

519 **CRASHES INVOLVING DEPARTMENT VEHICLES AND CRASHES INVOLVING POLICE PURSUITS**

- I. Discussion: Motor vehicle crashes are a significant cause of injury and damage in department operations. It is essential that these crashes be thoroughly and objectively investigated to determine cause and preventability, as well as to facilitate the collection and analysis of injury and damage data. This data is helpful in the evaluation of the effectiveness of safety programs and the ultimate reduction of civil liability exposure to the City of Tampa.

Although the law does not protect a department employee from arrest or citation in situations involving a violation of a statute, it is understood that on occasion a police officer will be required to operate a vehicle in a manner not permitted to the general public. A crash occurring in these situations, including police vehicle pursuits, will be evaluated in light of the officer's responsibilities. In the case of a crash, which has resulted from a pursuit, specific personnel may be dispatched to the scene. The notification and investigation provisions of this policy shall apply to crashes resulting from police pursuits even if no city vehicle was actually involved in the crash.

Since a favorable public image is essential to gain voluntary citizen compliance with laws and ordinances it is important that there be no actual or perceived partiality directed toward a department employee who is involved in a crash with a citizen. As in any other motor vehicle crash investigation, the investigator may issue a citation to the party at fault, regardless of whether that party is an employee or citizen.

II. Policy:

- A. Any employee who is involved in a vehicle crash while on duty or while operating a vehicle owned, rented, or leased by the City of Tampa, regardless of the amount of damage, shall immediately stop. An exception might be justified when in pursuit of a felon, under authorized conditions, or in other cases of extreme emergency.
- B. The employee will inform the Communications dispatcher of the crash and provide its location, nature and seriousness, and request any necessary emergency equipment.
- C. An employee who becomes aware of any crash that may have occurred as a result of a pursuit involving a Tampa Police Department vehicle will inform the Communications dispatcher of the crash and provide its location, nature, seriousness, and request any necessary emergency equipment.
- D. The dispatcher will inform the employee's immediate supervisor and the shift commander in the affected district or division of the crash.

- E. The immediate supervisor, if available, or another supervisor, will respond to the scene to ensure that the crash is thoroughly investigated (or coordinated with another agency if the crash occurred outside the city of Tampa). Crashes occurring in other jurisdictions will be investigated by the appropriate agency having primary jurisdictions at the scene of the crash.
- F. An available shift or bureau commander may also respond to the scene of a crash to ensure that the crash is thoroughly and neutrally investigated. It is not necessary for shift or bureau commanders to respond to crashes that occur outside the city limits of Tampa unless the crash involves a pursuit, serious injury, or fatality.
- G. The supervisor or designee will initiate an Injury or Property Damage Report (HR 307-B) and contact the City of Tampa Risk Management Division, City Claims office for all crashes involving damage to any City of Tampa property (i.e. vehicles, trees, grass, sprinkler systems, sidewalks, etc.); and also ensure that all other policies or procedures relative to injury to employees and/or damage to city property are followed (see SOP 623.2 – Reporting of Injury or Death to a Citizen, or Damage to City or Private Property, Involving an Employee).
- H. Officers charged with the investigation of a crash involving a department vehicle shall ensure that the narrative section of the crash report contains details from the statements of the involved drivers and any witnesses, unless the statements are captured in a general offense report.

III. Procedure:

- A. The Communications Bureau supervisor will contact the Traffic Unit sergeant in the event of any serious crash involving a department vehicle or related to a pursuit. If the affected shift commander is notified of a serious crash before it is reported to Communications, the shift commander will contact the Communications Bureau supervisor and request that the Traffic Unit sergeant be contacted.
- B. At their discretion, the Traffic Unit sergeant will assign a traffic crash reconstructionist to be utilized for serious injury/fatal crashes, police pursuits involving serious injury or death whenever a division commander or designee determines the City of Tampa may be held civilly liable for the crash, or at the request of the traffic sergeant/detective. A traffic crash reconstructionist will not be utilized for property damage crashes involving city vehicles unless exigent circumstances exist as determined by a division commander or designee.
- C. Upon arrival at the crash scene, the Traffic Unit sergeant will assume command of all police personnel involved in the investigation of the crash.
- D. Culpability

1. Following the investigation, if it is determined that a violation of the law has occurred on the part of either the employee or the driver of the other vehicle, if one is involved, the appropriate charge may be initiated, and a citation may be issued at the direction of the supervisor in charge of the investigation.
2. In crashes where both the employee and a citizen are found to have committed violations and a determination is made to place charges, both parties will be charged. When both parties are in violation and a determination is made not to file charges, the crash report shall accurately reflect any violations attributable to the respective drivers.
3. Regardless of whether the officer has committed a traffic violation, the officer and their immediate supervisor will make a written report to the division commander indicating details sufficient to support a finding of whether or not a violation of the Manual of Regulations occurred.
4. Subsequent to the on-scene investigation and any related follow-up activities, the Safety Committee shall conduct a final review of the crash involving a police vehicle to rule on preventability or non-preventability (see SOP 609.4).
5. Should an employee be charged in a crash, he or she may receive a traffic citation and will stand as does any citizen in their own defense. However, in view of the city's civil liability, the employee should enter a plea of either nolo contendere or not guilty.

Note: Under no circumstances will any employee commit the city in any way or discuss any legal settlement of liability claims with persons other than the city attorney or designated assistants. Any such inquiries made by a citizen will be directed to the police legal advisor.

6. Crashes involving police vehicles not involving serious injury should be retained at the district level and submitted to the Safety Committee for review.

Supersedes SOP 519, dated 4/24