

**The Bill Blackwood
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Developing a Vehicle Accident Policy

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**By
Reid R. Rossmann**

**Little Elm Police Department
Little Elm, Texas
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ABSTRACT

The major factor in writing policies is that either something went wrong or a policy is implemented in hopes that something would not go wrong. Officers who work accidents day in and day out need the assistance of an accident and officer callout policy. This policy should be written to assist the officers in their duties as well as protect the agency implementing it. Regardless of the seriousness of the accident, officers involved need to have the training and the knowledge to perform the duties that are instilled in them. This research will demonstrate that the problem with not having an accident policy in place is that of civil litigation and the potential of tarnishing the professional image that officers need to uphold. The focus of the research will be to investigate how a police department can implement an effective accident and officer callout policy. Ideally, this type of program could assist the officers with the drastically changing policies as well as the population growth of a city. To conduct this research, numerous surveys were administered to key personnel, along with a review of literature from numerous agencies and magazines. After gathering all the data, the author insured that all information obtained was to benefit the town of Little Elm as well as other cities by the implementation of an accident and officer callout policy. During interviews, it was found that the immediate benefits consisted of numerous items. At the top of the list, was a safer working condition for all involved. Ultimately, the decision to retain and implement an affective vehicle accident and officer callout policy proves that it is extremely necessary for

officers who work in the field, as well as the executive level officers who make the policies.

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INTRODUCTION

Consider a twenty-eight person department with twenty sworn officers and two civilian employees who are governed under a city manager government. The city is comprised of six city council members and an elected mayor and does not possess an effective accident and officer callout policy to govern fatality and serious bodily injury accidents. This city could be at risk for potential civil and criminal litigations for not having a direct procedure in place on how to conduct and reconstruct fatality and serious bodily injury accidents.

There are many agencies that do not have an effective policy covering fatality and serious bodily injury accidents. The benefit of this research is to determine which agencies have and do not have an effective policy in place. As a result of this research, the agencies that do not currently have an effective policy in place will implement one safeguard from civil liability. The intent is to demonstrate that the critical impact of having (versus not having) an effective accident and serious bodily injury callout policy.

During this research, there were numerous types of investigations conducted in order to complete the research paper. Research was gathered from magazines which include information on policies and accident investigations. There was also research derived from articles directly related to the topic of accident and officer callout's. Both of these areas of research only offer a small amount of information on accident investigations and officer callouts. There are other forms of research utilized to obtain the main portion of the research. The foremost areas of this research were conducted through

personal interviews with officers in the field of accident investigations, as well as officers involved with the implementation of the policies. The research was conducted in the field, interviewing officers who in their daily activities work accidents and policy makers who write the policies for fatality accidents and officer callouts.

REVIEW OF LITERATURE

The research yielded varied decisions regarding having or not having an effective accident and officer callout policy. In larger versus smaller agencies, there is the expectation of different applications of the policy. However, the research demonstrates that all sizes of agencies should implement an effective policy. A policy should vary from agency to agency in accordance with their size.

Policies are a topic that all police administrators concentrate on in order to keep their agency running at a highly efficient and professional level. Some issues are expected to arise with the implementation of any new policy. All officers are going to have to adapt to the implementation of the policy. This research incorporated an understanding of the importance of such a policy to officers from the executive level to the line officers. Having such a policy should be examined the utmost care and consideration when implementing. It is important that care and consideration to civil and criminal liabilities should be addressed when implementing such a policy.

In order to begin the initial research, the assistance of upper law enforcement management within the agency was requested and aid from other agencies was sought out in order to have an accurate comparison. The research

focused on examining how the department's officer's can safely operate and manage freeway incidents and implement a policy in such a field. Any department with drastically changing policies, city population growth, desperately needed equipment, and lack of personnel, will need to be shown the necessity of such a plan. Data on other agencies of the same size and growth as well as the types of roadways traveling through their selected cities, and changes that other agencies went through (i.e. officer needed, funds needed, and equipment needed for the town, etc) were also examined during the research gathering stage. The final goal reached upon completion of the research explains to the local government that more equipment (as well as a desperately needed policy) is necessary to successfully perform the duties of an efficient police department. Ideally, the officer's as well as the support staff's duties will be able to be performed more safely.

