
KANSAS CITY, KANSAS POLICE

GENERAL ORDER

ORDER NUMBER: **20.02**
ISSUED DATE: 11/06/2020
EFFECTIVE DATE: 11/06/2020
RESCINDS: 20.02 Issued 04/24/2020

SUBJECT: Police Vehicle Accidents

REFERENCE: CALEA Ch.61, Ch.26

CROSS REFERENCE:

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I. PURPOSE

- A. To provide procedures for the reporting of police vehicle accidents and damage.
- B. To familiarize personnel with policy governing the review of police vehicular accidents and the implementation of any appropriate discipline.

II. POLICY

- A. All members shall comply with the traffic codes and operate vehicles in a safe and prudent manner that projects a professional image of the Department.
- B. Commanders/supervisors observing a police vehicle being operated in an unsafe manner or in violation of a traffic ordinance or department procedure shall forward a report of the incident, through channels, to the proper division/unit commander. The report will state the act, time, location, and identity of the vehicle and/or the operator. The commander receiving such a report will review the circumstances and take appropriate disciplinary action.

III. DEFINITIONS

- A. Department Vehicle - Includes any police vehicle, private vehicle authorized for official police duty, or specialty vehicle (lease car, taxi cab, city vehicle) used by the Department for official police duty.
- B. Motor Vehicle Accident - An unstable situation that includes at least one harmful event. (Kansas ANSI D16.1 Manual on Classification. Stated in G.O. 60.2 section II)
- C. Vehicle Accident Damage - Any vehicle damage which results from a motor vehicle accident.
- D. Miscellaneous Damage - Any vehicle damage that is not the result of a motor vehicle accident and not willfully caused by the operator or other person.
- E. Incidental Damage - Vehicle accident damage resulting from routine police operation so slight that it would not affect the operation of the vehicle (small scratch, dented hub cap, paint transfer, etc.) and would not normally be repaired by the Unified Government Garage. Safety operation items, such as broken headlight or taillight, can be included under incidental damage, but obviously should be repaired. It is the responding supervisor's responsibility to determine if a State of Kansas Motor Vehicle Accident Report is required.
- F. Malicious Damage - Any vehicle damage which is willfully caused by the operator or other person and does not meet the conditions for vehicle accident, miscellaneous, or incidental damage.
- G. Unreported Damage - Any vehicle damage discovered by the operator that has not been documented previously. The cause or source of the damage may not be readily known.

IV. PROCEDURE

A. General

1. Any member involved in a vehicle damage incident while operating a department vehicle will immediately notify the dispatcher and/or immediate supervisor. Commanders shall notify their immediate supervisor. If not available, their Bureau Director will be notified. The dispatcher will advise the member's immediate supervisor to respond. If not available, another supervisor will be notified to respond. Based upon conditions at the scene, the responding supervisor will determine the nature of the damage and ensure that the appropriate reports and associated procedures are initiated.
 - a. Employees involved in the incident will not make statements regarding the accident other than to their supervisors and the investigating officer except as outlined in Sec. 12.1 in the Memorandum of Understanding.
2. If the responding supervisor determines that a response by an accident investigation unit is not required, the responding supervisor will determine the type of damage (malicious, miscellaneous, incidental or unreported) and communicate their reasoning for such classification to their superior.
3. A Police Vehicle Damage Report will be prepared anytime a department vehicle is involved in a motor vehicle accident.
 - a. The accident report number will be assigned to the Police Vehicle Damage Report Form.
 - b. The Department member will complete a Police Vehicle Damage Report prior to the end of their tour of duty. If injury prohibits completion of the form the member will complete it as soon as practical.
4. The responding supervisor will review and approve the Police Vehicle Damage Report and complete a Supervisor's Report of Accident Investigation Form as a result of his/her investigation into the circumstances surrounding an incident classified as a motor vehicle accident. The division commander prior to forwarding must sign the original supervisor's report.
 - a. Copies of the Police Vehicle Damage report, and all other applicable reports including, the accident report, will be delivered to the respective Bureau Director's office by the start of the next business day (these copies do not need to be approved by a supervisor). The Bureau Director or his designate will deliver a copy of these reports to a command officer assigned to the Chief's Office, as soon as possible.
 - b. The original Police Vehicle Damage Report and the Supervisor Evaluation will be forwarded to the Chief's Office through the Case Screening and Records and Technology Units
 - (1) The report originals will be reviewed by the responsible Division/Unit commander. During this process, the commander will investigate the circumstances of the case and render a recommendation to his supervisors, which will be communicated in writing to his chain of command and the Traffic Commander, before the next scheduled accident review board meeting.
 - (a) The Records and Technology Unit will forward copies to the following areas of responsibility:
 - (i) The Traffic Unit Commander.
 - (ii) The Superintendent of the Unified Government Garage.
5. If the vehicle involved is damaged but remains driveable, the on-scene supervisor will determine if the damaged vehicle should be immediately sent to the Unified Government Garage to ensure mechanical safety.
6. The Division/Unit commander, or acting commander, will notify Unified Government Garage personnel of any damaged department vehicles within the previous twenty-four hour period.
 - a. The involved officer's commander will make the necessary arrangements with the Unified Government Garage to obtain estimated cost of repairs for the vehicle.
 - (1) Damage estimates will be forwarded to the Traffic Unit Commander by the Unified Government garage representative

