

TAKOMA PARK POLICE DEPARTMENT - GENERAL ORDERS



TITLE: Departmental Collisions		Number: 303	
Effective Date: June 28, 2016		Review Date:	
New	X Amends	Rescinds	General Order 303, dated January 30, 2006
Authority: Chief Alan M. Goldberg		CALEA STANDARDS 61.2.1, 61.2.2, 61.2.3, 61.2.4	Total Pages 3

01 Purpose: To establish procedures for investigation of collisions involving Police Department vehicles. The objectives of these procedures are to improve the quality of collision investigations; to identify the cause or causes of all Police Department collision; and to establish responsibility.

02 Policy: It is the policy of the Takoma Park Police Department to ensure that police personnel operate the Department's vehicles in a safe and lawful manner.

All collisions involving Police Department vehicles will be investigated and reviewed according to the guidelines herein. A finding will be made by the appropriate Division Commander as to the cause and responsibility for each accident to determine if a Police Department employee failed to operate the vehicle in a safe and lawful manner.

The definition of "collision" for the purpose of this Order is that contained in the Maryland Transportation Article.

03 Employee Responsibilities:

A. Any employee involved in a collision with a City vehicle will immediately notify the police dispatcher, the employee's supervisor, and the on-duty watch commander.

B. The operator will submit a memorandum to the Chief of Police within 24 hours of the incident detailing all facts surrounding the accident, including the speed at which the vehicle was traveling at the time of the collision.

C. If the employee is unable to comply due to injuries, his/her supervisor shall, when possible, take a statement. If the employee is so incapacitated that this is not possible, then the supervisor will submit a memorandum so stating.

D. No employee involved in or a witness to a departmental collision will make statements as to fault or preventability to an insurance carrier with the exception of the Local Government Insurance Trust (LGIT), the City's insurance carrier. Representatives of other insurance carriers who request information regarding a departmental collision are to be referred to LGIT. This only relates to collisions involving police staff.

04 Investigating Officer's Responsibilities:

A. The officer assigned to investigate a collision involving a police officer shall be a Sergeant

whenever possible. He/she shall ensure that all duties and responsibilities outlined in General Order 708, Traffic Collision Investigation, are followed.

B. The Sergeant or highest ranking officer at work on a shift will complete an accident report in accordance with the Maryland Automated Collision Reporting System (MACRS) and TPPD Form #300-057 (Departmental Collision Damage Report). All measurements will be recorded on a diagram.

C. Photographs are to be taken in all departmental collisions, including photographs of the collision scene and obstructions that restrict the view of any driver. Photographs should be taken of the overall scene (from north, east, and south, west) as well as areas of damage to property and vehicles. If the collision should occur during hours of darkness or during unfavorable atmospheric conditions, additional photographs will be taken of the vicinity involved during daylight hours.

1. Whenever possible, a camera should be used to photograph collisions.
2. The photographs should be properly labeled and submitted to the Administrative Services Division and the Patrol Operations Commander within one day of the collision.

D. Measurements to be taken in all collisions will include skid marks, roadway width, and lane widths. The positions of all vehicles should be fixed by triangulated or linear measurements. Such measurements are not necessary on single vehicle/fixed object struck collisions occurring on a public or private parking lot.

1. Whenever possible, written statements will be obtained from all witnesses.
2. When the employee or the investigating officer claims or suspects that a vehicle defect caused or contributed to the collision, the police vehicle will be towed to the Public Works Department for examination. In appropriate cases, the Automotive Safety Enforcement Division of the Maryland State Police will be requested to examine the vehicle to determine if a defect exists. This will be initiated at the direction of the Chief or his/her designee.
3. The investigating officer may issue citation(s) provided that sufficient evidence exists to sustain the charge(s).

05 Supervisory Responsibilities:

A. The supervisor on duty at the time a collision occurs is responsible for ensuring that all necessary reports, statements, photographs and other documents are submitted to Administrative Services and the Patrol Operations Commander.

B. When possible, the supervisor will respond to all departmental collisions and taken necessary actions to ensure that the investigation is properly conducted.

C. In the event that a departmental collision occurs outside the City, the supervisor will, if possible, respond to the scene to coordinate with officers in whose jurisdiction the collision occurred. If the supervising officer cannot respond to the scene of an out-of-City accident,

he/she will take the necessary steps to ensure that adequate information is obtained for the Division Commander, including completion of the Departmental Collision-Damage Report (300-057).

D. The Administrative Services Commander will complete and submit appropriate paperwork to the City's insurance carrier within 48 hours.

06 Administrative Review:

A. The appropriate Commander shall review all departmental collisions, including reports, diagrams, statements, etc., involving his/her subordinates.

B. He/She shall make two findings:

1. As a matter of law, was the Officer responsible for the collision and,

2. Was the collision preventable by the Officer.

C. In determining whether an Officer is by law responsible for the collision, the Commander shall study carefully the pertinent sections of the Transportation Article, including the case law of each section. If an Officer is found responsible as a matter of law, the appropriate section of the transportation Article (or other substantive law) will be cited.

D. In determining whether a collision was preventable, the Commander shall consider such factors as speed of the Officer's vehicle, weather conditions, level of lighting, traffic patterns, and other pertinent factors. If the Commander finds that the collision was preventable, he/she shall specify what actions could have been taken to avoid the collision.

E. The Commander shall forward his/her findings, along with any recommendations, to the chief of Police within 60 days. If, at the end of the allotted time period, the investigation is not complete, a written status report will be submitted to the Professional Standards Manager with a brief synopsis of what has been completed and the reasons for requiring more time to complete the investigation. Subsequent status reports will be filed each 30 days thereafter.

F. The Chief of Police may accept the decision and initiate appropriate disciplinary action, or not accept the decision and initiate whatever action he/she deems appropriate. A written disposition will be filed within 15 days, with a copy forwarded to the Officer and to the Professional Standards Manager for entry into the PEWS system, if applicable.

G. Should an Officer not agree with the decision of the Chief, and that decision resulted in disciplinary action, the Officer may elect to appeal the decision in accordance with the Law Enforcement Officers Bill of Rights as defined in Title 3, Public Safety Article of the Annotated Code of Maryland. The written appeal must be filed with ten days of receipt of the disposition.

H. If a Division Commander is involved in a departmental collision, results of the collision investigation will be forwarded to, and reviewed by, the Chief of Police.