



Ocean City Police Department

General Order

Subject: Department Traffic Crashes and the Review Process		No. G.O. 200 D-2	
Rescinds:		Amends: G.O. 200 D-2, dated 01/26/2010	Related Directive:
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I. Purpose:

The purpose of this Policy is to establish standardized protocols for the reporting, investigating and review of all motor vehicle crashes involving Department employees who are operating motor vehicles owned by the Town of Ocean City.

II. Definitions:

- A. **Collision Exchange Form:** An Ocean City Police Department form that contains Driver, Vehicle, Insurance and case information about a motor vehicle crash. In addition, this form contains information from the Chief of Police that explains the crash reporting process.
- B. **Fatal Injury:** A fatal injury is any injury resulting in death.
- C. **Serious Physical Injury:** An injury that creates a substantial risk of death, serious and protracted disfigurement, or impairment of the function of any bodily organ or limb.
- D. **Collision Event:** A crash in which the first harmful event is the collision of a vehicle in transport with another vehicle, property, animals or persons.
- E. **Non-Collision Event:** A crash in which the first harmful event is anything other than a collision event.
- F. **Traffic Crash:** A collision or non-collision event that involves at least one motor vehicle in transport involved in a harmful event resulting in damage, injury, or death, which was not an intentional act, nor a result of a cataclysm
- G. **Reportable Department Traffic Crash:** Any traffic crash involving a vehicle owned or leased by the Town of Ocean City and driven by Department employees that results in injury to any person or damage to any property. Reportable traffic crashes require a crash report and a full investigation.
- H. **Non-Reportable Department Crash:** Any crash that is directly related to approved department driving training and does not occur on a roadway. Non-Reportable traffic crashes do not require a crash report or full investigation.
- I. **Non-Preventable Traffic Crash:** Any reportable traffic crash where the employee acted reasonably and prudently to avoid a collision, consistent with Department regulations, training and/or Maryland Vehicle Law.
- J. **Preventable Traffic Crash:** Any reportable traffic crash where the employee violated Department regulations, training, Maryland Vehicle Law, and/or any other applicable law.

III. Policy:

It is the policy of this Department to investigate and review the circumstances surrounding all traffic crashes involving Town of Ocean City vehicles when a Department employee was operating the vehicle. The intent of the policy is to address vehicular collisions that are not the result of an intentional act by employees. A formal committee known as the Traffic Crash Review Board will examine employee involved crashes, determine causation of the crash, and rule as to preventability/non-preventability.

IV. General Responsibilities:**A. Involved Employee**

1. When a Department employee is involved in a traffic crash while operating a vehicle owned or leased by the Town of Ocean City, the employee shall stop, remain at the scene, render emergency aide if necessary, and immediately report the traffic crash to an on-duty patrol supervisor.
2. If the employee is engaged in non-routine vehicle operation at the time of the crash, he/she shall follow the reporting guidelines of General Order 400 E-1, Routine and Non-Routine Vehicle Operation.
3. If the traffic crash occurred outside the Town of Ocean City, the employee shall additionally report the traffic crash to the police agency in the jurisdiction where the crash occurred.

B. Supervisor

1. A supervisor shall respond to the scene of any department traffic crash to determine if the traffic crash is reportable or non-reportable.
2. If a reportable traffic crash that does not involve fatal injury or serious physical injury occurs inside the Town of Ocean City, the on duty patrol supervisor shall request a member of the Traffic Safety Unit to respond to the scene to conduct the investigation.
3. If members of the Traffic Safety Unit are unavailable to respond immediately to the scene, the on duty patrol supervisor shall designate a full-time time officer not personally involved in the incident to conduct the initial investigation.
4. If possible, the supervisor shall assign an investigating officer that is not a direct subordinate officer of the involved employee.
5. When a department traffic crash occurs outside of the Town of Ocean City, the on duty Patrol Division supervisor:
 - a. Shall contact the police agency having jurisdiction where the crash occurred and request that an investigation and applicable crash reports be completed.

- b. May direct a member of the Traffic Safety Unit, or if no Traffic Safety Unit officer is available, a full-time officer to respond and conduct the investigation if the agency having jurisdiction will not investigate and report the crash. The proximity to the city and the severity of crash shall be taken into consideration by the supervisor in deciding whether to direct officers outside of the Town of Ocean City to conduct the investigation.
 - 6. The on-duty supervisor shall ensure that all traffic crash investigations and reports are completed by appropriate employees and shall forward the reports to his/her Division Commander.
 - a. Traffic crash reports shall minimally include a Maryland Crash report, Town of Ocean City Vehicle Accident Report, and an internal memorandum from the involved employee in the collision
 - b. Traffic crash reports involving serious physical injury or extensive property damage shall additionally include independent witness statements, statements from other drivers / passengers, and photographic/video documentation
- C. Investigating Officer
- 1. For all reportable department traffic crashes, the investigating officer shall complete a Maryland Crash report.
 - 2. A member of the Traffic Safety Unit shall investigate all reportable department traffic crashes that involve extensive property damage that occur inside the Town of Ocean City.

V. Department Traffic Crashes Involving Fatal Injury or Serious Physical Injury

A. Responsibilities

1. Supervisor

In the event of a reportable department traffic crash that results in fatal injury or serious physical injury the on duty patrol supervisor shall:

- a. Direct a member of the Traffic Safety Unit to respond to the scene to secure it. In the event that no Traffic Safety Unit member is available, the on duty supervisor shall direct a full time officer to secure the scene.
- b. Notify the Patrol Division Commander or his/her designee.

