

8. DEPARTMENTAL ACCIDENTS

(May 2006)

I. POLICY

Supervisors shall promptly respond to all Departmental accidents and ensure that they are investigated in a fair and impartial manner.

II. CHECKLIST

The investigator shall prepare and submit the following, as appropriate:

- Commander's Information Report
- Incident Report
- Maryland Automated Accident Reporting System (MAARS) Report. For employees, in BLOCK 47 include "7600 Barlowe Road, Palmer Park, MD 20785-4122 and 301-333-4000" and check the work telephone box
- PGPD Motor Vehicle Fleet Safety Report of Investigation – one for each PGPD vehicle involved
- Diagram with scale measurements
- Photo Information Sheet and film
- Maryland Uniform Complaint and Citations
- A written statement from the involved employee using the appropriate Duress Statement Form
- Witness Statement Forms
- Worker's Compensation and other injury-related forms, as applicable

III. DEFINITIONS

Commercial Driver's License Holder (CDL): Any person who operates a commercial motor vehicle

Commercial Motor Vehicle (CMV): A motor vehicle or combination of motor

vehicles used to transport passengers or property, if the motor vehicle is in one of the following categories:

- Has a gross combination weight of 26,001 or more pounds including a towed unit with a gross vehicle weight rating of more than 10,000 pounds
- Has a gross vehicle weight rating of 26,001 or more pounds
- Is designed to transport 16 or more passengers, including the driver
- Is any size and used in the transportation of hazardous materials (as defined by federal law) requiring placards

Commercial Motor Vehicle Accident:

Incidents involving a commercial motor vehicle where one of the following occur:

- A human fatality occurs
- Employee driving performance cannot be discounted as a contributing factor and injuries require treatment away from the scene
- A vehicle is required to be towed from the scene

CVMF: Central Vehicle Maintenance Facility

IV. FORMS

The following forms are applicable to this section:

- Incident Report (PGC Form #3529)
- Continuation Report (PGC Form #3529A)
- Commander's Information Report (PGC Form #1545)
- Maryland Automated Accident Reporting System (MAARS) Report (MSP Form #1)

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- ❑ PGPD Motor Vehicle Fleet Safety Report of Investigation (PGC Form #2932)
- ❑ Accident Report Diagram (PGC Form #4494)
- ❑ Departmental Accident Checklist (PGC Form #4568)
- ❑ County Government Accident Claims Instruction Form (PGC Form #4160)
- ❑ Photo Processing Report Envelope (PGC Form #952)
- ❑ Duress Statement – Non-probationary Officers (PGC Form #3021)
- ❑ Duress Statement – Probationary Officers/Non-PCEA Employees (PGC Form #3020)
- ❑ Duress Statement – PCEA Employees (PGC Form #3022)
- ❑ Duress Statement Continued (PGC Form #3023)
- ❑ Duress Statement Ending Page (PGC Form #3023A)
- ❑ Witness Statement Form (PGC Form #2998)
- ❑ Witness Statement Form Continued (PGC Form #2998A)
- ❑ Impound Sticker (PGC Form #2165)
- ❑ Injury-related forms (*See: Volume I, Chapter 15. EMPLOYEE INJURIES & ILLNESSES*)

V. PROCEDURES

When an employee is involved in a Departmental accident, he or she shall immediately notify Public Safety Communications (PSC) and request that a supervisor respond to the scene. The employee shall not move the vehicle from the point of impact without supervisory approval unless:

- ❑ The striking vehicle flees the scene and the employee follows the vehicle and notifies PSC

- ❑ There is a threat to the safety of persons or property

If the involved employee is a sworn employee, he or she shall preserve the scene and prevent further injury or damage. The employee shall relinquish authority and refrain from performing investigative functions following the arrival of other officers or a supervisor.

If an employee is involved in a collision but is uncertain whether it meets the definition of a motor vehicle accident, he or she shall contact a supervisor. The supervisor will determine if the collision is a motor vehicle accident.

Damage to Unoccupied Departmental Vehicles

When a Departmental vehicle is damaged while it is parked and unoccupied and there is no information or physical evidence to identify the striking vehicle, the damage may be documented on an Incident Report in lieu of a MAARS Report. When an Incident Report is completed, the officer shall:

- ❑ Indicate “PROPERTY DAMAGE” in the TYPE OF INCIDENT block
- ❑ Ensure that the VEHICLE section is completed
- ❑ Write a detailed narrative

1. Employee’s Responsibilities

The involved employee, when medically capable, shall:

- ❑ Provide a **Duress Statement** to the investigator containing his or her written description of the accident and the events leading up to it

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- If the vehicle is operable and within 72 hours of the accident, take the vehicle to CVMF for damage assessment

If the involved employee is medically incapable of performing the above steps, the employee shall immediately notify his or her supervisor. The employee's supervisor shall ensure that the above tasks are completed.

