



Newport News Police Department - Administrative Manual

ADM-250 - POLICE VEHICLE CRASH REVIEW

Amends/Supersedes: ADM-250 (05/02/2011)

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I. GENERAL

All police vehicle crashes will be reviewed as set out in policy. The Department review process endeavors to ensure all employees adhere to City and Department rules and regulations regarding the operation of Police/City vehicles. The review attempts to identify causes and/or factors that contributed to the crash which can be addressed through training and/or disciplinary action.

II. PROCEDURE

A. Supervisory Review

1. All crashes involving police vehicles will be investigated as set forth in OPS-330 ("Traffic Crash Investigations").
2. Each supervisory level, beginning with the employee's immediate supervisor, will review the crash report and make an applicable recommendation: [26.1.5]
 - a. *Unavoidable*: The driver followed proper procedure and did everything possible to avoid the crash.
 - b. *Avoidable/Excusable*: The driver did not follow proper procedure and/or did not do everything possible to avoid the crash but, due to mitigating circumstances, the driver's action and the resulting collision are excusable.
 - c. *Avoidable*: The driver did not follow proper procedure and/or did not do everything possible to avoid the crash.
3. If the immediate supervisor finds the crash was avoidable, the report will include the classification of the crash in terms of severity, based on the following categories' criteria: [26.1.5]
 - a. *Very Minor*: Includes crashes where the vehicle scrapes or bumps a fixed object while making a maneuver or checking a business, or where the vehicle rolls into another at a very low speed. These crashes typically involve no more damage than a broken light or a small scratch or dent, and damage is \$250.00 or less.
 - b. *Minor*: Includes crashes which involve more than very low speeds and/or generally involve damages to property exceeding \$250.00 but not in excess of the DMV reportable threshold (§46.2-373 of the Code of Virginia). Crashes involving personal injuries are not classified as minor.
 - c. *Major*: This category includes crashes which result in total property damage in excess of the DMV reportable threshold (§46.2-373 of the Code of Virginia), personal injury, and/or death.
4. Reviewing supervisors will use the City Equipment Crash Review Form (NNPD Form #192), along with the employee's letter, crash reports and other pertinent documents to complete a crash review package.

5. All completed crash review packages will be forwarded through the chain of command to the Chief of Police.
 - a. Each level of supervision will review the crash review package and add a recommendation.
 - b. The Bureau Commander will contact the Patrol Bureau, Special Operations Section for the employee's current point accumulation total. The Bureau Commander will forward the package to the Patrol Bureau Assistant Chief. After review by the Patrol Bureau Assistant Chief, the package is sent to the Patrol Bureau, Special Operations Section Commander.
 - c. The Patrol Bureau, Special Operations Section will prepare the final package for the Chief's review, to include the employee's Department driving record and a cover letter.
6. The Assistant Chief of the Patrol Bureau will make the final decision and communicate it to the involved parties via the Special Operations Section Commander.
7. All crash and related information is returned to the Special Operations Section Commander for record keeping.
8. Any crash resulting in a letter of counseling, or disciplinary action not resulting in termination, will be entered into the IAPro BlueTeam module.

B. Appeal of Initial Findings

1. If an involved party(s) disagrees with the initial findings and wishes to appeal the Chief of Police's decision, the employee(s) must forward a written notice of appeal through their chain of command within 20 calendar days of receipt of the findings.
2. Upon receipt of the appeal request by the Chief of Police, the Crash Review Committee will convene to review the appeal.
3. The Committee may call any pertinent crash witnesses if the investigation's review requires it. The involved employee is automatically required to appear before the committee.

NOTE: The Crash Review Committee will meet on the first Tuesday of each quarter (as necessary) to review appealed findings.

4. Crash investigation packages sent to the Crash Review Committee will contain all crash reports, diagrams, Evidence.com video identifiers, witness statements, and any other pertinent information.
5. After the crash is reviewed and recommendations are forwarded by the Chief, the Crash Review Committee will determine if:
 - a. The recommended classification is consistent with findings in similar cases.
 - b. Other mitigating circumstances exist which should be considered in the review and recommended classification of the crash.
6. The Crash Review Committee will write a report of their decision including any additional evidence which could alter the Chief's findings.

