

Departmental Accidents

Index Code: 1404

Effective Date: 07/01/05 (Revised 1/24/17)

I. Purpose

The purpose of this directive is to provide guidelines for the investigation of motor vehicle collisions involving department vehicles.

II. Policy

It is the policy of the Office of the Sheriff to thoroughly investigate all motor vehicle collisions involving department vehicles (departmental accidents), with the primary objective of determining whether the collision was preventable or non-preventable on the part of the employee.

III. Definitions

A. Departmental Accident

For purposes of this directive a departmental accident is defined as any collision involving a motor vehicle owned, leased, or otherwise used by the Office of the Sheriff, whether being operated or parked and unattended, which results in either property damage or injury. The extent of the damage or injury is not significant in defining a departmental accident, but may be taken into consideration when initiating disciplinary actions. In addition, the location of the collision is not significant in defining a departmental accident, and includes roadways, parking lots, private property, etc.

B. Department Vehicle

Any motorized vehicle owned, leased, or utilized by the Office of the Sheriff, excluding personal vehicles owned by employees or volunteers.

C. Employee

Personnel employed by the Office of the Sheriff, sworn or non-sworn, including volunteers.

D. Preventable Accident

Any motor vehicle collision caused by the operator, or could have reasonably been prevented, if the vehicle was operated in a safe manner and/or in conformance with Maryland Vehicle law or Office of the Sheriff policy.

E. Serious Physical Injury

Bodily injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.

IV. Investigation Procedures

The following procedures apply to any situation where a department vehicle is involved in a motor vehicle collision.

A. A supervisor, or acting supervisor, the rank of corporal or above will investigate all departmental accidents. In cases that involve death or serious physical injury a motor vehicle collision specialist, when available, will assist with the investigation.

B. If the investigator and/or his/her superiors believe that it would be in the best interest of the Office of the Sheriff, he/she may request through the chain of command that the Sheriff or Chief Deputy authorize an outside law enforcement agency with concurrent jurisdiction to assist with the investigation, or request authorization for the outside agency to conduct the investigation on behalf of the Office of the Sheriff.

C. The investigator will conduct the initial investigation in the same manner as any other motor vehicle collision. In addition, the investigator is responsible for obtaining and submitting the following:

1. ACRES Report

The ACRES Report will be completed in its entirety and electronically submitted by the end of the investigator's shift.

2. Investigators Report

In addition to the ACRES Report, the investigator will submit a detailed report of the collision and submit it by the end of the investigator's shift unless otherwise approved by his/her superior.

3. **LGIT Vehicle Accident Report**

The Local Government Insurance Trust Vehicle Accident Report will be completed in its entirety and submitted by the end of the investigator's shift.

4. **Drivers Statements**

When possible and applicable, a written driver's statement will be obtained from every driver involved in a departmental accident and submitted with the **ACRES** Report. In cases where a civilian driver refuses to provide a statement, such refusal will be indicated in the investigator's report.

5. **Witness Statements**

When possible and applicable, a written witness statement will be obtained from every person involved in the collision, or who witnessed the collision, and submitted with the **ACRES** Report. In cases where a civilian refuses to provide a statement, such refusal will be indicated in the investigator's report.

6. **Supervisor's Investigation Report**

The Queen Anne's County Department of Human Resources Supervisors Investigation Report will be completed in its entirety and submitted by the end of the investigator's shift.

7. **Injury or Illness Report**

If applicable, the Queen Anne's County Department of Human Resources Injury or Illness Report will be completed in its entirety and submitted by the end of the investigator's shift.

8. **Video**

If the incident has been captured on body worn camera video, the investigating supervisor will view and analyze the applicable portions of the video as soon as possible.

9. **Supplemental Reports**

Supplemental and/or follow-up reports will be completed and submitted by the investigator or other parties to the collision as needed.

D. The investigator may file appropriate charges against any and all persons who in his/her opinion have violated Maryland Vehicle Law.

E. The investigator or his/her designee will take photographs of every departmental accident. The photographs will depict any property damage, vehicle damage, and the general

geographical layout of the accident scene.