2. Investigator's Duties

All accidents involving PGPD vehicles shall be investigated, regardless of where the accident occurs. The investigator shall be responsible for the timely completion and submission of all necessary paperwork. The original MAARS Report shall be submitted within 72 hours of the accident.

If an on-duty employee is involved in a Departmental accident, the involved employee's supervisor, or an officer designated by the involved employee's supervisor, shall respond to investigate the accident.

A Departmental accident involving an employee working an overtime assignment shall be investigated by the overtime supervisor.

Departmental accidents involving off-duty employees or employees working secondary employment shall be investigated by the patrol supervisor assigned to the area where the accident occurred. The investigator shall forward copies of all completed reports to the involved employee's supervisor. The employee's supervisor shall be responsible for injury and disciplinary paperwork.

The investigator shall photograph the accident scene and take appropriate measurements, utilizing the coordinate method, for use in the accident diagram.

The investigator shall provide each involved citizen with a County Government Accident Claims Instruction Form as soon as possible.

When taking statements from employees and witnesses, the investigator shall ask and document appropriate investigative questions on the Statement Form.

When involved employees are medically unable to complete their responsibilities, their supervisors shall ensure that their tasks are completed.

The investigator shall telephone the Department's Risk Manager (301-583-8280) prior to the end of his or her watch. If the Department's Risk Manager is not available, the investigator shall leave a message containing his or her name, duty assignment, CCN, telephone number, and a brief description of the accident.

The investigator shall forward copies of the PGPD Motor Vehicle Fleet Safety Report of Investigation and the MAARS Report to the Department's Risk Manager and Police Fleet Management prior to the end of watch, regardless of whether the investigation or reports are completed or approved.

The investigator shall make copies of any original report made during the investigation and package them together for command review. When the original package is submitted for approval, the copies should be submitted along with the original package.

3. Departmental Accidents Involving Multiple PGPD Vehicles

When a Departmental accident involves multiple PGPD vehicles, a PGPD Motor Vehicle Fleet Safety Report of Investigation

shall be completed for each PGPD vehicle involved.

4. Departmental Accidents Involving PGPD Leased Vehicles

Departmental accidents involving vehicles that are leased by PGPD shall be handled in the same manner as Departmental accidents involving PGPD-owned vehicles.

5. Departmental Accidents Involving Critical Injuries or Fatalities

When a Departmental accident involves a critical injury or fatality, it shall be investigated by the Collision Analysis and Reconstruction Unit (CARU).

6. Departmental Accidents Occurring Outside of the County

Employee's Responsibilities

When a Departmental accident occurs outside of Prince George's County, the involved employee shall contact PSC and request the response of the appropriate agency. When that agency arrives, the employee shall identify the vehicle as a government vehicle and request that an accident report be written.

Investigator's Responsibilities

When Departmental accidents occur outside of the County, investigators shall investigate them and complete all appropriate reports except for the accident report. In such cases, a copy of the accident report completed by the investigating agency shall be obtained and submitted along with an Incident

Report. If the accident report is not immediately available, the investigator shall obtain a copy as soon as possible, attach it to an Incident Report or Continuation Report as appropriate, and submit it to the Records Section.

7. Investigation Review & Report Dissemination Procedures

After completing the investigation and all required reports, the investigator shall forward the entire investigative file to the involved employee's immediate supervisor.

When the employee's supervisor is a civilian, that supervisor and the lowest ranking sworn superior in the employee's chain of command shall jointly review the investigation. When there is a disagreement between the civilian supervisor and the sworn employee, the latter has final authority and shall sign the appropriate response.

The investigative file shall be forwarded through the chain of command to the involved employee's Commander/Director. Following review and approval, the Commander/Director shall transmit the investigative reports as follows:

Non-Preventable Accidents

- PGPD Motor Vehicle Fleet Safety Report of Investigation to Police Fleet Management
- Original Statements to Police Fleet Management
- Forms documenting injuries to the Department's Risk Manager
- Other reports, such as Incident Reports, Uniform Complaint Citations, etc.
 - Originals to the Records Section
 - Copies to Police Fleet Management

Preventable Accidents

- ❑ PGPD Motor Vehicle Fleet Safety Report of Investigation (with last line of front page completed) to Police Fleet Management
- ❑ Original Statements to IAD
- ❑ Forms documenting injuries to the Department's Risk Manager
- ❑ Other reports, such as Incident Reports, Uniform Complaint Citations, etc.
 - ❑ Originals to the Records Section
 - ❑ Copies to Police Fleet Management

8. Damage Estimates

Vehicle Operable

When the vehicle is operable, the involved employee shall take it to the Central Vehicle Maintenance Facility (CVMF) within 72 hours of the accident. The employee shall supply CVMF with the case number for the accident. CVMF personnel will inspect and photograph the damaged vehicle.