B. Motor Vehicle Accident

1. An accident investigation unit or Traffic Support Unit (not involved in the accident) is required only if the incident involves a motor vehicle accident and:
 - a. Injury to any person, or
 - b. Involvement of any citizen, or
 - c. Damage is other than very minor (small scratch, dented hub cap, paint transfer, etc.), or
 - d. Department member is operating a specialty vehicle or private vehicle authorized for official police duty, or
 - e. Damage is caused to any property other than Department property.
 - f. If the on-call CCRT is unavailable, the on scene supervisor may request assistance from the Kansas Highway Patrol.

2. When an accident investigation unit or Traffic Support Unit responds, they will:
 - a. Conduct a thorough investigation of the accident.
 - b. Prepare and submit, through the chain of command, a report of the investigation, including photographs. At the top of the report the notation "Department Vehicle" will be legibly written. Also, the police vehicle number and the operator's radio number will be noted at the top. In instances where a private vehicle, or specialty vehicle authorized for police duty is involved, the notation "Department Vehicle - Privately Owned/Specialty Vehicle", and the operator's radio number will be legibly written at the top.
 - c. The completed and approved accident report will be forwarded by the involved division supervisor to the Records and Technology Unit. The Records and Technology Unit will disseminate copies of the report to the following areas of the department:
 - (1) The Chief's Office.
 - (2) The member's division/unit commander.
 - (3) The member's Bureau Director.
 - (4) The Traffic Support Unit Commander.
 - (5) Risk Management.
 - (6) The Unified Government Garage.
3. Investigation of police vehicle accidents outside the Unified Government's jurisdiction.
 - a. In the metropolitan area.
 - (1) The operator will:
 - (a) Follow the procedures outlined in Section IV, A, 1.
 - (b) Report the accident to the local law enforcement agency.
 - (2) The accident investigation unit or Traffic Support Unit will assist the local law enforcement agency with their investigation of the accident if requested by the outside agency.
 - b. Outside the metropolitan area.
 - (1) The operator will:
 - (a) Report the accident to the local law enforcement agency.
 - (b) In case of injury, notify the Communications Center with all pertinent information.
 - (c) If the vehicle is not driveable, contact the Unified Government Garage and make arrangements for returning the vehicle to the Unified Government Garage.
4. Follow-up of initial vehicle accident investigation
 - a. The Traffic Support Unit Commander will:
 - (1) If applicable, contact the outside law enforcement agency to obtain a copy of vehicle accident reports involving Department vehicles.
 - (2) Review all related reports, including the operator's report, and any articles of evidence and if needed initiate and keep track of any additional investigation that may require, until a final disposition is rendered.
 - (3) Coordinate and follow-up on damage estimates with the unified Government Garage, and gather said estimates for presentation to the Accident Review Committee.
 - (4) Document in memorandum form to the Chief of Police or his designate, the disposition of the Accident Review Board's findings, on the individual accident cases, and forward said documents, in person, to the Chief of Police or his designate within five (5) calendar days of the accident review board meeting.
 - (5) Manage and maintain all records of police motor vehicle accidents, and statistical data as required.
 - b. The immediate supervisor and commander will:
 - (1) Investigate, review and make recommendations for disposition. In most instances, the supervisor will have made an on-the-scene investigation and will have a detailed vehicle accident report available for assistance in arriving at the proper classification.

