

Departmental Accidents

Index Code: 1404

Effective Date: 07/01/05 (Revised 8/30/2022)

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 unless the incident involves a death or the likelihood of death. In those cases, the MD Attorney General's Independent Investigations Division (IID) and the MD State Police (MSP) will be contacted at 410 653 4200 without delay following the notification of the Operations Major and Sheriff. The IID and MSP investigation team will investigate all departmental accidents resulting in death or the likelihood of death to include evidence collection, review of body worn and in car camera systems, vehicle analysis, notification of next-of-kin and media releases.

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 Operations Major 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. A vehicle collision specialist should be used for incidents resulting in serious injury or involving gross negligence.

B. 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. Automated Crash Reporting System (ACRS) The ACRS 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 ACRS 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. Driver's Statements

When possible and applicable, a written driver's statement will be obtained from every driver involved in a departmental accident (This will be completed by the IID and MSP investigative team if they have assumed responsibility for the investigation) and submitted with the ACRS 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, (This will be completed by the IID and MSP investigative team if they have assumed responsibility for the investigation) and submitted with the ACRS 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 Supervisor's 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 or in car camera video, the investigating supervisor (or the IID and MSP investigative team is applicable) 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. A good faith dollar estimate for repairing the damage will be included with a breakdown of the estimated costs for agency vehicles, agency property, other vehicles involved and other property.

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

D. 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.

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

1. The Operations Major or his/her designee 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 Chief Deputy, who will notify the affected employee's Division Commander of the

findings. If the accident was found to have been preventable, the Chief Deputy, after considering and/or reviewing any prior disciplinary actions for similar violations, the dollar amount of total damage, and whether extreme carelessness was involved, 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. Preventable Accidents

A. Consequences

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 are the recommended consequences for an employee, regardless of rank, for preventable departmental accidents:

1. One preventable accident within three years that does not involve extreme carelessness nor meets the requirements for submission to drug and alcohol testing as described in Section V D 1-4 – The Maryland Statewide Police Disciplinary Matrix shall be used to determine the disposition.

2. If, within the past three years prior to the accident, the agency vehicle operator has had:

a. one preventable accident that meets the requirements for submission to drug and alcohol testing as described in Section V D 1-4, or

b. one preventable accident involving extreme carelessness or

c. two preventable accidents, then, in addition to the disposition determined by the Police Disciplinary Matrix, the loss of PPV privileges for a minimum of 30 days or until the vehicle is repaired or replaced if said repairs or replacement exceeds 30 days.

3. Three or more preventable accidents within three years – Disposition determined by the Police Disciplinary Matrix and the loss of PPV privileges for a minimum of 60 days, or until the vehicle is repaired or replaced if said repairs or replacement exceeds 60 days.

The type and severity of the accident, whether extreme carelessness was involved, the amount of time between preventable accidents as well as any unusual or exigent

circumstances involved, should be considered when making a determination as to the appropriate disciplinary action(s) to be assessed using the guidelines of the Police Disciplinary Matrix. In all cases, the Sheriff or Chief Deputy has the final authority and may lessen or increase the recommended sanctions unless the accident resulted in a complaint initiated by a member of the public in which case the penalty will be determined by the County Administrative Charging Committee from the MD Statewide Police Disciplinary Matrix.

D. 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 may 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 & Correctional Training Commission (MPCTC) or any other defensive driving course deemed appropriate by the Training Coordinator. A deputy involved in a departmental accident determined to be non-preventable by the Departmental Accident Review Board may also be required to successfully complete defensive driving remedial training if the Sheriff/Chief Deputy decides it is in the best interest of the deputy and/or the Office of the Sheriff.

IX. CALEA References: None

X. Proponent Unit: Administrative Services Division

XI. Cancellation: The directive cancels Index Code 1404 dated 7/7/2022.

Sheriff Gary Hofmann