A few of the agencies used in the research for the conclusion as well as agencies used for reference purposes are that of the Corinth Police Department, Frisco Police Department, The Colony Police Department, and the Highland Village Police Department. These agencies are not comparable in size to the Little Elm Police Department. Due to the general size of each department and the cities they protect, these departments prove to be a great asset for the research. Each of these agencies have major roadways or highways traveling through their perspective cities. Other cities that have an effective accident callout policy are those of the Lewisville Police Department, Denton Police

Department, Carrollton Police Department, and the Texas Department of Public Safety.

During the research, officers were interviewed who have been or are with agencies that have a callout policy in place. These officers understand the great need (as well as the legal issues) that can be incurred if a callout policy is not in place. In order to understand the need for the town of Little Elm to have an effective accident and officer callout policy in place, it was necessary to review past call volume in relation to officers responding to the calls as well as the type of calls being responded to. This research was conducted for the past five year's for the Little Elm Police Department. The comparison research data was also taken from surrounding agencies that are similar in size and population. Having the other agencies data as well as Little Elm Police Department's five year data, proved to play a key part in the research.

Numerous research data was collected from significant people in the town of Little Elm, as well as from other agencies key personnel. Many of the key people interviewed include the town's mayor, city manager, chief of police, and/or the public works director. These employees agreed that surrounding agencies as well as the Texas Department of Transportation need a callout policy in place due to the traffic needs in growing towns.

METHODOLOGY

The author's goal in conducting this research is to produce an answer to the research question which investigates how a police department can implement an effective accident and officer callout policy. The author's purpose is to

establish the value of, and need for an accident officer call out policy. The author hypothesizes that this research will confirm that both officers and law enforcement agencies benefit when implementing such a policy. The author contends that this study will also affirm that as a result of the implantation of an officer call out policy, there will many other agencies and officers wanting to implement this type of a policy. Having established these results through research, the author ultimately hopes that, ideally, this type of program can assist officers with drastically changing policies and city population growth.

Additionally, data directed to significant personnel within the town of Little Elm, as well as surrounding agencies will be collected from approximately twenty different individuals. The key personnel involved with the author's research will consist of city and town mayor's, city and town manager's, public works directors, planning director's, and chief's of police. This will be accomplished through the administration of a survey utilizing eleven questions. Survey participation will be requested of many agencies of varying size and geographic locations within the state of Texas, ideally resulting in a 100% response rate. Analysis of this data will produce statistics regarding the percentage of agencies currently employing the use of an accident call out policy. In the survey's, multiple questions will be asked of each person involved.

FINDINGS

After serious consideration of all of the answers given from the interviews as well as the survey questions, it was found that there was a great need for more protection on the street today. This was the supporting decision of

attempting the implementation of an accident and officer callout policy. It was found that many of the officer's interviewed would like to have the same policy implemented in their agency.

While conducting the interviews and surveys, the information received from the officers proved to be useful information critical to this research. After gathering all of the data, the author insured that all of the information obtained could benefit the town of Little Elm by the implementation of an accident and officer callout policy. This accident and officer callout policy also allowed officers patrolling the streets more time to clear up an incident, thus allowing them more time to patrol neighborhoods. While conducting the research, it was insured that all points covered did not violate any civil rights, state laws, city ordinances, and policies and procedures for the town of Little Elm. Not only the Town of Little Elm was considered in this research. All agencies surveyed (as well as the officers spoken with from the many different agencies) appeared to be in full support of the implementation of an officer call out policy. Presently, some agencies have already implemented this type of policy and the stated that the policy does assist in training as well as clearing up critical incident scenes in a expedient manner.

While setting up the interviews, the officer's rank and their stakeholder position with their respective department was examined closely and all of the officer's interviewed hold either a primary or a secondary stakeholder position with the department. Both the primary and secondary stakeholders are those directly and indirectly affected by the Little Elm Town Council.

