

FREDERICK POLICE DEPARTMENT GENERAL ORDER

Section 2: Traffic Operations **Order Number:** 250
Topic: DEPARTMENTAL TRAFFIC COLLISIONS **Issued by:** Chief of Police
Approved: 11/21/19
Review: Annually in April by Professional Services Commander
Supersedes: G.O. 250 dated 02/01/15

.01 PURPOSE:

To establish procedures governing investigation of traffic accidents involving Departmental employees who are on duty or who are operating City-owned vehicles.

.02 CROSS-REF:

G.O. [230 - "Traffic Collision Investigations"](#)
G.O. [1610 - "Complaints and Internal Investigations"](#)
G.O. [1908 - "Employee Drug and Alcohol Testing"](#)
TU-035 Frederick Police Collision Report Form

.03 DISCUSSION:

The nature of emergency services exposes personnel to various traffic hazards. Personnel must operate their vehicles in a defensive manner at all times which means that a driver will adjust their driving to compensate for unusual weather, road, and traffic conditions, as well as the unsafe actions of pedestrians and other drivers. Due to liability concerns, collisions involving on duty personnel or who are operating City vehicles must be fully documented, explaining causes and circumstances of the collision.

.04 POLICY:

The Department will ensure a thorough and proper investigation of all traffic collisions involving Department personnel while on duty and/or operating City-owned vehicles. Sworn supervisory personnel will be responsible for the investigation of all collisions involving Department personnel with support from a crash reconstructionist, if necessary.

.05 DEFINITIONS:

.10 VEHICLE OPERATOR RESPONSIBILITIES:

1. Notify their supervisor, if unavailable, the on-duty patrol supervisor immediately and request emergency equipment, if needed.
2. Render first aid if necessary.
3. Secure the scene. Do NOT move any of the involved vehicles unless they present an additional threat to the parties involved or create a traffic hazard.
4. To avoid liability concerns, make no oral or written statement concerning the cause of the accident at the scene to anyone other than the officer investigating the accident and the supervisor.
5. Submit to any physical examination and/or alcohol/drug testing when directed by a supervisor as outlined in [G.O. 1908, "Employee Drug and Alcohol Testing."](#)

6. Submit, via chain of command, a detailed report describing the events of the collision even if there is no apparent damage to the departmental vehicle. *Exception* - if the driver is incapacitated, the supervisor will submit the report for the driver if necessary after evaluating the situation. The operator will file a report once he is able to do so.

.12 PASSENGER RESPONSIBILITIES (DEPARTMENTAL EMPLOYEES):

1. Follow steps 1-4 listed above if needed.
2. Submit a report as listed in step #6 above.

.15 SUPERVISOR RESPONSIBILITIES:

1. The vehicle operator's immediate supervisor will conduct the collision investigation whenever possible. Any on-duty supervisor may conduct this investigation when the immediate supervisor is unavailable. This investigation may also be conducted by a departmental crash reconstructionist when deemed appropriate and directed by the supervisor.
2. On-duty supervisors will:
 - A. Conduct an investigation per [G.O. 230, "Traffic Collision Investigations."](#) Supervisors may not decline to conduct an investigation unless approved by a command officer.
 - (1) The Department's address and phone number will be substituted for a member's home address and phone number in any reports requesting that information.
 - (2) The supervisor will place the vehicle's unit number on the top right corner of the collision report to assist in quick identification for the Fleet Maintenance Coordinator.
 - B. Require a subordinate to submit to any medical exam and/or alcohol/drug testing as appropriate;
 - C. Cause photographs to be taken of the vehicles and any damaged property;
 - D. Collect and document any additional information that is necessary to make a conclusion as to the primary cause of the collision;
 - E. After reaching a conclusion as to "fault", submit all reports and other related documents through the *operator's* chain of command, and attach a report dissemination form (OCP-008); and
 - F. Supervisors will ensure Collision Report Form (TU-035) is completed for each Departmental collision, and will deliver a copy of the form to the EVOG Coordinator either via Departmental mailbox or electronically via email
 - G. For officers involved in any accidents where the Officer/any other involved party is seriously injured or there is a death associated with the accident, the Involved officer's Chain of Command will:
 - (1) Ensure that follow-up medical and emotional support to the involved officer(s) is provided.
 - (2) Make arrangements, through the Personnel Unit, for the involved officer(s) to

attend a meeting with a psychologist or psychiatrist selected by the Department prior to returning to his or her current assignment.

