
	<b>GAITHERSBURG POLICE DEPARTMENT</b>		
	<b>Traffic Collisions Involving City Vehicles</b>		
	<b>GENERAL ORDER</b>	<b>621.2</b>	
<b>Effective Date</b>	<b>08/29/2024</b>	<b>41.2.4, 61.2.1, 61.2.2, 83.2.6</b>	
<b>Authorized by: Mark P. Sroka</b> CHIEF OF POLICE		SIGNATURE	DATE <b>08/29/2024</b>

**1. PURPOSE**

1.1. This directive outlines policy and procedure intended to ensure the proper investigation and documentation of collisions involving City vehicles.

**2. POLICY**

2.1. The Department investigates and documents all collisions involving City vehicles. All collisions involving Department vehicles undergo additional evaluation by the Collision Review Committee. The committee assesses preventability, training, and policy issues, and recommends implementation of measures intended to reduce the frequency and severity of collisions involving Department vehicles. The procedures and reviews outlined are intended to be used as risk management tools to reduce the City’s liability exposure and protect the interests of all involved parties.

**3. DEFINITIONS**

3.1. **City Vehicle** - Within the context of this directive, the term “City vehicle” refers to any motor vehicle owned by, leased, or assigned to the City of Gaithersburg municipal government.

3.2. **Department Vehicle** - Within the context of this directive, the term “Department vehicle” refers to any motor vehicle owned by, leased, or assigned to the Gaithersburg Police Department.

3.3. **Member** - Within the context of this directive, the term “member” refers to all personnel employed by the Department, unless otherwise indicated.

3.4. **Preventable Collision** - Within the context of this directive, the term “preventable collision” refers to a collision in which the member failed to exercise reasonable care or action, under the circumstances, to prevent or avoid the collision.

**4. PROCEDURE**

4.1. **General Provisions**

- 4.1.1. Collisions involving City vehicles, that result in damage to any property, or in which a person is injured or killed, shall be thoroughly investigated and a collision report completed.
- 4.1.2. Unless the collision is extremely minor or the collision's location poses a threat to the parties involved or other motorists, the vehicles involved in the collision will not be moved until arrival of the investigating officer, who will make the decision concerning when and how to have the vehicles moved.
- 4.1.3. Towing of City vehicles will be handled in the following manner:
  - 4.1.3.1. The vehicle will be towed to the City's Public Works facility and stored inside the secure fenced area; and
  - 4.1.3.2. All equipment not permanently affixed or mounted in or on the vehicle shall be removed (including all weapons and the member's personal belongings) and transported to the station to be properly secured.

#### **4.2. At the Scene**

- 4.2.1. The on-duty shift supervisor will be notified immediately by any Department member involved in a collision while operating a City vehicle unless the member is incapacitated or otherwise incapable of making the notification. In cases where the on-duty shift supervisor is the member involved in a collision, the supervisor involved will make immediate notification to another on-duty supervisor, or in the absence of another on-duty supervisor, the on-call commander.
  - 4.2.1.1. If the member involved in the collision cannot make the notification, it is the responsibility of the investigating officer to make the necessary notification.
  - 4.2.1.2. If a sworn member requires hospitalization, the officer in charge of the scene will ensure that the officer's weapons and equipment from the vehicle are accounted for and properly secured.
  - 4.2.1.3. The name of any injured party will not be released to any member of the media until the family of the individual is notified, in accordance with Department procedures enumerated in General Orders 202.3 – Line-of-Duty or Serious Injury to GPD Member/support Services and 1201.1 – Media Relations and Public Information.
- 4.2.2. The on-duty shift supervisor will respond to collisions involving Department vehicles and assume command of the scene, coordinate

with the investigating officer, and conduct a supervisory investigation to determine adherence to Department policies and procedures. In cases where the on-duty shift supervisor is the member involved in a collision, the individual notified (Section 4.2.1 above) will assume these duties.