Chief Waylon Rhodes, Chief of police of the Little Elm Police Department was interviewed by the author and asked all of the survey questions. After he was informed of the questions, he was able to supply the author with a research paper that he had put together for the town council on just this topic. During the interview, it was found that the immediate benefits consisted of numerous items. At the top of the list were safer working conditions for all involved. Ideally, with more officers trained and aware of the accident and officer callout policy, there should be a quicker response time for the citizens who normally wait 20 to 30 minutes in a long line of cars at an accident scene. With more officers educated on accident and officer callout policies, traffic related incidents could be minimized. Chief Rhodes also stated that there were 196 traffic accidents in 2005 (124 minor and 72 major). Statistics demonstrate that as traffic increases, accidents increase. Implementing an accident and officer callout policy would make officers on the street more aware of the secondary incidents that often occur during an accident, which can become an important officer safety issue. Chief Rhodes went on to say that a growing community must also be aware of the dangers in freeway incidents that are directly related to vehicular accidents. Often the seriousness of traffic related incidents increase as a town grows in population. It is important to note that in a growing community, more serious incidents can occur and law enforcement must be better trained and guided to handle these incidents (W. Rhodes, personal communication, August 10, 2005).

Captain G.W. Howard, Captain over Operations, of the Little Elm Police Department has operated as an accident reconstruction motor officer is his career and took a similar approach to the one of Chief Rhodes. Captain Howard expressed that managing such incidents (resulting in overtime hours for officers) is a very big issue with the Little Elm Police Department. However, if there are not enough officers to conduct a safe and manageable incident on the freeways, then the overtime will have to be paid and an on-call officer will have to be called in. With an increase in incidents, not only will the overtime need to be paid, but the amount of the equipment needed will increase as well. Captain Howard went on to say that with more incidents, the citizens will see incidents more frequently as well. Thus, creating a freeway incident management accident and officer callout policy can not only assist the department, but the citizens as well. The Little Elm police department has seen an increase in motor vehicle accidents. In this past year, the department has worked six fatalities in a town with a population of 20,000. With the growth of the town, Captain Howard has seen where the cost could hurt the city if an accident and officer callout policy was not in place. (G. W. Howard, personal communication, August 10, 2005). Captain Howard suggests that with increasing incidents now, the town would have to be out the funding for equipment and the training only. Without implementing an accident and officer callout policy and training the officers, then the town could see law suits from secondary incidents caused from the first incident. The town would not only have to pay the attorney fees, but may have to pay the lawsuits as well. If a lawsuit was to be added to the expenses, then the

town would be in grave danger that could have possibly been avoided. When adding policies, equipment and training come with it. However, the drawbacks are those of a minimal size. One drawback would be that other departments in the town would have to have equal treatment in implementing this policy. The town has to look at all of the departments and treat them fair as well. When the town looks at the projection of the cities growth, they also look at the crime rate, and the seriousness of the incidents. With adding this policy to a vastly growing town, incidents follow suit. In order to keep up with the management of the incidents in the town, policies, equipment, and training are a must.

Sergeant Green, Patrol Sergeant over the day shift, of the Little Elm Police Department, has worked for several police agencies and seen the definite impact of traffic accidents on not only the occupants, but the officers as well. Sergeant Green believes that the town of Little Elm would benefit greatly from implementing an accident and officer callout policy. Response times to calls will decrease, as there are more highly trained and versed personnel on the street as well as on call to handle the heavy call load in the town of Little Elm. More trained personnel will increase officer safety for freeway incidents, including the citizens. By having an accident and officer callout policy, it could greatly decrease the number of secondary incidents in the town of Little Elm. Green explains, "As the better trained and equipped officer responds to an incident, the greater chance we will succeed in ending the incident" (S. Green, personal communication, August 10, 2005). The town of Little Elm has grown at such a rapid rate over the last three years that traffic has vastly increased, as well as the

