

ST. PETERSBURG POLICE DEPARTMENT

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ISSUE

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GENERAL ORDER

April 2016

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II-02

Distribution: All Employees

Subject: **MOTOR VEHICLE CRASH REVIEW PROCESS**

Index as: Accident Review Process Preventable/Excusable Crash
 Crash Review Process Remedial Training
 Motor Vehicle Crash Review Process Review Board, Crash
 Non-Preventable Crash Vehicles, Involved in Crashes
 Preventable Crash Vehicular Intervention

Accreditation Standards: 22.4.1, 35.1.9, 41.2.3 and CFA 10.04
Cross Reference: G.O. II-06, Take-home Vehicle Program
 G.O. II-12, Negligent Damage Loss or Theft of Department Property
 G.O. II-42, Use of Force
 G.O. III-12, Police Vehicle Operation
 G.O. III-17, Pursuits
 Rules and Regulations of the Personnel Management System
 § 316.065, Florida Statutes, Crashes; reports; penalties
Replaces: G.O. II-02, Motor Vehicle Crash Review Process (April 10, 2020)

This Order consists of the following sections:

- I. Policy
- II. Definitions
- III. Vehicle Operation
- IV. Reporting and Investigating Crashes
- V. Vehicular Intervention
- VI. Crash Review
- VII. Crash Review Board Procedures
- VIII. Corrective Action Guidelines
- IX. Remedial Training

I. POLICY

- A. All crashes involving City/Department vehicles with an on-duty operator, take-home vehicles with an off-duty operator, and/or vehicles rented or leased by the City/Department for official use will be thoroughly investigated and an attempt made to determine the cause of the crash.
- B. All employees involved in a motor vehicle crash will receive the same treatment and consideration as any citizen with regard to the issuance of a traffic citation, except in the case of the vehicle being operated under emergency conditions, then *no citation* will be issued.
- C. Preventable crashes may result in a recommendation for corrective action by the employee's Chain of Command.

II. DEFINITIONS

- A. Department Vehicle – Any vehicle operated by an on-duty or off-duty employee which is owned, leased or rented by the City or Police Department, or any other vehicle operated by an employee while on duty.
- B. Non-preventable – The driver of the vehicle did everything they reasonably could have done to prevent the crash.
- C. Preventable – The driver of the vehicle did not do everything they reasonably could have done to prevent the crash.
- D. Preventable/Excusable – A crash which results in *unintentional* damage may be classified as preventable/excusable only if all of the following criteria are met:
 - 1. The officer must be taking a reasonable, deliberate action in response to an incident or situation which they have personally observed;
 - 2. Immediate police action is required;
 - 3. The action must be for the purpose of preventing the commission of a felony crime or to prevent the escape of a felony suspect.
- E. Vehicular Intervention – An intentional act by an officer to force another vehicle to a stop in situations other than during the conduct of a pursuit or where there is intent to use deadly force. Vehicular intervention may be appropriate as a last resort in an emergency situation such as, but not limited to, an unoccupied moving vehicle or when the vehicle operator has become incapacitated, and the vehicle is threatening the safety of innocent persons.

III. VEHICLE OPERATION

- A. All employees are expected to operate Department vehicles with due care to prevent motor vehicle crashes and will avoid practices which are detrimental to safe vehicle operation.
- B. Supervisory personnel will continuously work to improve the safe driving practices of personnel and will take action to correct acts of indifference, misconduct, carelessness or negligence which may result in vehicular crashes.
- C. Any time an employee is involved in an on-duty or off-duty crash with a Department vehicle, they will:
 - 1. Remain at the scene, unless an explainable emergency prohibits remaining;
 - 2. Render first aid to any person;
 - 3. Attempt to protect and preserve the crash scene;
 - 4. Prepare a Crash Memorandum (located on the J drive) as soon as practical. G.O. II-02 Motor Vehicle Crash Review Process_Attachment A_provides details on completing the report by a supervisor.

IV. REPORTING AND INVESTIGATING CRASHES

- A. All crashes involving a Department vehicle will be reported to the Emergency Communications Center immediately.
 - 1. The crash will be investigated at the scene whenever practical.
 - 2. The employee's immediate supervisor will be sent to the crash scene to make personal observations and ensure a thorough investigation is conducted.
 - a. If the immediate supervisor is not available, or is off duty, a supervisor from the involved employee's bureau will be sent to the scene.
 - b. If a supervisor from the involved employee's bureau is not available, or is off duty, a supervisor from the Uniform Services Bureau will be sent to the scene.
 - 3. If the crash involves a fatality, the Traffic Section will be notified to conduct the investigation.