.18 COLLISIONS OCCURRING OUTSIDE THE CITY OF FREDERICK:

1. An employee who is involved in a Departmental collision outside of the City will follow all of the requirements of Section .10 of this order.
2. The supervisor will ensure that the operator's division commander is advised of the accident.
3. The operator will ensure that the appropriate police agency is contacted and requested to conduct a complete investigation of the collision UNLESS a command officer waives this requirement. In all cases, the operator will ascertain the proper procedure by which a copy of all official reports may be obtained. This information will be included in their written report. In the event the police agency refuses to conduct an investigation, the operator will so advise their supervisor and be guided by their instructions.
4. If the vehicle is disabled, the operator will arrange for towing of the vehicle, as well as arrangements for transportation back to the City, in consultation with their supervisor.

.20 "AT FAULT" DEPARTMENTAL COLLISIONS:

An "at fault" accident may subject an employee to disciplinary action. If the employee's supervisor believes discipline is warranted or is likely to be recommended by anyone in the review process, the Department's internal investigation process will be utilized to ensure personnel are afforded their rights under applicable laws and/or regulations. Therefore, upon determining that an employee is "at fault", their supervisor will:

1. Determine the appropriate disciplinary or non-disciplinary action warranted based on the factors outlined in Section .25(1) below.
2. If, after consulting with the Division Commander, a non-disciplinary resolution will be approved, complete a Performance Action Form. Retain a copy and forward the original to PSD;
3. If discipline will, or is likely to be recommended:
 - A. Complete a Complaint Reception Form and forward a copy to PSD;
 - B. Utilize form PSD-014, titled "At-Fault Collision Investigation;";
 - C. Follow the mandates of General Orders concerning the conduct of internal investigations.

.25 RESOLUTION OF "AT FAULT" COLLISIONS:

1. Supervisors must determine appropriate action for a subordinate who has been involved in an "at fault" collision. Appropriate action may include administrative action and/or disciplinary action. Factors for consideration in "at fault" collisions are:
 - A. The actions of the driver (i.e., negligence, disregard for procedures, violation of traffic laws, etc.);
 - B. The operator's previous departmental driving experience;

- C. The operator's previous "at fault" collisions and the duration between collisions; and,
 - D. The circumstances during which the collision occurred (i.e., weather conditions, pursuit, time of day, etc.)
2. Personnel who are "at fault" in an collision may be charged with "Improper Operation of a Departmental Vehicle" and appropriately disciplined. Supervisors will include the appropriate motor vehicle charge that *caused* the collision in the internal investigation document.
 3. Supervisors may recommend administrative action in addition to or in lieu of discipline such as:
 - A. Documentation for Performance Evaluation;
 - B. Suspension or termination of an officer's participation in the "Take Home Vehicle Program;"
 - C. Requesting enhanced driver's training via the Training Division; or
 - D. Any other program deemed appropriate by the supervisor, which is non-disciplinary.

.30 RECORD KEEPING OF COLLISIONS:

1. The Records Section will maintain all incident reports concerning collisions. They will send copies of the Collision reports involving departmental vehicles to:
 - A. The Supervisor of the Training Unit;
 - C. The Fleet Manager for insurance processing and arranging for repairs;
 - D. The Director of Purchasing;
 - E. The City Safety Office; and
 - F. The City Department of Engineering.
2. The Professional Services Division (PSD) will maintain a file of all "at fault" collisions in accordance with their existing internal investigation procedures. Supervisors will consult with PSD to ascertain prior collisions, discipline, etc., to assist in their decision concerning discipline or administrative action.

.40 STATISTICAL ANALYSIS OF DEPARTMENTAL COLLISIONS:

The EVOG Coordinator will ensure that an analysis of Departmental traffic collisions is completed annually each January for the preceding year.

.50 OTHER CITY PERSONNEL INVOLVED IN COLLISIONS:

Many other City personnel, other than Frederick Police Department employees, operate City-owned vehicles. City regulations state that any collision involving a City-owned vehicle will be fully investigated unless waived by the operator's supervisor. The officer assigned to investigate the collision will complete a collision report and submit it to the Records Section via chain of command. If the operator's supervisor waives the requirement, the collision will still be documented on an incident

report. Records Section personnel will submit the paperwork in accordance with their record keeping procedures.