

DOUGLAS COUNTY SHERIFF'S OFFICE		Policy and Procedure
Personnel Investigations		P&P-I-106
Traffic Accidents Involving Office Vehicles		
Effective Date: 12-14-17 Supersedes: 05-24-16	Approval: Sheriff	Number of Pages: 6
References: PAT-T-200, P&P-D-121, 42-4-1606 CRS	Reevaluation Date: Annually or as needed	Standards: CALEA 61.1.5, 26.1.4a

I. POLICY

It is the policy of the Douglas County Sheriff's Office to investigate traffic collisions involving county vehicles driven by office members. The Office of Professional Standards has the authority to evaluate the circumstances of a collision and determine if the member driving the county vehicle could have prevented the collision. The Office of Professional Standards shall also determine any trends in collisions involving members and recommend changes in the training curriculum or policies for the Sheriff's Office. The Office of Professional Standards has no disciplinary authority.

II. Definitions

Traffic Accident or Crash

Any unintentional injury or damage caused by the movement of a motor vehicle or its load.

Preventable

The crash could reasonably have been avoided or prevented.

Non-Preventable

The member drove the vehicle appropriately, and was unable to avoid the crash due to circumstances or factors beyond the member's control. Traffic accidents determined to be non-preventable shall not be held against the member in any current or future disciplinary issues or performance reviews.

III. PROCEDURES FOR ACCIDENTS

A. Non-Injury or Minor Injury:-An accident involving minor or no injury, and where the DCSO member is not at fault will be investigated by a DCSO member (preferably a Traffic Unit deputy) and an accident report will be completed. At no time will a subordinate of the member involved complete the accident report or investigation. For a private property accident where only the Office vehicle is damaged and it is estimated to be less than \$1000 in damage, a DCSO member will conduct the investigation.

B. Serious Bodily Injury or At Fault: When an accident occurs involving an Office vehicle where any involved person sustains serious bodily injury or the Office member is at fault, the accident will be investigated by the Colorado State Patrol or other appropriate jurisdiction. If the other agency does not or will not respond to conduct the investigation, a DCSO member (preferably a Traffic Unit deputy) may

conduct the investigation and complete the accident report. At no time will a subordinate of the member involved complete the accident report or investigation.

C. Serious Injuries or Death: A division commander or executive officer will determine if the 18th Judicial District Critical Incident Response Team should be activated to investigate the crash. A traffic supervisor as well as the Accident Investigation Team may be called out. Internal Affairs will be notified and may respond if deemed necessary. If the member is injured, comply with the requirements of P&P-D-121 – *Work Related Injuries*. Command staff will be notified immediately.

IV. ACCIDENT REVIEW BOARD PROCEDURES

A. Accidents that occur on private property, with minor damage (less than \$1,000) and no injuries, may be handled by the Division Captain.

B. Accidents that occur on the roadway, have any amount of significant damage (over \$1,000), or where injuries occur will be investigated by Professional Standards. Professional Standards will have the accident reviewed by two office members who meet one or more of the following qualifications:

- A supervisor from the Patrol Division Traffic Section
- A certified DCSO driving instructor
- A level II or higher traffic collision investigator

C. Based on the information provided by the reviewing members, the accident will be classified as preventable or non-preventable.

V. ACCIDENT REVIEW BOARD RESPONSIBILITIES FOR ACCIDENTS INVOLVING INJURY OR DEATH

An Accident Review Board (ARB) will be convened to review any traffic accident involving an Office vehicle which results in any injury or death.

A. The ARB will be composed of the following members:

- The board chairman will be from Professional Standards
- The vice-chair will be a member of the Training Section
- A supervisor from the Patrol Division Traffic Section
- A certified DCSO driving instructor
- A level II or higher traffic investigator

B. The ARB members may be selected based upon multiple applicable fields of training and/or experience.

C. Each member of the ARB can only fill one role on the board and cannot act in the place of multiple members.

D. The Professional Standards commander is responsible for overseeing the ARB, and he shall be the final approval authority in the selection of new board members.