NOTE: The report shall be submitted within five working days of the hearing completion.

7. Should the final report alter the disposition of the crash, notifications will be made through the appropriate chain of command by the Chief of Police. The employee will also be notified as to whether the original decision was upheld.
8. Supervisors can review crash file reports for evaluation purposes by making an appointment with the Special Operations Section.

C. Organization of the Crash Review Committee

1. The Crash Review Committee is comprised of five members, representing a cross section of the Department:
 - a. Special Operations Section Commander;
 - b. 1 CRASH Team Sergeant;
 - c. 1 Sergeant; and
 - d. 2 Police Officers - 1 Detective and 1 Patrol Officer.
2. In cases where damage or repair costs are needed, the Fleet Coordinator will submit a report prior to the panel hearing. The Crash Review Committee may request the presence of the Fleet Coordinator, if they feel the need.
3. A panel of alternates will be selected to serve at meetings when committee members are unable to attend.
 - a. Alternates will hold ranks/positions comparable to committee members.
 - b. Whenever possible, alternates will be selected from personnel assigned to the Police Headquarters Building to ensure their availability in emergency situations.
4. The Special Operations Section Commander shall serve as the chairman of the Crash Review Committee and shall be responsible for scheduling meetings and assuring their proper and orderly conduct.
5. Committee members, alternates, and replacements are selected by the Special Operations Commander, and shall serve for a period of two years.

D. Point Value System

1. The proper point value is attached to each avoidable crash using the following scale:
 - a. 1 point and notation in file - very minor crashes.
 - b. 2 points and letter of counseling - minor crashes. [26.1.4(b)]
 - c. 4 points and letter of counseling - major crashes. [26.1.4(b)]
2. Each crash is added to any others in the employee's file which occurred in the past 24 months, resulting in the following action for **accumulated** performance points:
 - a. 1 point - no action other than notation in file.
 - b. 2 - 3 points - letter of counseling. [26.1.4(b)]
 - c. 4 points - letter of counseling; defensive driving/remedial training if circumstances warrant. [26.1.4(a,b)]

- d. 5 points - letter of counseling, automatic enrollment in defensive driving.
- e. 6 points - letter of counseling; automatic enrollment in defensive driving; loss of privileges in the Take Home Vehicle Program for a minimum of 12 months, or for as long as points remain at 6 or higher after the 12-month period has passed. [26.1.4(a,b,c)]
- f. 7 points - letter of counseling; "unacceptable" rating in "Management of Available Resources"; automatic enrollment in defensive driving. [26.1.4(a,b)]
- g. 8 points - performance probation for duration of time that point total remains at/or above. [26.1.4(c)]

NOTE: Crashes may also be judged on their own merit. In addition to assessing performance points, additional disciplinary actions may be recommended as circumstances warrant.

- 3. The receipt of a "unacceptable" rating in "Management of Available Resources" as a result of the accumulation of the accumulation of seven or more points will be a factor viewed in considering an employee for a merit increase based on performance standards.
- 4. When an employee is involved in three city vehicle crashes within any given six-month period, the Special Operations Section Commander shall notify the Commander of the Internal Affairs Division, who shall in turn institute an immediate incident file review as per Section II, Paragraph J., of ADM-273 "Accumulated Incident Review". [35.1.9(b,d)]
- 5. Once an employee completes a required defensive driving course, documentation must be forwarded to the Special Operations Section Commander, for the crash history file, with a copy of any training received maintained in the employee's training record in the Training Section.

NOTE: If the employee receives a letter of counseling, or a file notation, the originals of the documentation will be maintained by the Internal Affairs Division.

E. Special Criteria

- 1. Any avoidable crashes while on performance probation may result in termination.
- 2. Points associated with any crash are removed 24 months after the crash date.
- 3. Employees may accumulate up to five positive points computed at the rate of one positive point per twelve-month period of driving that is crash free and/or a crash was determined to be unavoidable. Earned points may be applied against points received under Section II. D. 2.
- 4. The Records Unit will be responsible for supplying written notification to the Office of the Chief of Police of crashes involving police vehicles that would be reportable under DMV definition so DMV may be advised and the police vehicle crash not reflect on the employee's DMV driving record.

Steven R. Drew
Chief of Police