

Columbus Police Division Directive	EFFECTIVE	NUMBER
	Dec. 30, 2000	9.10
	REVISED	TOTAL PAGES
	Jun. 30, 2015	7
<b>Fleet Safety Manual</b>		



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## I. Introduction

- A. This manual provides guidelines for the disposition of vehicle **traffic crashes** involving sworn personnel. Additional information may be found in the “**Traffic Crashes Involving Division Personnel and Vehicles**” directive.
- B. Division personnel may attend Fleet Safety Committee meetings as non-voting observers.

## II. Responsibilities of Committee Members

### A. **Assigned** Traffic Bureau Officer

1. Prepare **traffic crash** summaries and diagrams for all cases under review at the meeting.
2. Read the prepared summaries for all appeals and **traffic crashes**, omitting any information that would disclose the identity of the vehicle operator.
3. Present all cases involving officers being considered for DDT.

### B. Recording Secretary

1. Provide the original **traffic crash** reports, with the chain of command comments, to the Chairperson at the meeting. The reports shall be numbered to correspond with the numbers on the **assigned** Traffic Bureau Officer’s diagrams.
2. Record the vote of the committee on each case.
3. Prepare and send a Disposition Notification, form F-10.100, and a copy of the routing sheet to the involved **employee**.
4. Prepare and forward a report of the disposition of the cases heard by the Fleet Safety Committee to the following:

- a. General Staff
  - b. Safety Director
  - c. Legal Advisor
  - d. Accident Records
  - e. Accident Investigation Unit
5. Notify individuals appealing Fleet Safety Committee decisions of the date, time, and location of the appeal hearing.
  6. Forward the notice of the Committee's final disposition on **traffic crash** cases and a copy of the **traffic crash** report to the Personnel Unit for placement in the involved **employee's** Master Personnel File.
- C. Chairperson
1. Schedule a review of all **traffic crashes** before the Fleet Safety Committee at its next regular monthly meeting.
  2. Call a special meeting as necessary.
  3. Inform the Committee of recommendations of the involved **employee's** chain of command, identified by rank only, following the reading of the facts on new cases.
  4. Call for the vote. The Chairperson is not entitled to vote except to break a deadlock on a second ballot.
  5. Announce the results of the vote.
  6. Enter the majority decision on the routing sheet. A notation shall be made on the routing sheet whenever the decision of the Fleet Safety Committee is in conflict with the chain of command recommendation. The applicable **traffic crash** disposition guideline shall be noted on the routing sheet.

D. Vice Chairperson

In the absence of the Chairperson, the Vice Chairperson shall preside, retaining voting status only in second consideration votes. In these instances the Traffic Bureau Commander shall be replaced by a Traffic Bureau Lieutenant, who shall serve as a voting member.

### III. Fleet Safety Committee Meeting Agenda

- A. The Fleet Safety Committee shall hear cases in the following order:
  1. Appeals of old cases
  2. Vehicle **traffic crashes**
  3. DDT recommendations
- B. The following format shall be used on each new case:
  1. Excerpts from the investigating supervisor's letter shall be read.
  2. Recommendations of the involved **employee's** chain of command shall be provided.
  3. The floor shall be opened for questions and discussion.

4. The vote is called, accomplished by each member displaying a placard indicating one of the available dispositions. A majority vote is required to establish a disposition. In the event a majority vote is lacking, the floor shall be reopened for discussion and a second vote called.

#### **IV. Traffic Crash Disposition Guidelines**

The Fleet Safety Committee Chairperson may recommend to deviate from progressive discipline when critical or mitigating circumstances exist.

##### **A. Citation**

1. Vehicle illegally parked.
2. Operator of vehicle in violation of a traffic ordinance.

##### **B. Written Reprimand**

1. Driver at fault and violated the law but was involved in police work of an urgent nature.
2. Driver at fault with no violation of law and a written reprimand is the appropriate progressive disciplinary action.