- 4.2.2.1. The on-duty shift supervisor shall immediately notify the appropriate bureau commander or on-call (after hours) bureau commander of collisions involving Department vehicles, if any involved party is transported to a hospital by Montgomery County Fire and Rescue (MCFR) because of the collision.
- 4.2.2.2. For collisions that do not involve injury or claim of injury, the on-duty supervisor shall make email notification to the command staff, Fleet Coordinator and Special Operations Sergeant via the Police Cruiser Collision notification email group by end of shift.
- 4.2.2.3. For collisions occurring outside of Montgomery County, the normal procedures for notifying the appropriate GPD on-duty supervisor shall immediately be made.
- 4.2.3. Collisions involving City vehicles that are not Department vehicles, and are not being operated by Department personnel, do not require supervisory response unless otherwise warranted.
  - 4.2.3.1. Officers responding to and handling these collisions will notify the on-duty shift supervisor that the collision involves a City vehicle.
  - 4.2.3.2. In such instances, a command staff notification will be made by email prior to the end of the supervisor's tour of duty.
  - 4.2.3.3. The on-duty shift supervisor will email the Human Resources contact the ACRS report as soon as practical.
- 4.2.4. The collision will not be investigated by officers operating or occupying any vehicle involved in the collision.
- 4.2.5. Investigating officers will make every reasonable effort to obtain the insurance information for all other vehicles involved in the collision.
- 4.2.6. Members will not discuss liability issues or other matters relating to the collision with anyone, absent the direction or approval of the supervisor and/or the investigating officer; members operating or occupying the vehicle shall provide statements to the investigating officer.
- 4.2.7. Investigating officers shall make every reasonable attempt to obtain

written statements from all witnesses and involved parties; citizens may not be compelled to provide statements, but they shall be requested.

- 4.2.8. Digital photographs will be taken to depict at least the following:
  - 4.2.8.1. Actual or claimed damage to vehicle(s), property, etc.;
  - 4.2.8.2. Position of the vehicles;
  - 4.2.8.3. The overall geographic location of the collision to show terrain, road characteristics and sight distance (i.e., intersection, blind curve, etc.); and
  - 4.2.8.4. An overall photo of the vehicles involved showing their respective tag numbers.

#### **4.3. Sworn Personnel Drug and Alcohol Testing**

- 4.3.1. The Department adheres to the drug and alcohol testing policy, as outlined in Section 1103 (Drug-Free Workplace) of the City's Personnel Rules and Regulations manual; sworn personnel are not automatically compelled to participate in post-accident testing.
- 4.3.2. Per COMAR section 12.04.01.15, a positive test for a controlled dangerous substance, narcotic drug, or marijuana conclusively establishes that the individual providing the sample may not be employed or certified by the Maryland Police and Corrections Training Commission as a police officer.
  - 4.3.2.1. The agency head shall ensure that a positive screen for controlled dangerous substances, narcotic drugs, or marijuana was not a result of legal use.
  - 4.3.2.2. The Maryland Police and Corrections Training Commission recognizes that marijuana usage remains illegal federally.
- 4.3.3. If the supervisor on the scene observes, becomes aware, or any allegation is made, that the officer who was operating a City vehicle has used or is under the influence of any substance(s) that would affect the officer's judgment or ability to safely operate a motor vehicle, the employee shall be ordered to submit to testing as outlined in this directive.
- 4.3.4. When an officer is ordered to submit to testing for the aforementioned reason(s), the employee will immediately be escorted by a supervisor to a police facility capable of administering the following tests by properly certified examiners:

- 4.3.4.1. Intoximeter test, to determine blood alcohol content; and/or
- 4.3.4.2. Evaluation by a Drug Recognition Expert, if suspicion exists that the employee is under the influence of drugs.
- 4.3.5. When circumstances warrant that such testing take place, but the officer is being hospitalized, blood will be drawn by qualified medical personnel for examination.
- 4.3.6. When drug and/or alcohol testing is required for cause, the supervisor shall also immediately notify the appropriate bureau commander, who will respond and ensure that the administrative investigation is conducted in accordance with the existing state law and General Orders.
  - 4.3.6.1. A required drug and/or alcohol test for cause may consist of an intoximeter test or urine sample.

**4.4. Non-Sworn Personnel Drug and Alcohol Testing**

- 4.4.1. The Department adheres to the drug and alcohol testing policy, as outlined in Section 1103 (Drug-Free Workplace) of the City's Personnel Rules and Regulations manual.