number of traffic related accidents. Sergeant Green added that having such a policy would hopefully decrease the number of secondary accidents. It will be cost effective to implement a policy where the officers on the streets will be trained in accident investigations, along with using their knowledge of the policy. It is also important that any other officer's on-call would be briefed on the policy and the officer's on the street would be able to take care of most incidents, thus keeping down the cost of overtime. One drawback Sergeant Green mentions rests in the initial cost resulting from all of the equipment, which needs to be effective. However, this will be detrimental due to the avoidance of law suits. Green believes that having this accident call out policy will increase officer safety for all officers and citizens. Green emphasizes, "For the past two years, we have been severely understaffed and have been lucky that the officers on-duty have been able to conduct patrol safely" (S. Green, personal communication, August 10, 2005). Subsequently, any changes need to be addressed and the town council has recognized this staffing deficiency by allowing the department to implement such a policy. Also, with population growth comes more serious types of incidents and this too will be addressed with the implementation of an accident and officer callout policy. "Without better policies and programs, the current patrol will be at risk for injuries and the citizens will be at risk, because the protection and service the department can provide will be minimal" (S. Green, personal communication, August 10, 2005). This will be devastating to the town and the department, opening up to a high civil liability.

Officer J. Samples, night shift patrol officer, of the Little Elm Police Department, feels that the town of Little Elm will benefit tremendously by implementing an accident and officer callout policy into the standards of Little Elm Police Department. This policy would be better for the protection of all involved. This will allow officer's on the street to provide a better quality of service to the victim, as well as the citizens. Having more officers' trained in accident investigation will lower the amount of time spent on an incident. When an immense event occurs that "ties" up several other officers, the response time to other calls will be shortened. Also, by having more officers on the street trained, will play a larger role in the deterrence of the secondary incident. Officer J. Samples feels that there is a need for such a policy because of traffic related incidents. Officer J. Samples also explains that "when there is a major accident in the town of Little Elm, the two or three officers will be tied up working the major accident, while other citizens have to wait" (J. Samples, personal communication, August 10, 2005). Officer J. Samples adds that "with a town of 20,000 citizens and having only two or three officers working at one time causes much stress on those officers involved" (J. Samples, personal communication, August 10, 2005). Increased stress from work will eventually promote more work related injuries and more health problems for those officers. This is another reason for needing the policy, training, and the equipment to perform a successful management of an incident. It would be hard to be cost affective by implementing this policy. By implementing this policy, the department has to provide more equipment depending on the severity of the incident and how long the incident will last.

Officer J. Samples further explains that “a police department does not charge the people it protects for each time a service is provided to them” (J. Samples, personal communication, August 10, 2005). The police department receives its income from the taxes of that the town incurs on the citizens. Samples suggests that a major draw back would be that of the major cost endured initially for an emergency or unexpected situation. Samples believes that the tremendous growth of the town and the future growth of the town will have a tremendous negative impact on an officer’s safety and their ability to manage freeway incidents without this policy. Officer J. Samples states that “the town is getting bigger and with a bigger town comes bigger problems” (J. Samples, personal communication, August 10, 2005). “With a larger town comes more responsibility, which means more stress on officers” (J. Samples, personal communication, August 10, 2005). Officer J. Samples believes that a stressed officer isn’t as consistent or reliable as one without the same amount of stress. This could be eliminated if the officers were trained in accident investigations and that they follow an accident policy.

Officer R. Lollar, night shift patrol officer, of the Little Elm Police Department knows the benefits to having more officers trained in accidents while working the streets on patrol of a town. Officer R. Lollar advised that he feels that with regard to the town of Little Elm, having more trained officers would allow for a quicker response time to emergency calls, as well as for assisting agencies. The more officers in place for each shift equipped with accident investigation and policy knowledge will help alleviate some stress. More trained officers would

save the town money in the long run, because it would not have to pay out the high expense of over-time unless it was needed for serious incident. "The more officers we have will help with traffic direction on minor and major accident scenes" and "with the growth of vehicle traffic within the town and the non-expansion of Eldorado Parkway, this would help ensure greater safety for the officers and the assisting agencies such as fire and EMS personnel, tow trucks, medical examiners, and HAZMAT, to name a few. Accident scenes, including the road blockage would be cleared faster" (R. Lollar, personal communication, August 10, 2005). The longer a roadway is blocked, slowing or stopping traffic, the greater the monetary loss is for trade, not to mention the pollution of the air from idle vehicles. The policy will not be effective without adding costs when implementing such a policy. The department will only be able to offer a certain level of professionalism and may also find themselves financially burdened. Without having trained officers in such a policy, it could have a negative impact on them as well as the department. Additionally, the department as a whole might not be considered as high standard professionals by the citizens or the town council. An inadequate quality of personnel equals poor reports, unacceptable call responses and deprived service to the community as a whole. The drastic growth of the town has caused a higher call load and stress on the officers on every shift. The growth is going to continue and without the assistance of this policy, it could greatly affect the service to the community. The growth has brought in more crime as well as more serious incidents. The increase in crime and incidents and only a few officers being trained in accident

