

	<b>STANDARD OPERATING PROCEDURE</b> State Form 39870(R/S-06)	Reference Number <b>ENF-005</b>
	Subject <b>Crashes Involving Department Commissions</b>	
	Special Instructions Replaces CIU-004 dated June 14, 2012	Effective Date <b>January 15, 2015</b>

## **I. PURPOSE**

Establish guidelines for the investigation and reporting of crashes involving Department commissions.

## **II. POLICY**

Crashes involving Department commissions shall be investigated with the same degree of impartiality and thoroughness as crashes involving the general public. All required information shall be submitted electronically through #ISP Commission Crash Packets for review and classification by the Department's Fleet Safety Director.

## **III. DEFINITIONS**

A. Department Crash – A motor vehicle crash involving a Department commission when there is property damage or injury or death to any person.

B. Fleet Safety Director – Appointed by the Superintendent to review all Department crashes, collect and maintain related statistical data, and classify the nature of all commission crashes.

C. Commission – Issued vehicles or vehicles authorized for use by the Department for Department employees; including, lease vehicles, task force issued vehicles, etc.

D. Preventable Crash – Occurs when a reasonable driver in a similar situation or circumstance could have employed measures or counter-measures to avoid the crash.

E. Non-Preventable Crash – Occurs when a reasonable driver in a similar situation or circumstance, even if they had employed measures or counter-measures, would have been unable to avoid the crash.

## **IV. PROCEDURE**

### **A. Reporting Commission Damage.**

1. All damage involving a Department commission shall be immediately reported by the employee involved to the district covering the location where the damage occurred and the employee's immediate supervisor or proper chain-of command.

2. An Indiana Officer's Crash Report is required when:

a. A crash occurs and there is injury or death to a person (IC 9-26-21);

b. The total apparent damage to Department property (including other ISP equipment) exceeds \$1,000.00;

Note: Acts of “Deliberate intent” (intentional ram, legal intervention, Precision Immobilization Technique (PIT), etc.) that result in injury or death to any person or property damage will require the completion of an Initial Criminal Incident report (in lieu of a crash report) in addition to all other required reports (PD49, Commission Crash Summary, Crash Packet, etc.):

c. There are indications of the use of alcohol or other drugs by the involved employee

d. The crash is not immediately reported to the employee’s commanding officer (for non-district employees) and the regional duty officer where the crash occurred;

e. The crash was the fault of another driver/participant;

f. Any involved driver or property owner requests that a crash report be completed (even if damage is less than \$1,000); or

g. When the employee’s commanding officer or the Fleet Safety Director deems it appropriate that a crash report be completed.

*Note: If none of the above circumstances are present based on an authorized written estimate for the commission and Field Support Services replacement costs for other ISP equipment, then a PD-49 may take the place of the crash report and a crash report is not required.*

3. All crashes, whether utilizing a crash report or a “PD-49 only,” shall be reported utilizing the electronic **Crash Summary System**.

4. All crashes, including those reported using a “PD-49 only,” will be classified and mileage penalties will be assessed for preventable crashes.

5. Any damage to a Department commission shall be reported on a Report of Automobile Crash or Equipment Loss form (PD-49).

## **B. Commission Crash Investigation**

1. All commission crashes shall be investigated at the scene, as soon as possible, unless an emergency or other justifiable reason causes a delay.

2. Assigned commission crash investigator.

a. The nearest available police employee shall be assigned by the district where the crash occurred to respond to the scene. The responding police employee may assist at the scene or be required to conduct the investigation;

b. When available, a supervisor or command officer should be assigned to respond to and investigate a commission crash; and

c. A supervisor or command officer (with the assistance of an area team crash reconstructionist) shall be assigned to respond to and investigate a commission crash involving serious bodily injury, fatality or possible criminal violations (including Operating While Intoxicated (OWI)).

3. The police employee assigned to investigate the commission crash shall gather all the necessary information in order to complete a crash report and shall take photographs, even if the crash initially appears to qualify to be reported on a "PD-49 only" as indicated in section A-2.

4. Supervisors or command officers assigned to investigate a commission crash may be assisted in the investigation by other officers as needed e.g. field sobriety tests, etc; however, any citations, charges, or physical arrest of the employee/driver shall be handled by the investigating supervisor/command officer.

5. **Department commissions shall be listed as Vehicle #1** on all reports.

6. For the crash report and related forms, the investigating officer shall list the address of the employee involved in the crash as the Department facility where the employee works, e.g. district, area, or general headquarters street address.

