

GENERAL ORDER



Title
Crash Review Board (CRB)

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Related to:
General Order 201.07 (Review Boards)

DISTRICT OF COLUMBIA

I. Background..... Page 1
II. Policy..... Page 1

III. Definitions..... Page 2
IV. Procedural Guidelines..... Page 3

I. Background

Crashes involving departmental vehicles often jeopardize the safety and lives of members and the public. The legal ramifications of these crashes pose a potential liability and financial burden to the Department.

The Department has an obligation to its members to provide training, equipment and appropriate guidance in order to prevent vehicle crashes. The Department also has a responsibility to the public to fully investigate, bring resolution to, and hold members accountable for crashes involving negligence or violations of traffic and departmental regulations. (CALEA 26.1.4)

The Metropolitan Police Department Crash Review Board (CRB) is created in order to provide command-level review and oversight of all departmental crash cases.

II. Policy

The policy of the Metropolitan Police Department is to reduce the number of crashes involving departmental vehicles by:

- A. Providing training, equipment, policy and procedures to maximize effectiveness of members driving abilities.
- B. Conducting high quality, professional, impartial, timely and fact based assessments of crash cases involving members of the Department.
- C. Holding operators accountable for the safe operation of departmental vehicles.

- D. Providing consistent application of departmental policies and ensuring that MPD policies and procedures have been followed.
- E. Seeking to raise internal and external credibility as it relates to police vehicle operation and foster the confidence, trust, and support of the community and members of the Department.
- F. Identifying training needs and setting new standards in police vehicle operations and accountability.
- G. Making police vehicle operation policy recommendations that foster safety for police officers and citizens.

III. Definitions

For the purpose of this order, the following terms shall have these designated meanings:

- A. Department Vehicles include:
 - 1. Department - owned vehicles;
 - 2. Vehicles rented by the Department and used for Department purposes;
 - 3. Privately owned vehicles authorized to be used for official business;
 - 4. Any other vehicles being officially used for Department purposes.
- B. Preventable crash- when the member failed to exercise reasonable care in the operation of the Departmental vehicle; failed to take reasonable action which could have avoided or prevented the crash; violated a Department rule, policy or procedure which contributed to the crash; and/or committed moving violation(s) whether cited or not.
- C. Non-preventable crash- when a member exercised the level of reasonable care and caution that would be exercised by an ordinary and prudent person in the same circumstances as the member, and who took reasonable precautions to prevent or minimize the effect of the crash.
- D. Serious bodily injury- an injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any limb or organ (this includes broken bones).
- E. Substantial property damage- total property damage to vehicles or other property resulting from a crash that exceeds three thousand dollars (\$3,000.00) in value.

IV. Procedural Guidelines

A. Crash Review Board

1. Members of the CRB shall consist of:
 - a. An Operations Commander (Chairman),
 - b. Deputy Director, Corporate Support,
 - c. Deputy Director, Institute of Police Science,
 - d. Commander, Major Crash Unit, and
 - e. Manager, Fleet Services Department.
2. The Executive Assistant Chief (EAC) shall schedule the rotating Operations Commander to serve as CRB Chairman quarterly.
3. The Crash Review Officer assigned to the Fleet Services Department shall serve as the CRB Recorder. The assigned member shall ensure that all related reports and available evidentiary information is available for the CRB's review.
4. As a part of their investigation, Commanding Officers shall submit a full report of all crash cases to include:
 - a. Findings as to the cause of the crash,
 - b. Responsible party,
 - c. Contributing and mitigating factors,
 - d. Whether operation of the vehicle was within Departmental policies and guidelines,
 - e. The specific traffic regulations or Departmental policies violated, and
 - f. A recommendation whether the crash was preventable or non-preventable.
5. In no case shall a Commanding Officer institute any type of corrective or disciplinary action prior to final action by the CRB. (CALEA 26.1.5)