If CVMF personnel determine that the vehicle meets safety standards, they will return it to the employee for continued use pending repairs. If minor repairs can be done immediately (e.g., headlight replacement) and are required to meet safety standards, those repairs will be done and the vehicle returned to the employee.

If the vehicle is returned to the employee, CVMF personnel will give the employee an information sheet with the names and addresses of three repair facilities. The employee shall take the vehicle to these facilities within five days. The employee shall notify CVMF by telephone after taking the vehicle to the last repair facility for estimates.

Vendors will not give estimates to employees, but will send them directly to CVMF.

Within 72 hours of being notified to do so, the employee shall take the vehicle back to CVMF for repairs. The vehicle shall be delivered between 0700 and 1530 hours. All personal items shall be removed from the vehicle before it is left at CVMF for repairs.

CVMF personnel will inform the employee of the approximate length of time that the vehicle will be kept for repairs. CVMF personnel will notify the employee after the vehicle is repaired and ready to be picked up.

Officers shall not pick up vehicles at private vendors unless directed to do so by CVMF personnel.

Vehicle Inoperable

If the vehicle is inoperable, an impound sticker shall be affixed to the inside of the driver's door window (or other window if that window is missing). The sticker will list the involved employee's name and the CCN. The Department's contract crane shall be contacted via Public Safety Communications (PSC) to take the vehicle to CVMF.

If the Departmental accident occurs during CVMF's non-business hours (2300 hours – 0700 hours, weekends, and County holidays), the vehicle shall be towed to the lower lot of the Police Services Complex. The involved employee, or his or her supervisor if the involved employee is medically incapable, shall notify CVMF of the vehicle's location during CVMF's next regular business day. CVMF will then make arrangements to have the vehicle towed

from the Police Services Complex to their facility.

CVMF will be responsible for obtaining estimates, arranging for repairs, and notifying the involved employee when the vehicle is ready to be picked up at CVMF.

9. Supervisor's Duties

If the involved employee is unable to perform any of his or her required tasks due to injury or any other reason, he or she shall notify his or her supervisor as soon as possible. The employee's supervisor will then arrange for all required procedures to be completed.

When violations of Departmental regulations are identified during the investigation, the employee's supervisor shall initiate disciplinary action.

For preventable Departmental accidents, the employee's supervisor shall be responsible for obtaining IAD case numbers.

If the accident is determined to have been preventable due to poor judgment or carelessness of the employee, the employee shall be administratively charged with the following:

- Careless operation of a police vehicle
- Failure to avoid collision with _____ (state object struck)
- Improper parking of a police vehicle

10. Commander's/Director's Duties

The involved employee's Commander/Director is responsible for ensuring that these procedures are accomplished in a timely manner.

11. Employees Driving Under the Influence

Any sworn employee found driving a Departmental vehicle in violation of Maryland Vehicle Law, Section 21-902 shall be charged with the violation on a Maryland Uniform Complaint and Citation in accordance with directives contained in **VOLUME II, CHAPTER 21. DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS**. If the operator is a civilian employee, he or she shall be charged using the same procedures for non-employees.

The investigator shall be a Sergeant or above from the affected sector. If unavailable, a Sergeant or above from another sector shall be assigned the investigation. The investigator shall make immediate notification to the Special Investigative Response Team (SIRT) regarding the incident.

Employees shall be afforded the same rights as non-employees regarding chemical tests and related procedures, including the two-hour time limit for administering a chemical test.

The provisions of the Law Enforcement Officers' Bill of Rights (LEOBR) do not apply during the criminal phase of the investigation for sworn employees.

Immediately after the employee has been processed criminally for the traffic violation, SIRT shall conduct a separate, independent internal investigation regarding violations of Departmental written directives.

The SIRT investigator shall issue a direct order to the involved officer to submit a statement, answer questions, and comply

with all requests relating specifically to the instant investigation.

The internal investigation shall be conducted according to the applicable provisions of the General Order Manual (GOM), the OPR Internal Investigations Guide, and the LEOBR.

If the involved employee refuses to submit to a chemical test for alcohol during the criminal phase of the investigation, he or she shall be ordered by the SIRT investigator to submit to a chemical test during the internal phase of the investigation.

Information obtained from the involved employee during the internal investigation shall not be used in criminal proceedings.

When an employee is involved in an accident in which the employee is found to be in violation of Maryland Vehicle Law Section 21-902, it will be handled in accordance with the procedures detailed in **VOLUME II, CHAPTER 21. DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS** for this offense. These actions shall be taken in addition to appropriate internal disciplinary procedures.