- E. The Accident Review Board will convene on an as-needed basis with the member(s) involved in the accident present. The involved member(s) will provide testimony to the board concerning the crash. The board members may ask questions, request supplemental information, or call additional witnesses. The involved driver may also have witnesses testify on his or her behalf.
- F. All members testifying before the ARB shall be provided with a *Garrity Advisement* form.
- G. The ARB hearing is an administrative investigation, and all members shall make full, complete, and truthful statements.
- H. The Professional Standards administrative clerk will keep minutes during each Accident Review Board to highlight the testimony given. Statistical data will also be collected. After testifying, the involved member will be excused and the ARB will discuss the collision. The ARB shall consider aggravating or mitigating factors and determine if the crash was preventable or non-preventable.
- I. The disposition and final reports will be forwarded to Internal Affairs and included in the ARB file. The Professional Standards commander and/or involved member's chief deputy have the authority to request additional documents or send the case back for further investigation. The ARB chair or designee will conduct any additional investigation. The Professional Standards commander and/or involved member's chief deputy will have the authority to override the ARB ruling if evidence in the case supports it.
- J. After the final disposition is determined, the ARB chairman will prepare and forward a memorandum to the involved member and the appropriate chief deputy. The memorandum will include a brief synopsis of the collision, the involved member's prior history of preventable accidents (if any), and the total of the member's preventable accidents in the past 36 months. Disciplinary authority shall rest with the involved member's chief deputy or designee.

VI. Responsibilities/Duties - All Accidents

For the purposes of this policy, all accident/crash reports will include a minimum of witness and involved member statements, measurements and sketches (except minor private property non-injury crashes), and photographs.

A. Driver / Office member requirement (Required in all crashes):

The Officer member who was driving the vehicle will, within 12 hours:

- Complete an internal memorandum to their supervisor containing all pertinent information related to the accident. (If the member cannot, his supervisor will.)
- This memorandum should be completed as an internal memorandum from the member involved to their supervisor after a Garrity Advisement has been provided to the member by a supervisor. Due to the fact this memorandum is a compelled statement, a Garrity Advisement provides the member with certain

protections from their statement being used against them in any later criminal proceedings.

- Do not complete a damage to county property report.
- No internal documents should be forwarded to Records.

B. Supervisor duties (Required in all crashes):

The member's supervisor or on-duty supervisor will, within 12 hours:

- Ensure a traffic accident investigation is conducted and reported by the appropriate agency.
- Complete an internal memorandum detailing what occurred and what they did.
- Attach all internal documents to the Blue Team vehicle accident report and forward all internal documents to Professional Standards.
- Take photos of the scene and all damage.
- Complete a Special Report.
- Advise the involved member of Garrity.
- Obtain an internal memorandum from the involved member detailing the incident. (Supervisor to complete if member cannot).

C. Professional Standards duties (Required in all crashes):

- Obtain a copy of the State of Colorado Traffic Accident Report from the investigating agency.
- Notify the Fleet Maintenance technician.
- Forward all necessary paperwork to Risk Management with 24 hours.
- The Professional Standards administrative clerk will assign an ARB number to the Blue Team vehicle accident report.
- Professional Standards will ensure a proper investigation is conducted by reviewing the member's Blue Team vehicle accident report, along with the information from Fleet Services, as well as any accident report from an outside agency.

D. Fleet Maintenance technician duties (Required in all crashes):

- Obtain damage repair estimates and final repair bill.
- Forward copy of repair estimate and final repair bill to Professional Standards and Risk Management within 3 working days.
- The fleet manager will discuss with the division commander and make a determination whether or not the vehicle will be fixed

VII. REMEDIAL TRAINING <26.1.4a>

A. If a crash is determined to be preventable, the involved member's captain may refer the member for a remedial driving session with an assigned driving instructor. In such event, the Training Section will assign the instructor and schedule the training with the involved member.

B. If the involved member has additional preventable crashes within a 36 calendar month period, it will be the responsibility of the assigned remedial driving instructor

to determine any additional training issues with the member, as well as to determine if he is responding to training.

- C. The assigned remedial driving instructor shall complete a memorandum containing a synopsis of the training administered to the involved member, and indicate if he was responding to the training. The memo shall be forwarded to Internal Affairs where it will be filed with the ARB case file. A copy will also be retained in the member's training file.
- D. Any member who has 4 preventable crashes while driving a County vehicle within a 36 calendar month period may be terminated. In such an instance, the matter will be classified as a Level I complaint and dealt with by Internal Affairs as detailed in P&P-I-101 *Complaint Handling / Investigative Procedures*.

VIII. ARB APPEAL PROCESS

- A. The involved member will have five (5) calendar days following the date of the disposition to request, in writing, an appeal of the findings. The request will be in memorandum form containing the facts and the basis for the appeal, and will be sealed in an envelope and submitted to Internal Affairs. Internal Affairs will set an appointment for the appeal with the appropriate chief deputy and will notify the involved member in writing of the date, time, and location of the meeting.
- B. The chief deputy will review all of the available information and issue his findings. The chief deputy's ruling is final.

By Order of the Sheriff