F. In cases where the employee is incapacitated, the investigator will complete them and indicate the incapacitation.

V. Driver Responsibilities

Drivers of a department vehicle involved in a collision will be responsible for the following:

A. Report the incident by radio as soon as possible/practicable.

B. Leave the involved vehicles in the same position, unless moving them is necessary for public safety.

C. Submit to a medical examination when directed by a supervisor, even if no apparent injury has been sustained.

D. Submit to drug and alcohol testing as per Queen Anne's County policy. Unless waived by a member of the Department of Human Resources, the driver can expect to be tested after a collision if any of the following occurs:

1. A vehicle is towed from the scene due to damages.

2. Any party to the collision is transported for medical treatment.

3. Any party to the collision is fatally injured.

4. The investigator has reason to believe alcohol or drug use by the employee.

E. Complete and submit a detailed report of the collision by the end of the driver's shift, unless incapacitated or injuries prevent doing so.

VI. Processing Departmental Accident Reports

Departmental accident reports will be processed in the following manner:

A. The investigator will forward his/her reports and related documents, via the chain of command, to the Departmental Accident Review Board Chairperson.

B. The Chairperson will ensure that all departmental accident reports and related

documents are complete and made available to each member of the Accident Review Board.

VII. Departmental Accident Review Board

A. The Undersheriff, or his/her designee, appoints members to the Departmental Accident Review Board. The Board will consist of 4 members:

1. The Commander of the Support Services Division who serves as chairperson.
2. A supervisor the rank of sergeant or above.
3. A supervisor the rank of corporal or above.
4. The Fleet Manager who will present the accident information (non-voting member).

B. The Departmental Accident Review Board will meet as needed, normally the first Monday of the month, at a time and place designated by the chairperson.

C. The duties, responsibilities, and procedures of the Accident Review Board include the following:

1. Review departmental accident case files.
2. Through a majority vote, determine if a departmental accident was preventable or non-preventable by the affected employee.
3. Forward the Board's reports to the Undersheriff, who will notify the affected employee's Division Commander of the findings. If the accident was found to have been preventable, the Undersheriff, after considering and/or reviewing any prior disciplinary actions for similar violations, will make a decision as to the appropriate disciplinary action(s) to be taken. The report may contain a recommendation by the Board for disciplinary action if applicable.

VIII. Disciplinary Actions

A. Loss of PPV Privileges

The use of a Personal Patrol Vehicle (PPV) is a privilege, and employees who exhibit carelessness or neglect in the operation of a department vehicle may be denied the privilege of participating in the program until they have

undergone retraining and/or have demonstrated that similar carelessness or negligence is unlikely to be repeated. Following is the recommended disciplinary action for an employee, regardless of rank, for preventable departmental accidents:

1. One preventable accident within 3 years – A Job Observation Report placed in their personnel file and the loss of PPV privileges for a minimum of 1 month, or until the vehicle is repaired or replaced if said repairs or replacement exceeds 1 month.
2. Two preventable accidents within 3 years – A Job Observation Report placed in their personnel file and the loss of PPV privileges for a minimum of 2 months, or until the vehicle is repaired or replaced if said repairs or replacement exceeds 2 months.
3. Three or more preventable accidents within three years – A Job Observation Report placed in their personnel file and the loss of PPV privileges for a minimum of 3 months, or until the vehicle is repaired or replaced if said repairs or replacement exceeds 3 months.

The type and severity of the accident, as well as any unusual or exigent circumstances involved, should be considered when making a determination as to the proper disciplinary action(s).

B. Remedial Training

In addition to any disciplinary action(s) imposed, a deputy involved in a departmental accident determined preventable by the Departmental Accident Review Board will be required to successfully complete defensive driving remedial training as soon as possible after the Departmental Accident Review Board renders their decision. The defensive driving remedial training may be a course designed by the Local Government Insurance Trust (LGIT), the Maryland Police and Correctional Training Commission (MPCTC) or any other defensive driving course deemed appropriate by the Training Coordinator. A deputy involved in a departmental accident determined non-preventable by the Departmental Accident Review Board may also be required to successfully complete defensive driving remedial training if the Sheriff/Undersheriff decides it is in the best interest of the deputy and/or the Office of the Sheriff.

C. Suspension without Pay and/or Fines

In addition to the disciplinary actions and remedial training described above, upon recommendation of the Departmental Accident Review Board the Division/Unit Commander may suspend the driver of a preventable departmental accident for up to 3 days, and/or apply a fine not to exceed one hundred fifty dollars (\$150.00).

The type and severity of the accident, as well as the amount of time between preventable accidents, should be considered when applying a suspension and/or fine. In all cases, the Sheriff has the final authority and may lessen or increase the recommended sanctions.

IX. CALEA References: None

X. Proponent Unit: Administrative Services Division

XI. Cancellation: The directive cancels Index Code 1404 dated 10/15/11.

Sheriff Gary Hofmann