
3. Determine the appropriate disciplinary or non-disciplinary action warranted based on the factors outlined in Section XI(1) of this document.
4. If discipline will, or is likely to be recommended, follow the mandates of G.O. 02-07, Internal Investigations, concerning the conduct of internal investigations. Except in extreme instances, the employee's supervisor will be responsible for completing the Internal Investigation Process. All Internal Investigation Documents are located at PowerDMS/Documents/Forms/Office of Professional Standards.

### **X. INVESTIGATIVE FINDINGS:**

1. Supervisors must determine appropriate action for a subordinate who has been involved in an "at fault" collision. Appropriate action may include administrative action and/or disciplinary action. Factors for consideration in "at fault" collisions are:
  - A. The actions of the driver (i.e., negligence, disregard for procedures, violation of traffic laws, etc.);
  - B. The operator's previous departmental driving experience;
  - C. The operator's previous "at fault" collisions and the duration between collisions; and,

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- D. The circumstances during which the collision occurred (i.e., weather conditions, pursuit, time of day, etc.).
2. Personnel who are “at fault” in a collision may be charged with RC 102.15 “Reckless Operation of Vehicle” and appropriately disciplined. Supervisors will include the appropriate motor vehicle charge that *caused* the collision in the internal investigation document.
3. Supervisors may recommend administrative action in addition to or in lieu of discipline such as:
  - A. Documentation for Performance Evaluation;
  - B. Suspension or termination of an officer’s participation in the “Take Home Vehicle Program”;
  - C. Requesting enhanced driver’s training via the Training Division; or
  - D. Any other program deemed appropriate by the supervisor, which is non-disciplinary.

**XI. RECORD KEEPING OF COLLISIONS:**

1. The Office of Professional Standards (OPS) will maintain a file of all “at fault” collisions in accordance with their existing internal investigation procedures. Supervisors will consult with OPS to ascertain prior collisions, discipline, etc., to assist in their decision concerning discipline or administrative action.

**XII. STATISTICAL ANALYSIS OF DEPARTMENTAL COLLISIONS:**

The Training Supervisor will ensure that an analysis of Departmental traffic collisions is completed annually each January for the preceding year.

**XIII. OTHER CITY PERSONNEL INVOLVED IN COLLISIONS:**

Many other own personnel, other than Matthews Police Department employees, operate town-owned vehicles. Town regulations state that any collision involving a Town-owned vehicle will be fully investigated unless waived by the operator’s supervisor. The officer assigned to investigate the collision will complete a collision report and submit it to the Records Section via the chain of command. If the operator’s supervisor waives the requirement, the collision will still be documented on an incident report. Records Section personnel will submit the paperwork in accordance with their record-keeping procedures.

**XIV. POST COLLISION ASSISTANCE:**

1. Assistance shall be offered to the employee through the ‘Employee Assistance Program’ or other Department resources for confidential emotional counseling as necessary. The Chief of Police may direct such counseling if deemed necessary.
2. The employee shall be afforded the opportunity to consult with the Town’s Safety and Risk Manager, Police Attorney, or Town Attorney to describe & explain the legal processes possibly resulting from employee-involved collisions.