##### **C. Documented Constructive Counseling (DCC)**

1. Vehicle illegally parked due to official business, but without due regard to existing traffic conditions.
2. Operating under urgent conditions without violating the law, but not taking all necessary precautions.
3. Other driver at fault, but better defensive driving by the operator of the **Division** vehicle **may** have prevented or lessened the severity of the traffic crash.
4. No violation of the law, but there is indication that the operator of the **Division** vehicle was careless or evidence of contributory negligence on the part of the driver.
5. Violation of Division Directives, and a DCC is the appropriate progressive disciplinary action.

##### **D. No Fault**

1. Vehicle legally parked.
2. Other driver **was found at-fault** and no contributory negligence on the part of the **Division** vehicle's operator.
3. Sudden, verified mechanical failure of vehicle. The vehicle must be taken out of service at the time of the **traffic crash** and **inspected** by **City's Fleet Management Division** personnel to substantiate this claim. A written report from the **Fleet Management Division Administrator** regarding the claim shall be sent to the **Administrative Support Section Lieutenant of the Support Operations Bureau**. The **Administrative Support Section Lieutenant** shall forward a copy of the report to the Fleet Safety Committee Chairperson and the original to the investigating supervisor.

4. Vehicle illegally parked due to police work and all reasonable precautions taken by driver.
  5. Vehicle operating under urgent conditions with no carelessness or poor judgement on the part of the operator.
  6. Vehicle sustained damage while operating under normal conditions with no carelessness on the part of the officer.
- E. Two-Officer Vehicles - Backing Into Objects or Vehicles

Although the driver of a two-officer vehicle is primarily responsible for the operation of the vehicle, the Committee may vote to issue a DCC to the second officer in circumstances when the driver's view is restricted. Except in emergency situations, the second officer should exit the vehicle to assist by guiding the driver out of tight spaces, etc.

## V. Recommendation for DDT

### A. **Traffic crash** prone drivers

1. A **traffic crash** prone pattern is considered to be developing if an officer is involved in **three traffic crashes** within any 12-month period.
2. The **assigned** Traffic Bureau Officer shall provide the Committee with a history of the **traffic crashes** in which the officer has been involved. The history shall include all on-duty **traffic crashes** and any off-duty **traffic crashes** that occurred within three years of the most recent on-duty **traffic crash**.
3. Fault is not the single determining factor.
4. The Committee, after consideration of the items listed in Section V,B, shall make a decision whether to require DDT.
5. The Committee may also recommend that the officer's bureau commander conduct a personal interview to ascertain if circumstances merit removing the officer from duties which involve driving a City vehicle. Any recommendation from a bureau commander to remove an officer from such duties shall be forwarded to the Chairperson, who shall forward it, with any comments related to the removal, to the Chief of Police for approval.

### B. Considerations in recommending DDT

1. Type of **traffic crashes** involved.
  - a. Was the vehicle being driven or was it parked?
  - b. Was the officer in the vehicle?
  - c. Was police work being performed?
  - d. Were mechanical problems involved?
2. **Traffic crash** fault

Did the officer cause the **traffic crash**?

3. Weather conditions
  - a. What were the conditions of the streets?
  - b. Was poor visibility a factor?
4. Type of assignment

Does the officer work on the street, in a plainclothes assignment, in an office, etc.?
5. Physical condition

Does the officer have any physical conditions, such as poor eyesight or hearing, which may have affected his or her operation of the vehicle?
6. Mental condition

The officer's mental condition may be taken into consideration if brought to the attention of the Committee and could include things such as mental stress from job or family.
7. Other factors

Members should consider any other factors brought to the attention of the Committee.

## **VI. Procedures for Sworn Personnel Sent to DDT**

### **A. Fleet Safety Committee Chairperson**

1. Upon determination by the Committee that an employee is to attend DDT, notify:
  - a. The involved **employee's** bureau commander.
  - b. The Training Bureau Commander.