12. Maintenance of Departmental Accident Files

The Internal Affairs Division (IAD) shall maintain Departmental accident files for a minimum of three years.

13. Appearance at Hearing Outside County

An employee directed to appear before a court or administrative hearing relating to a Departmental accident in another jurisdiction shall promptly notify IAD.

14. Vision or Hearing Impairment

After preventable Departmental accidents or when circumstances of non-preventable Departmental accidents suggest that an impairment of the employee's vision or hearing may be a factor, the employee's Commander/Director shall arrange for the Personnel Services Division (PSD) to administer a vision and hearing test. PSD shall inform the involved employee and his or her Commander/Director of the test results.

When test results indicate a vision or hearing impairment, the Commander/Director shall recommend to the involved employee that he or she obtain the proper medical examination and corrective treatment from his or her personal physician or optometrist.

The Commander/Director shall also schedule a retest by PSD. If the retest or a medical examination by the employee's personal physician or optometrist indicates that the impairment is not likely to be corrected or successfully treated and it appears that the employee's ability to perform his or her duties is affected, the employee's Commander/Director shall request an independent medical evaluation to determine the employee's fitness for duty. The results of the evaluation shall be submitted to the Medical Advisory Board (MAB) for consideration.

Commanders/Directors shall assign involved employees to light duty and/or appropriately restrict their driving of Departmental vehicles whenever the safety of the employee or the public appears to be endangered by a potential vision or hearing impairment.

15. Remedial Driver Training

Commanders/Directors shall assign employees involved in preventable Departmental accidents to a remedial driving course. Commanders/Directors may assign other employees to such courses whenever their driving performance suggests a deficiency in driving skills. The Commander/Director shall arrange for remedial training through the Community Policing Institute (CPI).

The CPI shall offer remedial training opportunities once every six months, or more often as necessary. CPI shall confirm the employee's attendance and inform the Commander/Director if the employee's performance is unsatisfactory. When the employee's performance is unsatisfactory, he or she shall be reassigned for additional instruction.

16. Employee-Operated Commercial Motor Vehicles

Alcohol & Drug Testing Required

When an employee is involved in a motor vehicle accident while operating a Departmental Commercial Motor Vehicle (CMV), he or she shall undergo alcohol and drug testing as soon as possible according to Department of Transportation guidelines. It is not required that the investigator have a reasonable suspicion that the driver was under the influence of drugs or alcohol.

Driver's Duties

When an employee is involved in a motor vehicle accident while operating a Departmental CMV either on or off duty, he or she shall notify PSC, request that a supervisor respond to the scene, and await the supervisor's arrival.

The employee shall not leave the scene or allow the vehicles to be moved without supervisory approval unless any of the following exist:

- ❑ There remains a threat to the safety of persons or property
- ❑ The striking vehicle flees the scene and the employee follows the vehicle and notifies PSC; employees shall use reasoned judgment when contemplating a vehicle pursuit in a commercial motor vehicle
- ❑ When necessary to move vehicles to receive emergency medical treatment or provide it to other involved parties

Supervisor's Duties

A supervisor shall respond to the scene of an accident involving an employee-operated CMV. Upon arrival, the supervisor shall evaluate the situation and decide if the CMV accident criteria requiring drug and alcohol testing of the Departmental employee exists.

If any of the criteria exist, the supervisor shall:

- ❑ Accompany the employee to the testing facility and notify PSC of the location of the facility
- ❑ Request the response of a CARU investigator

Responsibilities of CARU

CARU investigates all motor vehicle accidents involving PGPD employee-operated CMVs, subject to restrictions described in this section. CARU shall develop and maintain Standard Operating Procedures that address these accidents, and shall be the Department's point of contact for inquires regarding CMV accidents.

When requested, CARU officers shall respond to accident scenes involving County employee-operated CMVs.

After arriving on the scene of a CMV accident, the CARU officer shall:

- ❑ Assume responsibility of the accident scene
- ❑ Complete and submit the required reports
- ❑ Coordinate the on-scene efforts with the requesting supervisor

CMV Accidents Occurring Outside of the County

When an employee is involved in a CMV accident outside of the County, it will be handled in the same manner as other Departmental accidents occurring outside of the County.

Employees of Other County Agencies involved in CMV Accidents

A supervisor responding to the scene of an accident involving an employee of another County agency shall have PSC notify that employee's supervisor.

At the conclusion of the investigation, the investigator shall forward a copy of the MAARS report to the involved employee's supervisor.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- ❑ Commission on Accreditation for Law Enforcement Agencies, Standards

11.3.1, 61.2.1, 61.2.2, 61.2.3, 81.2.5, 82.2.1, 82.2.2, 83.2.2, 83.2.6