4. To ensure prompt notification of Department vehicle crashes, the investigating supervisor will, as soon as practical, advise the Chain of Command of the employee's bureau and the Office of Professional Standards of:
 - a. Date of crash
 - b. Location of crash
 - c. Report number
 - d. Employee/operator's name and current assignment
 - e. Nature and seriousness of injuries, if any
 - f. Vehicle owner; *i.e.*, City, leasing or rental agency, etc.
 5. The Office of Professional Standards will coordinate the distribution of information involving a Department-related vehicle crash with the Traffic Section, Training Division, and Risk Management.
 6. The officer assigned to investigate an employee motor vehicle crash will attempt to discover the cause of the crash and identify violations of the traffic laws.
 7. It is the responsibility of the supervisor at the scene, and the involved employee's Chain of Command, to:
 - a. Review the findings of the investigating officer and any violations of the traffic laws or Department directives;
 - b. Provide for corrective action, if necessary, and
 - c. Determine methods of preventing future crashes of a similar nature.
- B. No employee will ever investigate any motor vehicle crash in which they were involved.
- C. When a crash involving a Department vehicle results in death or serious injury to any person, the Office of Professional Standards and the employee's Bureau Commander will be promptly notified by the crash investigator.
- D. If an off-duty employee is involved in a reportable crash, as defined in section 316.065, Florida Statutes (injury to or death of any person and/or apparent vehicle or property damage of at least \$500), in the City of St. Petersburg, the investigating officer will immediately summon an on-duty supervisor to the scene. The supervisor will ensure a thorough investigation is conducted.

V. VEHICULAR INTERVENTION

- A. A determination to use vehicular intervention requires the consideration of the danger to innocent persons.
- B. Acts of vehicular intervention will be reported to the Office of Professional Standards through the Chain of Command.
- C. If the vehicle is occupied or an injury occurs, a *Use of Force Report* will be completed.
- D. Vehicular intervention will not be considered a motor vehicle crash.

VI. CRASH REVIEW

- A. Copies of the crash report and Crash Memorandum involving a Department vehicle, or another vehicle operated while an employee is on duty, will be forwarded through the Chain of Command to the respective Assistant Chief for review. The Chain of Command will make a recommendation about whether the crash was non-preventable, preventable or preventable/excusable.
- B. If the Assistant Chief finds the crash was non-preventable or preventable/excusable, the report will be filed with the Office of Professional Standards as information only. A copy of the findings shown on the *Employee Crash Investigation Report* will be sent to the employee.
- C. If the Assistant Chief finds the crash was preventable, the employee's Chain of Command will recommend appropriate corrective action.
 1. If the corrective action concludes with a *Notification of Preventable Crash* form, the matter is closed and is not reviewable. The *Notification of Preventable Crash* form serves as a *Memorandum of Counseling*.

2. If the corrective action imposed is an *Employee Notice*, the employee may:
 - a. Appeal the finding that the crash was preventable to a Crash Review Board within ten (10) days, by contacting the Major, Office of Professional Standards, and/or
 - b. Appeal the level of discipline imposed by initiating Step 1 of the grievance procedure, provided in the *Rules and Regulations of the Personnel Management System of the City of St. Petersburg*; or initiate the grievance procedure at the appropriate step provided by any labor agreement applicable to the affected employee.
- D. The *Notification of Preventable Crash*, the *Notification of Preventable/Excusable Crash* or the *Notification of Non-Preventable Crash* form(s) must be signed and returned to the Office of Professional Standards within 48 hours of receipt.

