

**NEW SMYRNA BEACH POLICE DEPARTMENT
NEW SMYRNA BEACH, FLORIDA**

POLICY AND PROCEDURE DIRECTIVE

TITLE: VEHICLE CRASH PROTOCOL/ DEPARTMENT MEMBERS

NUMBER: 18-4

EFFECTIVE: 9/12

REFERENCE:

RESCINDS/ AMENDS: 23-3

REVISED: 06/23

ATTACHMENTS:

A. PURPOSE

The purpose of this directive is to establish procedures for members of the New Smyrna Beach Police Department (NSBPD) regarding city owned/leased vehicles involved in traffic crashes.

It also establishes the Police Department's Crash Review Board (CRB) while providing guidelines for administering corrective action and/or remedial training to members involved in traffic crashes.

Additionally, it is the intent of this directive to foster crash prevention and raise the level of safety consciousness of all members.

B. POLICY

It shall be policy that appropriate police personnel or designated outside agencies investigate all vehicular crashes involving vehicles that are city owned, rented, leased, or used in the performance of police functions.

This policy affects all members of the New Smyrna Beach Police Department (NSBPD) and is disseminated to all departmental members to ensure compliance.

All Department personnel are required to immediately report to a supervisor any contact between any city vehicle and another vehicle, or any other object.

C. DEFINITIONS

CRASH: An unintentional act involving at least one vehicle in transport that results in property damage, injury, or death.

CHARGEABLE CRASH: Any police vehicle crash that is the direct result of the member being negligent or careless in the operation of their vehicle for which they are charged, or could have been charged, with a civil infraction.

IMPROPER PARKING: Parking the car illegally other than in the performance of a members official duties.

VEHICLE: For the purpose of this directive, vehicle shall include vessel, wave runner, ATV, golf cart, or other mechanically propelled vehicle.

D. PROCEDURE

18.4.1 Reporting Responsibilities

The involved member must immediately report the agency vehicle crash to Volusia County Consolidated Communications Center (VCCCC), and then to their immediate supervisor.

1. If the immediate supervisor is unavailable, notifications will be made to the appropriate Division Commanding Officer or the on-call Commanding Officer as appropriate.
2. Supervisors or staff members involved in crashes will follow their chain-of-command for response to the scene.
3. Unless physically unable to do so, the involved member will provide information regarding the incident to the crash investigating supervisor.
4. Members are prohibited from offering or making oral or written statements to any other person or entity concerning liability related to damages, including vehicles, property or personal injury resulting from any vehicle crash, unless specifically directed to do so by the Chief of Police or his designee.

18.4.2 The on-duty supervisor will respond to all member involved crashes and will notify the Division Commanding Officer or on-call Division Commanding Officer.

18.4.3 If the crash involves minimal property damage, there are no injuries and doesn't involve another vehicle, no State of Florida Traffic Crash report is required. The responding supervisor will still have investigative and reporting responsibilities. The Supervisor will notify the Division Commanding Officer or on-call Division Commanding officer.

1. The investigating supervisor will ensure that all necessary incident reports and city forms to include photographs are completed. Unless otherwise authorized, all reports and documents will be submitted by the end of the supervisor's tour of duty.

18.4.4 Florida Highway Patrol (FHP) will be notified to investigate all other crashes involving city owned or leased vehicles.

18.4.5 Agency Vehicle Crash Occurring Outside Of New Smyrna Beach

Any law enforcement agency having jurisdiction at the scene of the traffic crash may assume investigative responsibility or the crash may be investigated by FHP at the agency's discretion.

18.4.6 Crash reports that are being investigated by other agencies will be obtained at a later time from the investigating agency by the appropriate Division Commanding Officer.

18.4.7 Any member who is involved in a vehicle crash shall be tested for alcohol/drugs pursuant to City of New Smyrna Beach Personnel Policies and Procedure:

1. Crashes which results in loss of life or serious injury;
 - Additionally, the involved member shall be relieved of duty pending a documented preliminary review of the crash circumstance;
 - The review shall be conducted by the Office of Professional Standards (OPS) and forwarded to the Chief of Police or designee;

- The Chief of Police or designee will determine the return to duty status of the member.

E. SUPERVISORS REPORT/ OVERVIEW

18.4.8 The investigating supervisor will be responsible for the “Blue team” report, which will contain, at a minimum, the following:

1. If the sustained damages could have been avoided;
2. Summary of the traffic crash investigation and findings;
3. Names of involved persons;
4. Generalized description/value of property lost or damaged;
5. Identity of injured persons, and seriousness of injury;
6. Estimated costs associated with the traffic crash.

18.4.9 The original crash report will be forwarded to the Records Unit for electronic submission to the Florida Department of Highway Safety and Motor Vehicles.

18.4.10 Copies of the traffic crash package will be forwarded to the Division Commanding Officer.

1. The Division Commanding Officer will arrange for a damage estimate from the City garage and collect the information necessary to make the determination if a hearing is required.
2. The Division Commanding Officer shall notify Human Resources and the City Attorney providing a copy of the Supervisor’s Report in its entirety via email.
3. If a hearing is required, the Division Commanding Officer shall forward copies of the package to the Office of Professional Standards to schedule a hearing.
4. The OPS will prepare the packages for the Crash Review Board (CRB) members.
5. If a hearing is not required, the package shall be promptly forwarded to the City Attorney.

F. CRASH REVIEW BOARD

18.4.11 The purpose of the Crash Review Board (CRB) is as follows:

1. To review and recommend corrective actions that would prevent any similar crashes;
2. When applicable, to determine whether the individual assisting with directions was at fault or not at fault;
3. To determine if policy or procedure needs to be modified.

18.4.12 The Board shall consist of the Deputy Chief, Division Commanding Officer, and the member’s supervisor.

18.4.13 The driver shall be given an opportunity to appear before the Board, but their appearance is not required.

18.4.14 If requested and the driver cannot attend the CRB meeting:

1. The driver may prepare a written statement so that the Board members have their version of the crash.
2. If another member is requested by the Board to attend and they are not on duty during the CRB hearing, overtime will be authorized.

18.4.15 Board members have an opportunity to question the member or witness (es).

1. Counsel or a member of the employee’s bargaining organization may represent the member appearing before the Board.

18.4.16 The CRB will forward the following:

1. A copy of the Board's recommendation will be forwarded to the Chief of Police who will make the final determination for disciplinary action, if applicable.
2. A copy of the completed review will be sent to the City Attorney in a timely manner.
3. The review and the final determination/disposition will be placed in the member's personnel file.

G. SANCTIONS/ DISCIPLINE GUIDELINES AVOIDABLE CRASH

18.4.17 Members involved in traffic crashes that are deemed to be avoidable may be subject to sanctions to include:

1. Remedial Training.
2. Counseling.
3. Loss of vehicle privilege.
4. Disciplinary action up to, and including termination.

18.4.18 In all cases the department will apply progressive discipline in deciding the appropriate sanction as provided in the current collective bargaining agreement and the [City's Personnel Policies & Procedures](#).

1. The Police Chief reserves all rights to make an independent determination of what sanctions shall be imposed on a member involved in a traffic crash absent mitigating or aggravating factors.

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**Approved: Signature on File
Chief Eric Feldman**