investigation as well as the knowledge of an accident policy, put the officers and other agencies in serious danger. Officer R. Lollar feels that “among the professions” officers “are in the eye of the public every day. Therefore, it is a must that” officers “act and perform to a higher standard. With such a policy, then officers will be able to perform their jobs with steadfast dedication and be able to maintain all that’s germane to the incident” (R. Lollar, personal communication, August 10, 2005).

Not only does the town of Little Elm, display the definite need for an officer call out policy, but the author discovered through extensive research by personal interviews as well as surveys that many of the surrounding agencies either equal in population or smaller need this type of policy. All of the officers spoken with from different agencies stated that with a policy such as this, it would make not only their lives easier, but it would make the lives of the policy writers easier as well. The agencies that are comparable in size to the Town of Little have numerous amounts of interstate that they have to work accidents on as well as other critical incidents. They stated that without having a good guide line on how to treat a certain incident such as a fatality accident, then they could be setting themselves up for serious civil and in some cases criminal litigations.

CONCLUSION

Ultimately, the decision to retain and to implement an affective vehicle accident and officer callout policy has been shown to be extremely necessary to officers who are in the field. An affective vehicle accident and officer callout policy is also important for those employed at the executive level. Subsequently,

the research demonstrated that the town of Little Elm and all involved would benefit from such a policy. The citizens have and will speak about the issue of feeling safe, as well as receiving professional treatment from the town and supporting employees. Interestingly, there has never (in the towns history) been such a policy developed or implemented in memo form. It is this author's decision that the policy should be written in such a manner that the officers involved with the policy should have steadfast dedication to the department and implement only that which is relevant to the town's needs.

These conclusions were made by the data retrieved from the surveys, town policy manuals and personal interviews conducted on the subject of vehicle accident and officer callout policies. During this research, there were numerous types of investigations to complete the research paper. There was research conducted from magazines with information relevant to policies and accidents investigations. There was also research conducted from articles that are directly related to the topic of accident and officer callout's. Both of these areas of research only gave a small amount of information on accident investigations and officer callouts. The main focus of the research was conducted through personal interviews with officers in the field of accident investigations, as well as officers involved with the implementation of the policies. The primary research was conducted in the field, interviewing officers who in their daily activities work accidents and policy makers who write the policies for fatality accidents and officer callouts. The research concludes that it is imperative that the town of

Little Elm implement such a policy in order to protect their department and their officers.

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APPENDIX A: SURVEY

- 1) How large is your agency (sworn officers)?
- 2) Do's your agency govern State, County, City, Hospital, or School?
- 3) What type of accident training does your agency have?
 - A. Some training _____
 - B. No training _____
 - C. Reconstruction, etc. _____
- 4) Does your agency have an assigned accident unit or investigator?
- 5) Does your agency have an A&I (Accident Investigations) callout procedure?
- 6) If your agency has an A&I (Accident Investigations) policy, can any officer call out A&I or does it have to go through a supervisor?
- 7) Doe's your policies have SBI (Serious Bodily Injury) accidents implemented into the policy?
- 8) How many officers are assigned to you're A&I team?
- 9) How has your policy assisted your agency in A&I/SBI call outs?
(i.e.; save time for patrol division, officers with little experience, etc.)
- 10) In your opinion, doe's having an A&I team policy and procedures assist your agency? (i.e.; some officers don't like the paperwork, some accidents are to complex, etc.)
- 11) In your opinion, doe's/have/or would an A&I policy assist your agency with civil litigation, protect your agency, and assist the victims of the accident?