

**The Bill Blackwood  
Law Enforcement Management Institute of Texas**

**Developing a Fleet Accident Policy for the Sugar Land Police Department**

**A Policy Research Project  
Submitted in Partial Fulfillment  
of the Requirements for the Professional Designation  
Graduate, Management Institute**

**by  
Jane L. Johnston**

**Sugar Land Police Department  
Sugar Land, Texas  
April, 1998**

# 655

## **ABSTRACT**

The Sugar Land Police Department currently does not have a written policy for fleet accidents. The purpose for this research is to compile enough information to create a policy on fleet accidents. The policy will be utilized to control the risk of loss inherent in the operation of city owned vehicles by Sugar Land Police Department employees. Research indicates that there is a need for written policy, driver training, review boards, and disciplinary action. The intended outcome of this research is to develop a policy that can be enforced uniformly on all Sugar Land Police Department employees with consistent disciplinary action. If a standard policy could be written this would reduce the risk of lawsuits and worker's compensation payments.

## TABLE OF CONTENTS

SECTION	PAGE
Abstract	
Introduction	1
Historical, Legal or Theoretical Context	2
Review of Literature or Practice	4
Discussion of Relevant Issues	7
Conclusion/Recommendations	9
Bibliography	

## **Introduction**

The City of Sugar Land is currently updating and reviewing its current policies. The City of Sugar Land does not currently have a written standard operation procedures policy on fleet accidents. The purpose for this research is to compile enough information and statistics to create a policy on fleet accidents. The policy will be utilized to control the risk of loss inherent in the operation of city owned vehicles by Sugar Land Police Department employees.

The City of Sugar Land was incorporated in 1959. The population of Sugar Land was approximately 2,500. In the last few years the City of Sugar Land has annexed a large amount of territory. In November, 1997 the City of Sugar Land annexed additional territory once again increasing the current population to approximately 60,000. The current personnel consist of 98 sworn officers. Recently the Sugar Land Police Department has seen an increase in at-fault accidents with a high cost to the city. The latest two accidents occurred within two months of each other and cost the City of Sugar Land \$29,000.00.

The research will be conducted primarily for the benefit of Sugar Land Police Department. The intended audience for this research will be the Chief and Assistant Chief of Sugar Land.

The information for this research will be collected from several sources. Most of the information will come from other police department policies and procedures. Additional information will come from journals, articles, books, and statistical figures relating to fleet accidents. The intended outcome of this research is to develop a policy that can be

enforced uniformly on all City of Sugar Land employees with consistent disciplinary action. If a standard could be set with one policy this would create a higher morale for all city employees.

### **Historical, Legal or Theoretical Context**

The Sugar Land Police Department currently has no policy for fleet accidents involving city owned vehicles. Usually it takes one single accident to prompt a department to develop policy and procedures due to a threat of lawsuit. "Automobile collisions involving police officers happen with great frequency. That fact is gaining top attention from police executives, governmental officials, insurance companies, the courts, and lawyers who see government agencies as easy targets for personal injury law suits" (Goodroe 22). The Sugar Land Police Department does have a need to develop a fleet accident policy which will include the disciplinary actions that will be taken. Officers will then know up front what to expect if they are found at fault in a fleet accident.

The City of Sugar Land is insured by the Texas Municipal League Risk Pool. The City of Sugar Land is liable for the first \$10,000.00 of property damage. The Texas Municipal League Risk Pool pays the cost over \$10,000.00. The officer is not required to pay any cost for damages. There is no policy on the discipline action that the officer will receive. "There is perhaps, a legitimate concern being expressed by insurance companies, however, that future cases of any magnitude may disable them in their ability to provide adequate coverage" (Rouse 16). An accident involving a city owned vehicle at fault will cost the city money for the repair or replacement of the vehicle and a possible lawsuit.