6. The CRB shall meet monthly, on the 3rd Wednesday of each month, to review cases from the previous calendar month.
7. A quorum shall consist of three (3) CRB members.
8. The CRB shall prepare a final report, documenting CRB's findings and recommendations, no later than ten (10) business days from the conclusion of the CRB's review. The report shall be forwarded through channels to the command that reported and investigated the crash case.
9. A majority vote must determine the CRB's final decision. If a majority vote cannot be obtained after discussion and votes, the Chairman makes the final decision. The dissenting member(s), if any, may submit a minority report addressing their findings with recommendations.
10. The CRB, when determining responsibility and making recommendations, shall consider, but are not limited to, the following:
 - a. The extent and scope of driver training given to the member;
 - b. The manner in which the vehicle was being operated, to include code one, routine patrol, etc.;
 - c. The existence and extent of negligence on the part of the Department operator, including a determination whether the crash was the result of faulty driving, reckless driving or driving in clear disregard of Departmental orders or traffic regulations;
 - d. Deficiencies on the part of supervisory personnel;
 - e. Operating conditions of the vehicle;
 - f. Adequacy of vehicle maintenance;
 - g. Adequacy of location of installed equipment; and
 - h. Identification of operational policy issues.
11. The CRB has the authority to render the following actions:
 - a. Remand a case back to the Commanding Officer for further investigation,

- b. Rule whether a report is to be classified as “preventable” or “non-preventable”, and
 - c. In preventable cases, where negligence or violation of traffic and/or departmental guidelines occurred, make a recommendation for corrective action or adverse action.
12. To establish a degree of continuity throughout the Department, the CRB shall utilize a “Point Value System” to determine the appropriate penalty for all preventable accidents. The point value system considers the circumstances contributing to the crash and the severity of the crash. (CALEA 26.1.4.c)
- a. Point assessments are based upon the following criteria:
 - 1) One (1) point if the operator violated Departmental orders and guidelines that were a primary or secondary factor in the crash.
 - 2) One (1) point if the operator committed a moving traffic violation that was a primary or secondary factor in the crash, whether cited or not.
 - b. Additional points are assessed based upon the severity of the crash as follows:
 - 1) One (1) point if the crash resulted in injury to any party less than “serious bodily injury”, to include complaints of pain or injury, without any visible injury.
 - 2) Three (3) points if the crash resulted in “serious bodily injury” or death.
 - 3) One (1) point if the crash resulted in property damage less than “substantial property damage”.
 - 4) Three (3) points if the crash resulted in “substantial property damage” or renders a vehicle a total loss.
 - c. The CRB calculates the total point assessment for the member when considering the penalty for preventable accidents. The total is derived by adding the point assessment for the crash case under review and the point assessment for all preventable crashes the member was charged with during the preceding twenty-four (24) months.

- d. Based upon the member's cumulative point assessment total, the CRB shall recommend disciplinary action as follows:
 - 1) Less than four (4) points **corrective action**
 - 2) Four (4) points or more **adverse action**
 13. The CRB shall forward all recommendations for corrective action through channels to the respective command. The decision on the level of corrective action shall rest with the individual Commanding Officer. However, Commanding Officers shall supply the CRB with a copy of the corrective action taken. (CALEA 26.1.5)
 14. The CRB shall make recommendations for adverse action to the Department Discipline Review Officer (DDRO). (CALEA 26.1.5)
 15. The CRB shall forward copies of all preventable crash cases and other training recommendations to the Director of the Maurice T. Turner Jr. Institute of Police Science (IPS).
 16. IPS shall be responsible for determining the appropriate level of driver re-certification or remedial training; the scheduling of members for training; and maintaining corresponding training records. (CALEA 26.1.4.a; 33.1.5; and 33.1.6)
- B. The CRB Recorder shall be responsible for:
- a. Scheduling Board Meetings;
 - b. Notifying members of the Board of the date, time, and location of Board Meetings;
 - c. Attending all CRB meetings;
 - d. Assessing and reviewing all documents required by the CRB for completeness;
 - e. Assigning a case tracking number for each case reviewed by the CRB;
 - f. Obtaining prior crash report information on involved members for the CRB's consideration;
 - g. Providing all pertinent reports, records, and samples to be considered, as well as all administrative and/or clerical assistance;

- h. Preparing a summary sheet of the CRB's findings and recommendations for each case reviewed by the Board;
- i. Notifying members and their Commanding Officer of the CRB's findings and recommendations;
- j. Maintaining a computerized database containing statistical information concerning all crash reports; and
- k. Maintaining a complete file of the CRB records.

// SIGNED //
Charles H. Ramsey
Chief of Police

CHR:NMJ:mcw