2. Patrol Division Commander

The Patrol Division Commander or his/her designee shall:

- a. Contact the Maryland State Police or other available agency and request that they conduct the crash investigation.
- b. Notify the Town of Ocean City Risk Manager, the City Solicitor and the State's Attorney for Worcester County, or their designees.

3. Responding Officers

- a. The primary responsibility of the first responding officers is to render emergency aid to any injured persons, secure the crash scene, and locate any witnesses.
- b. A member of the Traffic Safety Unit shall respond to the scene of any reportable department traffic crash that occurs within the corporate limits of the Town of Ocean City that results in fatal injury or serious physical injury and shall be responsible for securing the scene.
- c. In the event that no Traffic Safety Unit member is available, a full time police officer shall secure the crash scene.
- d. The primary responding officer shall ensure that a collision exchange form is completed and distributed to involved drivers and/or property owners.

B. Involved Employees

- 1. In every instance in which a Department employee is involved in a traffic crash that results in fatal injury or serious physical injury to another person, the employee will be relieved of normal duties and placed in an administrative assignment pending a preliminary administrative review by the Department.
- 2. Relief from duty is intended to serve two purposes:
 - a. To address the personal and emotional needs of the employee involved in the crash, and
 - b. To assure the community that verification of the facts surrounding such incidents are fully and professionally determined.
- 3. Assignment to a "relieved from duty" status will be administrative in nature (non-disciplinary) with no loss of pay or benefits.

4. Employees relieved from duty will ensure their availability to the Department until the investigation of the incident is concluded and shall report to the Support Services Division Commander.
5. Employees relieved from duty will remain in that status until assessed by the Department's psychological services for fitness for duty. Upon completion of the assessment, the employee may be reassigned to full duty status at the discretion of the Chief of Police.

VI. Reportable Department Traffic Crashes - Required Administrative Action

- A. For all reportable department traffic crashes, the involved employee shall complete and submit a Form 95 memorandum through official channels to his/her Division Commander prior to the end of the employee's tour of duty. The memorandum shall describe the nature and circumstances of the crash and possible cause, if known.
- B. If the employee involved is unable to complete the memorandum as required by this policy, the involved employee's on duty supervisor shall complete the memorandum.
- C. The on-duty patrol supervisor shall:
 1. Complete a Town of Ocean City Vehicle Accident Report and forward it to the Office of Risk Management along with any other required reports and documents relative to the crash.
 2. Forward all traffic crash reports as defined by this policy to his/her Division Commander.
- D. The Division Commander shall review and forward the traffic crash reports to the Office of Professional Standards.

VII. Traffic Crash Review Board

- A. Organization
 1. A Traffic Crash Review Board (TCRB) will be established by the Department and is responsible for the review of all reportable department traffic crashes.
 2. The TCRB will be comprised of three sworn officers and will be chaired by the Assistant Patrol Division Commander. The Assistant Patrol Division Commander shall select two additional officers to serve on the board with the following provisions;
 - a. No member of the Board shall be the immediate supervisor of the involved employee.
 - b. One member of the board must be a member of the Agency's Traffic Safety Unit.

- c. No member can be involved in the incident, to include the investigating officer.

VIII. Review Process & Responsibilities

A. Traffic Crash Review Board

1. The Office of Professional Standards shall provide traffic crash reports to the TCRB for an administrative review and investigation.
2. The TCRB shall conduct their review and investigation within thirty (30) days of the Chairperson's receipt of the traffic crash reports.
3. The TCRB shall have the authority to summons before it the investigating officer, any employee of the Agency involved in or witnessing a department crash, and may request further investigation be pursued.
4. The TCRB shall determine whether there was any violation of Department policy and if the crash being reviewed was preventable or non-preventable.
5. In reaching its decision, the TCRB shall not necessarily relate its action to motor vehicle code violations, a chargeable offense, or upon the finding of a court exclusively, but shall consider all aspects of traffic safety imposed upon Department employees by policy and by virtue of the employee's training, and job responsibilities.
6. Upon conclusion of the review and finding, the TCRB shall report its findings to the Office of Professional Standards.

B. Office of Professional Standards (OPS)

1. Upon receipt of the TCRB finding, the OPS shall recommend appropriate corrective action to the involved employee's Division Commander, which may include but not be limited to counseling, training, and punitive action.
2. The OPS may additionally make recommendations for policy modifications, safety improvements and/or training modifications. The OPS may make other determinations as requested and/or directed by the Chief of Police.
3. The recommendations of the OPS are not binding on the Department and final decisions concerning all recommended actions will be made by the Chief of Police.
4. When necessary, the OPS will forward the traffic crash reports along with the approved corrective action to the involved employee's supervisor for completion of the corrective action.

C. Supervisors

Supervisors shall complete all approved corrective action and return the completed reports to the OPS.

IX. Penalties and Awards:

A. Corrective Action

The appropriate Division Commander shall ensure corrective action is recommended for Department employees involved in a preventable collision. Appropriate corrective action shall be determined according to the disciplinary matrix as outlined in General Order 200 D-1.

B. Safe Driving Citation

The absence of preventable collisions over an extended period of time indicates a pattern of safe operation, which is commendable. Sworn employees shall therefore be awarded a "Safe Driving Citation" for each five (5) year period of continuous preventable collision-free driving.

C. Maintain Records

The Office of Professional Standards shall maintain records regarding Department motor vehicle collisions and will submit an annual report to the Chief of Police and the Training Section for review and application of remedial training when needed.