The Sugar Land Police Department does not have written policies or procedures for discipline when an officer damages a city vehicle. Recently two officers were involved in accidents totaling out both vehicles. Both officers were found at fault. One officer elected to resign before a final decision was made on his accident for disciplinary action. The other officer was suspended without pay for 5 days. The department has no guidelines or training to go by which leaves the department open for lawsuits. "Only when accident rates reach alarming proportions will attention be devoted to this problem, and then corrective action will usually become classroom instruction because any other form of training is costly and time consuming. Or is it?" (Mahurin 19). After these two accidents, all officers were required to attend a defensive driving class which does not give an officer enough behind the wheel hours of training.

Emergency/pursuit driving instruction usually incorporates both classroom lectures and hands-on exercises (i.e., practice track, skid pan, etc.). This type of police training is generally a more in-depth form of driving instruction than are defensive driving courses. Therefore, a cross tabulation analysis was made between those officers involved in on-duty police vehicle accidents and officers training in emergency/pursuit driving. The analysis found that officers who received emergency/pursuit driver's training were significantly less frequently involved in on-duty police motor vehicle accidents than officers who had not received this training. Those police agencies which incorporated police/emergency pursuit driver's instruction in their training curricula had fewer officers involved in on-duty police motor vehicle accidents (29.5 percent) than those agencies without such training (70.5 percent) (Miller 26).

Currently the Sugar Land Police Department training division is looking into a more in depth driver training for officers. The problem the department is faced with is a location to have the driver training.

The Sugar Land Police Department has experienced a high rate of police vehicle accidents this past year. The department does not have an accident review board. The Chief is the one responsible for determining the type of disciplinary action that will be handed down to the

officer. When the chief recommends loss of pay or termination the city manager will make the final decision.

The Sugar Land Police Department must look at all areas why accidents happen before writing policy and procedures.

A law enforcement administrator with a sense of moral responsibility will quickly recognize their obligation to the citizens of the community to develop and implement formal written guidelines that will guide the actions of organizational members, especially patrol personnel, in the performance of their duties, and especially those duties that by their very nature have the potential for placing the lives and property of citizens in jeopardy (Auten 86-87).

### **Review of Literature or Practice**

The Sugar Land Police Department patrol officers are currently assigned to 8 hour shifts. Each shift requires officers to drive in various conditions. Day and evening shift have to drive in heavy traffic, but night shift is not faced with this. All shifts are faced with driving in fog, rain, and darkness. Most officers will drive approximately 50-80 miles per day on a normal tour of duty.

More than likely, an officer's shift is spent entirely on the road. The dangers of this increased exposure are compounded by the fact that officers are routinely required to drive in adverse weather conditions and to respond to calls which are located off of the main road. As a police officer, you spend approximately 60% of your time either on routine patrol or responding to calls for service. The bottom line is this: Police officers must have a high level of endurance behind the wheel, along with driving skills that few other occupations require (Johnson 3).

The adverse conditions that all law enforcement officers have to drive in require experienced and trained drivers with a mature mind. "Police officers frequently drive hundreds of miles during one eight-hour shift under demanding circumstances (i.e. inclement weather, high-speed

pursuits, low-speed patrol, heavy traffic areas, etc.). It is no surprise that the incidence of motor vehicle accidents among police officers (1:36) is one of the highest among all occupational groups" (Miller 25).

The majority of police vehicle accidents that have occurred in the City of Sugar Land have involved another vehicle. According to the Sugar Land claims and judgements records there have been 33 accidents from 1994-1998. Twelve accidents involved a police vehicle hitting a fence, curb, pole, sign, wall, barricade, gate, storm drain, or tree. Twenty-one of the accidents involved another vehicle. Of the twenty-one accidents 15 were at fault and 6 were no fault. "Officers who report no training have 62 percent more accidents than expected, while those who report practice track or skid pan training have 26 percent less accidents than expected" (Planek & Fowler 32).