### **B. Involved **employee's** bureau commander**

1. Forward a copy of the notification to the involved **employee** through the chain of command.
2. Upon notification from the Training Bureau Commander of the date and time for the DDT:
  - a. Forward the original notification through the chain of command for immediate personal service to the involved **employee**.
  - b. Retain a file copy of the notification.

### **C. Training Bureau Commander**

1. Schedule the training.
2. A minimum of 30 days prior to the date of training, notify the involved **employee's** bureau commander of the date and time of the DDT course.
3. Upon completion, summarize the employee's performance in the DDT. Include whether the employee passed or failed and any pertinent observations by the instructor, and forward as follows:
  - a. One copy to the employee, to be delivered by personal service, through the employee's chain of command.

- b. The original to the Fleet Safety Committee, which shall forward it to the Personnel Unit for the employee's Master Personnel File after noting the disposition.

## VII. Right to Appeal Fleet Safety Committee Decisions

- A. Sworn personnel may appeal the decision of the Fleet Safety Committee, as explained on the Disposition Notification. Failure to make notifications of appeal within the specified times waives all right to appeal.
- B. The Committee must receive any Disposition Notification indicating appeal within seven days from the date notification was received. **For "At Fault" cases, the Disposition Notification form will be sent electronically to the Fleet Safety Committee Chairperson.**
  1. The **traffic crash** packages on all decisions (Citation, Written Reprimand and DCC) shall be held by the Recording Secretary until the Disposition Notification is signed and returned.
  2. If appealed, the **traffic crash** package shall be held in the **office of the Patrol Deputy Chief appointed as the Fleet Safety Chairperson** until the next Committee meeting.
- C. The Recording Secretary must receive a copy of the letter of appeal within 14 days of the **employee's** notification, specifying the precise evidence, error, mitigating circumstances, or other information that may alter the Committee's initial determination. If a basis for the appeal is a claim of faulty Division equipment, the vehicle must be checked by **Fleet Management Division** personnel. The letter of appeal must indicate that an opinion of the **Fleet Management Division Administrator** has been requested. The letter of appeal must still be received within 14 days, with or without the opinion attached.
- D. Also within 14 days of notification:
  1. The original letter of appeal shall be forwarded to the investigating supervisor.

The investigating supervisor shall review and comment on the letter of appeal and return the letter to the appellant's immediate supervisor for comments from the chain of command before being forwarded to the Fleet Safety Committee.
  2. A copy of the letter of appeal shall be forwarded directly to the Legal Advisor's Office.
- E. The Recording Secretary shall notify the appellant of the date, time, and location of the Committee's reconsideration of their decision. The appellant may attend the Committee meeting, but is not required to appear in person. No overtime shall be paid for attending the meeting.
- F. **The Recording Secretary shall send the Fleet Safety Disposition Notification form out electronically to sworn personnel involved in an on-duty traffic crash after the case and any subsequent**

***appeal has been reviewed by the Committee and a final decision has been rendered. This will speed up the notification process and ensure that timelines, especially for traffic citations, are met.***

- G. ***An employee*** requesting a court hearing after receiving a citation shall notify the Patrol Deputy Chief ***appointed as the Fleet Safety Chairperson*** in writing of the time and date of the court appearance. This includes any hearing before a Traffic Court Referee. The notification shall be direct, not through the chain of command. The ***Fleet Safety Chairperson*** must receive the written notice at least two court days prior to the court appearance.
- H. If no appeal is desired, the ***traffic crash*** package shall be:
1. Forwarded to the ***involved employee's immediate supervisor*** for a citation, or the ***employee's*** bureau commander for a Written Reprimand or DCC, and then
  2. Returned to the Recording Secretary with the copy of the Written Reprimand or DCC, before forwarding to the Personnel Unit for placement in the Master Personnel File.
- I. Discipline issued as a result of a Fleet Safety Committee decision shall be entered into the Disciplinary Tracking System by the Recording Secretary.