7. The **VEHICLE USE** category shall be marked as POLICE when the operator of a Department Commission is an enforcement officer (trooper, CPS, or MCI).

8. Photographs shall be taken to document at a minimum, all skid marks, the position of final rest for each vehicle involved, the area of impact, the extent of damage to each vehicle, and each vehicle's license plate number.

A general view of the crash scene shall be taken from at least two (2) separate vantage points.

NOTE: Photographs are available through the district property officer by submitting a Request for Photo Service form.

9. Statements and identifying information shall be taken from every witness who has knowledge of the crash.

10. A crash reconstructionist shall be called to the scene of all serious personal injury or fatal crashes to assist in the investigation.

11. A command officer or fleet safety officer shall be assigned to coordinate the investigation and ensure that all reports are completed, and that photographs, and evidentiary materials are submitted to the appropriate district commander as soon as possible.

### C. Crashes involving possible chemical tests:

#### 1. When a Serious bodily injury or fatality (IC: 9-30-7) crash occurs:

*Note: No employee can be compelled or ordered to provide a breath or blood sample for a chemical test during a criminal investigation. However, the Department may compel an employee to provide the requested sample for the purposes of an intra-departmental investigation.*

a. When an employee/driver is involved in a serious bodily injury or fatality crash and there is no probable cause to believe the employee/driver is under the influence of intoxicating beverages or drugs the command officer shall offer or direct an employee to offer the employee/driver a portable or chemical breath test, as required under IC 9-30-7-3.

b. If the employee/driver tests positive for intoxicants, the investigating officer should conduct further investigation to develop probable cause and evidence of intoxication to support the OWI.

c. If the employee/driver refuses to submit to a portable or chemical breath test the command officer should issue a citation for violation of IC 9-30-7-5; after which, the command officer shall proceed to and follow the instructions in sub-section "2" below.

#### 2. Probable cause OWI investigation:

If a Department member detects any evidence that the employee/driver has been consuming intoxicating beverages or is under the influence of drugs, a command officer shall supervise an OWI (criminal) investigation in conjunction with the crash investigation. The provisions of Implied Consent shall be applied and processed in compliance with state law (IC. 9-30-6-2).

3. Any breath sample provided by an employee must comply with the requirements of IC 9-30-6-5. Blood or urine samples provided by an employee must be taken in accordance with the procedure set out in IC 9-30-6-6.

#### 4. Location for proper blood or urine tests.

If the command officer offers or causes the employee/driver to be offered a blood or urine test, the command officer shall transport or have the employee/driver transported to a state-licensed hospital to provide the sample.

*A "licensed hospital" is "an institution, a place, a building, or an agency that holds out to the general public that is operated for hospital purposes and that it provides care, accommodations, facilities, and equipment, in connection with the services of a physician, to individuals who may need medical or surgical services." (IC 16-18-2-179(b)). Physicians' offices, outpatient facilities, freestanding health facilities, or emergency care centers specializing in first aid that do not have the ability to admit and house patients on an indefinite basis are not "licensed hospitals" for the purposes of this SOP.*

*Note: A sample taken must be taken under the direction of a physician or under a protocol prepared by a physician.*

5.If an employee/driver refuses to provide a sample for the investigations described in sections “C 1 or 2” above, the command officer shall, through channels, contact the Internal Investigations Section (IIS). The IIS shall determine if an intra-departmental (internal) investigation shall be initiated and if the employee/driver shall be ordered to submit to a chemical test for intoxicants as part of an internal investigation. *Note; Voluntary samples provided as part of a criminal investigation may be included in an inter-departmental investigation; however, voluntary or compelled samples taken as part of an inter-departmental investigation may not be included in a criminal investigation.*

#### **D. Responsibility for the completion of applicable reports**

1. The **investigating officer** shall:

- a. Collect and forward crash information to the district duty officer, where the crash occurred; and
- b. Ensure the crash investigation and report are completed and submitted.

2. The district duty officer shall ensure the [Commission Crash Summary](#) (located on the Department’s MyShare homepage) is submitted prior to the end of the investigating officer’s shift; and

3. Shall notify the appropriate command personnel, through channels, and the Department’s Legal Office if there are any severe injuries and/or fatalities.

4. The **involved employee** (driver) shall:

- a. Ensure a [PD 49a](#) (including, in the employee’s own words, a description of the events leading up to the crash) is completed and if applicable a Report of Personal Injury or Illness form;
- b. Obtain estimates of damage (see section “F, 1, b” below); and
- c. Shall ensure items “a” and “b” (above) are submitted to their commanding officer or designee.