**4.5. Report Completion and Distribution**

- 4.5.1. The on-duty supervisor, or individual notified in Section 4.2.1 shall ensure that all required reports are completed, submitted, and reviewed prior to the conclusion of the investigating officer's tour of duty.
- 4.5.2. The investigating officer shall complete a collision report documenting the collision.
  - 4.5.2.1. When completing the collision report, investigating officers will use the Police Department address and phone number for Department members involved in a collision.
  - 4.5.2.2. A copy of any related photographs and statements shall be submitted with the collision report.
  - 4.5.2.3. Any other required event report(s) associated with the collision shall be completed and submitted with the collision report.
- 4.5.3. When a Department vehicle is involved in a collision, the on-duty supervisor, or individual notified in Section 4.2.1, shall additionally:
  - 4.5.3.1. Assemble a collision report package containing the following:

- 4.5.3.1.1. Electronic GPD 611 Collision Survey Report;
  - 4.5.3.1.2. Collision Report;
  - 4.5.3.1.3. Any other related event report;
  - 4.5.3.1.4. Scanned copies of written statements of parties involved and/or witnesses;
  - 4.5.3.1.5. Digital photo record; and
  - 4.5.3.1.6. A Pursuit Report if the collision involved a pursuit;
- 4.5.3.2. Forward the complete collision report package to the Police Cruiser Collision email group.

#### **4.6. Collision Review**

- 4.6.1. During the initial review process, the Special Operations Bureau Sergeant, or designee, shall complete a Local Government Insurance Trust (LGIT) Vehicle Loss Report for any City vehicle involved in a collision no later than the next workday and email to Human Resources and to the Police Cruiser Collision email group.
- 4.6.2. The Collision Review Committee, which conducts further administrative review, is composed of the Operations and Special Operations Bureau Commanders, and the Emergency Management Coordinator.
- 4.6.2.1. The Emergency Management Coordinator serves as the Committee Chair.
  - 4.6.2.2. The committee reports directly to the Chief of Police.
- 4.6.3. The Collision Review Committee establishes and uses a set of general guidelines for administratively reviewing all collisions involving Department vehicles, for the purposes of:
- 4.6.3.1. Reviewing the investigator's finding of fault;
  - 4.6.3.2. Determining preventability;
  - 4.6.3.3. Improving driver and passenger safety; and
  - 4.6.3.4. Identifying training needs for:
    - 4.6.3.4.1. The Department as a whole; and

4.6.3.4.2. Individual drivers.

- 4.6.4. The Collision Review Committee meets as needed, as soon as practical of collision(s) involving Department vehicles, to evaluate information collected since the last meeting.
- 4.6.5. Department vehicle collision information reviewed by the Collision Review Committee may include, but is not limited to:
  - 4.6.5.1. The contents of the collision report package(s) submitted by supervisor(s);
  - 4.6.5.2. Additional photographs, documents and other evidence that may identify causal factors;
  - 4.6.5.3. Statistics related to collisions;
  - 4.6.5.4. Potential patterns; and
  - 4.6.5.5. Driver training.
- 4.6.6. When additional detail, clarification or correction is required, the committee may return reports to supervisors, via chain of command, for further investigation.
- 4.6.7. The Collision Review Committee maintains records of all collisions reviewed, including the reports relating to their findings, for a minimum of two years.
- 4.6.8. The Collision Review Committee shall make a recommendation and the Chief of Police, or designee shall make the final determination on whether the collision was found to be either (1) At-Fault or Not At-Fault and (2) Preventable or Not-Preventable.
  - 4.6.8.1. A determination of At-Fault and/or Preventable can be a performance issue or a disciplinary issue:
    - 4.6.8.1.1. An at-fault and/or preventable collision is considered a performance issue corrected with remedial training unless the officer showed wanton or willful disregard for the safety of persons or property, in a manner that indicated wanton or willful disregard for the safety of persons or property, or if the officer was driving a motor vehicle in a grossly negligent manner that endangers any property or the life or person of any individual.

4.6.8.1.2. An at-fault and/or preventable collision is considered a disciplinary issue if the Collision Review Committee found the officer showed wanton or willful disregard for the safety of persons or property, in a manner that indicated wanton or willful disregard for the safety of persons or property, or if the officer was driving a motor vehicle in a grossly negligent manner that endangers any property or the life or person of any individual.

4.6.8.1.2.1. Disciplinary collisions resulting in a damage amount of \$4,999 or less to the department cruiser shall be considered a Category 1 offense in the Statewide Police Disciplinary Matrix.

4.6.8.1.2.2. Disciplinary collisions resulting in a damage amount of \$5,000 or greater to the department cruiser is a Category 2 offense in the Statewide Police Disciplinary Matrix.

4.6.8.1.2.3. Disciplinary collisions resulting in an injury to law enforcement personnel and/or civilian as a result of gross negligence or reckless operation is a Category 3 offense in the Statewide Police Disciplinary Matrix.