- c. The affected officer/employee will be notified in writing of the final disposition of his/her accident by the Chief's Office Bureau by email, with a hard copy following.
5. The Department will have fourteen (14) calendar days after the date of a motor vehicle accident involving a Department motor vehicle to determine if the actions of the officer/employee involved will be investigated and whether rules and regulations or orders of the Department have been violated. If the Department conducts such an investigation, the procedures of the Accident Review Board may not be involved. If the Department declines to conduct such an investigation, the officers involved in the vehicular accident may only be disciplined through Accident Review Board procedures.
- C. Damage Other Than Motor Vehicle Accident
- 1. An operator finding previously unreported damage to a Department vehicle must notify the immediate supervisor. The supervisor will determine the type of damage (vehicle accident, malicious, miscellaneous, or incidental), if possible and initiate the appropriate report(s). If the supervisor is unable to determine the cause or source of the damage, such will be documented in a miscellaneous report filed by the operator of the vehicle.
 - a. The Department member finding the damage, not classified as a motor vehicle accident, will complete a miscellaneous report on the type of damage discovered after consulting with their immediate supervisor.
 - b. Extensive damage discovered by an operator or by Unified Government Garage personnel, which appears to be the result of a vehicle accident, will be investigated by an accident investigation unit, Traffic Support Unit, or Internal Affairs.
 - c. The unit supervisor and/or unit commander of the vehicle in question will be responsible for initiating the appropriate investigation to determine the cause and person(s) responsible for damage classified as malicious, miscellaneous, incidental, or unreported.
 - 2. Tire chain and car wash damage should be listed as miscellaneous damage.
 - 3. Disciplinary action may be initiated, when deemed appropriate, on vehicle damage incidents when the type of damage has been determined to be malicious, miscellaneous, or incidental. Discipline may also be initiated on unreported vehicle damage incidents if investigation determines the source or cause of the damage.
- D. Driving Training and Evaluation Program
- 1. A Department member may be required, if deemed necessary for the good of the Department, to attend a driver training re-education program in an attempt to correct motor vehicle operation deficiencies. Appendix A will be completed during the evaluation.

V. ACCIDENT REVIEW BOARD

- A. There will be an Accident Review Board comprised of police personnel, of which the Chief of Police will appoint two (2) officers, and two (2) officers appointed by the Fraternal Order of Police. The Traffic Support Unit Commander will function as the non-voting chairman of the board. The board will be responsible for reviewing accidents involving police vehicles in an effort to reduce the incidence of police vehicle accidents.
- B. Designated members of the Accident Review Board will serve one (1) year tenure on the board commencing in January of each year.
- C. The Accident Review Board will review all police vehicle accidents sent to them to determine whether or not the officer involved was negligent. The Accident Review Board shall be empowered to hold whatever hearings and interviews of witnesses it deems necessary to fulfill its purpose.
- D. The Accident Review Board shall conduct hearings on the third Wednesday of each month, giving at least five (5) calendar days notice to officers of such hearings. Accidents involving police vehicles, which occur less than fourteen (14) calendar days prior to the third Wednesday of a month, shall not be heard until the succeeding month's hearing. The Accident Review Board shall submit a report of the findings, along with reasons in support thereof, to the Chief of Police within five (5) calendar days of the hearing.
- E. All tie votes from the Accident Review Board shall be resolved by a decision of the Traffic Commander or Acting Commander when acting as chairman.
- F. Review Procedures
 - 1. The Accident Review Board Chairman will establish appropriate procedures for efficient review of all investigative materials concerning the crash or incident.
 - 2. The Accident Review Board may require testimony from the involved officers and any other personnel connected with the crash or incident and subsequent investigation.
 - 3. An officer before the Accident Review Board may present evidence and testimony on their own behalf. Employees/members will also be permitted to ask questions of the Accident Review Board, provided the questions are specifically and directly related to their case.