VII. CRASH REVIEW BOARD PROCEDURES

- A. Composition of the Crash Review Board at a Level I request:
 1. The Office of Professional Standards will coordinate the Crash Review Board process.
 2. The Board will consist of:
 - a. The three (3) Assistant Chiefs.
 - b. A certified driving instructor from the Training Division.
 - c. The on-scene supervisor who investigated the crash.
 - d. A Crash Investigations Unit officer.
- B. Review Board Procedures
 1. A representative of the Office of Professional Standards will act as coordinator for the Board.
 2. The Assistant Chief of the Bureau for the involved employee will chair the board.
 3. An employee requesting a Crash Review Board may submit a written statement of facts, new evidence or the written statement of any witness(es), for the Board's consideration, within ten (10) calendar days of requesting a Crash Review Board.
 4. The Board will consider the crash investigation, the administrative investigation, the employee's written optional statement if provided and any statements from the crash scene investigators during their deliberations.
- C. Crash Review Board Findings
 1. The Crash Review Board, based upon its review of the submitted documents, will determine by majority vote whether the crash was:
 - a. Non-preventable;
 - b. Preventable;
 - c. Preventable/Excusable.
 2. A representative from the Office of Professional Standards will provide the written findings to the Chief of Police.
 3. The employee will be notified immediately, or as soon as practical, of the action to be taken by the Department.
 4. If the employee does not agree with the finding of the Level I Crash Review Board, they may request a Level II Review with the Chief of Police.
 5. The decision of the Chief of Police will be final.

VIII. CORRECTIVE ACTION GUIDELINES

- A. All employees are expected to operate City-owned, leased and rented vehicles in a safe and courteous manner. They will be held accountable for crashes deemed to be preventable and receive corrective action and remedial training when necessary.
- B. The following is used as a guide when considering City and Departmental rules as they relate to disciplinary action:
 - 1. A serious crash, found to be preventable, may result in the application of other City and Departmental rules. Supervisors are to consult with their Chain of Command to determine the appropriate level of corrective action.
 - 2. A minor crash, involving City property only and the supervisor determines no repairs are necessary. The crash would be documented as a Traffic Incident, and there would be no further documentation or disciplinary action necessary.
- C. Minor crash, involving City property only and damage up to \$500.
 - 1. The crash would be documented as a Traffic Incident and investigated as Negligent Damage to City Property (see G.O. II-12, Negligent Damage Loss or Theft of Department Property).
 - 2. The employee would complete the *Lost or Damaged City Property Report Form* to be routed through their Chain of Command.
 - 3. The employee would pay for the damage over a few pay periods, based on the fee schedule outlined in G.O. II-12, Negligent Damage Loss or Theft of Department Property.
- D. Minor crash with less than \$7,500 in damage and no injuries.
 - 1. First (1st) crash – *Notice of Preventable Crash*.
 - 2. Second (2nd) crash within 18 months – *Employee Notice*.
 - 3. There will be no remedial training required, unless this is the second crash within eighteen (18) months.
- E. Crash with injuries or damage of \$7,500 or more.
 - 1. First (1st) crash – *Employee Notice*
 - 2. Second (2nd) crash within eighteen (18) months – Suspension.
 - 3. Remedial training is required in these situations.
- F. Crash with significant injuries or excessive damage.
 - 1. Rules cited will be on a case-by-case basis.
 - 2. Remedial training will be required in these situations.

IX. REMEDIAL TRAINING

- A. Remedial training will be based on the following:
 - 1. The amount of damages and injuries associated with the crash, or
 - 2. Any deficiency in vehicle operation identified by the employee's Chain of Command.

- B. Supervisors should ensure all their employees, including new employees, have viewed the Driver Training and Awareness video (available on CARS).
- C. Remedial training will be scheduled within thirty (30) days of the Office of Professional Standards' crash findings report and training will be completed by the employee within forty-five (45) days of the Office of Professional Standards' report.
- D. Non-injury crashes occurring to City property only and resulting in damage under \$500 will not require the employee to receive remedial driving training.
- E. Any preventable crash, resulting in damage under \$7,500 with no injuries, will require the employee to review the Driver Training and Awareness video again.
 - 1. The employee will also meet with an instructor from the Training Division to discuss the causation and actions to prevent future occurrences.
 - 2. The time span for this remediation would be an eighteen (18)-month period per crash.
- F. A second preventable crash within eighteen (18) months, with or without injuries, would require another viewing of the Driver Training and Awareness video with an instructor in the Training Division.
 - 1. In addition, the employee would receive an individualized driving training session, tailored specifically to the employee's driving problems as identified by the instructor.
 - 2. This training would also apply to:
 - a. First-time preventable crashes resulting in injury or damage over \$7,500, or
 - b. Those circumstances where the employee's Chain of Command determines the need for remedial training based upon an identified deficiency in vehicle operation.

Anthony Holloway
Chief of Police