#### **E. Commander’s Review and Responsibilities.**

1. **Employee’s commander** (section, district, division, etc.) upon receiving the report of a commission crash shall:

a. Make the necessary notifications, through the chain of command, to include Operations. The level of immediate notification, through the chain of command, shall be determined by the extent of the crash.

b. Notify the Primary Staff and the Legal Office when an injury or death has occurred; and

c. Shall review and evaluate the Crash Report and all documents within the Crash Packet to include:

(1) Ensuring the crash summary is submitted to the Fleet Safety Director as described;

(2) Ensuring the crash packet is accurate and complete and electronically forwarded to [#ISP Commission Crash Packets](#) **NO LATER THAN 10 CALENDAR DAYS AFTER THE CRASH;**

2. District commander (employee's commander or commander of the district the crash occurred in) shall:

a. Review the crash investigation prior to its submission into the Aries Crash Report system. The district commander may also require the assistant district commander to review the investigation as well;

b. If necessary, assign a supervisor and/or the local fleet safety officer (FSO) to contact the involved officer(s) to assist in the completion of all required reports. The assigned supervisor and/or FSO, upon completion of the assignment, shall report to the commander any unusual circumstances, inconsistencies, or concerns about the crash or the involved employee(s).

c. Analyze the crash report, all parts of the crash packet, and evaluating the employee's actions. Commanders may, at any time, request assistance from the Fleet Safety Director, the local Fleet Safety Officer or the Training Section when analyzing the reports. The analysis of the crash report should include (but is not limited to):

(1) Ensuring the crash report is completed and accurate. Special attention should be paid to the primary and contributing causes of the crash and witness and driver statements;

(2) The employee's compliance with Department policy and applicable State laws;

(3) Any actions or possible trends by the employee in this incident or any previous incident; and

(4) The involved employee's use of judgment and decision making leading up to and during the crash.

e. A review of the report by a local fleet safety officer with comments or recommendations directed back to the commander;

f. When necessary, based on the totality of the circumstances, a commander may order a debriefing of the incident with the involved officer(s). The debriefing should:

(1) Include, at a minimum, the employee's commander, the local fleet safety officer, an EVO instructor and the involved employee(s); and

(2) Debriefings should not normally take place for routine incidents that are properly handled.

g. Commander's shall, upon conclusion of the review, provide feedback (either directly or through the employee's supervisor) to the involved employee and shall take any necessary and appropriate action should any negative issues arise.

h. The Fleet Safety Director shall review each commission crash report and packet and has the authority to make inquiries into the crash and its review. All inquiries shall be conducted through proper channels.

#### **F. Electronic Crash Packet:**

1. The crash packet shall consist of:

a. A [PD-49a](#), which includes the involved employee's version of the events leading up to the crash and the Commission Equipment Checklist;

b. Three (3) itemized estimates (**DO NOT INCLUDE SALES TAX**) from a credible auto repair shop or one (1) itemized estimate from a State IDOA or INDOT facility; and

c. Digital photos of the commission damage of sufficient quality to determine if used parts (from Logistics) can be used to make the necessary repairs.

Note: Items that are not computer templates or computer based (e.g. Word, Excel, etc.) shall be scanned into electronic form and attached to the crash packet.

2. A [Statement of Justification \(SOJ\)](#) to repair the commission shall be submitted as a separate file from the crash packet and shall only be submitted using the **Word format**.

3. The entire crash packet (including the Statement of Justification) shall be forwarded electronically to [#ISP Commission Crash Packets](#) (using either this link or by typing this address into your Outlook address window. The correct address includes the spaces between each of the words).

4. Field Support Services will contact the involved employee's commander to discuss the most effective and efficient method for repairing the commission and notify the Fleet Safety Director of this decision.

#### **G. Payment for the repair of commissions**

1. Upon receipt of a final bill or invoice for repair of a commission the commanding officer should sign the invoice as confirmation that the billed repairs were made and are of good quality.

2. Forward (electronically) the invoice, including the Work Order # to [#ISP Commission Crash Packets](#).

3. If the invoice is higher than the estimate given, the commanding officer shall request an explanation from the vendor regarding the difference in cost and then attach this information to

the invoice. Commanders shall closely monitor vendors whose invoices are consistently higher than their original estimates.

H. For information regarding the Department's Fleet Safety Program or the classification of Department crashes refer to SOP SSU-002 Fleet Safety Program.

I. This procedure is to be used in conjunction with all relevant Department regulations, rules, policies, and procedures.