G. Recommendations

1. Non-Negligent

- a. A judgement of the Accident Review Board that the officer directly responsible for the vehicle exercised reasonable care in the operation of the vehicle.
- b. Circumstances contributing to the crash or incident were reasonably beyond the control of the officer.

2. Negligent

- a. A judgment of the Board that avoidance of the crash or incident was reasonably within control of the officer.
- b. A judgment of the Board that the officer failed to exercise reasonable care in the operation of the vehicle, or violated laws, orders, rules, or policies.
- c. The Accident Review Board will assess points to the officer's driver's record based on a scale from zero to five.

H. Points System

1. To ensure integrity and consistency in the review of all department vehicle crashes and incidents, the following point system has been developed

- a. All officers of the Department will accrue 0.5 (one-half) credit point for each year of negligent crash free driving (retro-active to January 1, 2010). These points will be used to offset any points assessed due to a preventable crash, as determined by the Accident Review Board.
- b. The following schedule of penalties will be in effect and assessed accordingly for damages to police vehicles by personnel who were judged negligent by the Accident Review Board in the operation of said police vehicle

Damage to Police Vehicle	Points Assessed
Cosmetic - \$1000.00	1
\$1001 - \$2500	2
\$2501 - \$4000	3
\$4001 - \$5000	4
>\$5001	5

- c. Any officer found negligent in two or more accidents in a twelve-month period which results in more than six points being assessed to their driver's record shall be assessed an additional two points.
- d. The Accident Review Board will have unlimited access and review authority of driving records of any officer maintained by the Kansas Department of Motor Vehicles.
- e. All information before the Accident Review Board is considered confidential and board members will refrain from discussing any case with unauthorized persons.
- f. The Accident Review Board will forward all recommendations to the Chief of Police.
- g. The Accident Review Board must, upon the request of the Chief of Police, prepare additional responses or explanations to clarify specific cases or questions.

I. Disciplinary and Corrective Action Points System

- 1. After each Accident Review Board hearing, and any assessed points are subtracted, disciplinary or corrective action will be recommended to the chief of police based upon the balance of points on the officer's driving record, in accordance with the following:
 - a. Zero to negative 3 points: No further action recommended.
 - b. Negative 4 to negative 6 points: 15 point violation and driver evaluation.
 - c. Negative 7 to negative 11 points: One day suspension and mandatory driver's training refresher course recommended.
 - d. Negative 12 points or more: Two-day suspension and mandatory driver's training refresher course recommended.

VI. Criminal Complaints

- A. In some instances an outside jurisdiction, the Internal Affairs Unit, or other Department Units might be called to handle or assist in an accident involving department personnel where there is an allegation of criminal wrongdoing. In those cases, the Accident Review Board will not hear that particular case until it has been adjudicated in the criminal court system or charges have been declined.
- B. The Commander of the Accident Review Board will track any personnel-involved accident where a criminal allegation has been made and scheduled the hearing after the criminal case has been concluded.

VII. Exempt Sworn Personnel

- A. All accidents involving command rank personnel will be sent directly to the Chief of Police for disposition.