The City of Sugar Land is insured by the Texas Municipal League Risk Pool. Any police vehicle accident if at fault or not could be a cost to the city. The city is responsible for the first \$10,000.00 and the remainder of the cost is reported to the Texas Municipal League Risk Pool for payment. A department could see a concern on insurance coverage. "A good policy for department accidents would increase officer awareness, proper driving habits, and reduce the possible cost of increased insurance rates" (Anderson 6). The total cost to the city over a four year period was \$56,166.81. The highest cost was in 1997-1998 which was \$29,050.00. This cost mainly generated from two accidents alone. "What is clear from this survey is that based on the information reported over the last five years, vehicle accidents involving on-duty law enforcement officers have resulted in costs amounting to nearly a million dollars" (Rouse 16).

Another concern would be the city's worker's compensation. Any injury to an officer during



a fleet accident would be a cost to the city. If the injury was long term then the cost could escalate for the city. "Each year agencies pay hundreds of dollars in worker's compensation benefits to officers involved in motor vehicle crashes" (IACP 13). The Sugar Land Police Department has 98 sworn officers. From 1994-1998 the Sugar Land Police Department has not had any officer injured in a fleet accident. Research has shown that man hours can be costly. "Department with 10 sworn officers paying over \$110,000 between 1988 and 1991 in workman's compensation resulting from crash-related injuries" (IACP 16).

Finally, a department must consider civil liability. There are numerous people in all parts of the country that are initiating law suits against the officer, the department , and the city. A department must have a good policy and well trained officers in order to win these law suits.

A municipality must do more than just have good policies. It must also provide adequate training on implementing them. Recent court decisions have stated that a failure to train may show "deliberate indifference" to the rights of the citizens of the community. The theory is that if a city puts inadequately trained officers on the street, somebody is going to get hurt needlessly. Deliberate indifference is considered a case of extreme disregard for public safety and opens the door to municipal liability" (Beach, Jr. 11-12).

A survey was conducted at Module II of the Bill Blackwood Law Enforcement Management Institute in Denton, Texas on fleet accident policy, driving courses, and review boards. Nine police agencies were surveyed. The results of the survey is as follows:

Fleet accident policy	8
No fleet accident policy	1
Review board	7
No review board	2
Required driving course	3
No required driving course	6
Defensive driving course	8
No defensive driving course	1

See appendix A for further information.

### **Discussion of Relevant Issues**

The Sugar Land Police Department must form a policy for fleet accidents and require police driving.

Two basic theories have emerged for imposing local government liability in the more typical situation where fault and causation cannot be laid directly to a written policy that is unconstitutional on its face. The primary theory places fault in deficient programs of employee training and supervision that are claimed to have resulted in alleged constitutional violations by untrained or mistrained public employees. This theory is typically used in cases against police officers where an attempt is made to connect the local government to the injury (Hopper 45).

Without policy and trained drivers, the City of Sugar Land is at a risk in several areas. The city could be at risk for a law suit from the employee or citizen. The city is likely to lose man hours, money, and credibility without policy and training. "Failure to have a meaningful policy may subject a department to liability, even where administrators have provided some guidance. It is up to your agency to outline a clear and comprehensive policy that can withstand a challenge in court and to provide proper training to implement it" (Beach 22).

The City of Sugar Land currently has no policy for accidents involving an officer in a city owned vehicle. With no policy in effect disciplinary action will be indifferent towards employees which will cause low morale. If a policy is established then the officer would know what to expect and what type of disciplinary action will be enforced.

Most of the police officers surveyed were not required to pay for damages to their police vehicle when the accident was ruled "officer at fault" (78.8 percent). However, these officers experienced a significantly higher number of on-duty police motor vehicle accidents (95.3 percent). Those officers who were personally financially responsible for damages to their police vehicles were less likely to become involved in an accident. These officers indicated that they were more careful in the operation of their police vehicle because of the policy. Evidently, officers who must pay out of their own pocket

for damages ruled “officer at fault” do not tend to mistreat their assigned police vehicles (Miller 26).

A department’s liability is at risk if there is no required driver training for officers. The Sugar Land Police Department this past year required all officers to go through a defensive driving course. There is a need for officers to participate in an advanced driving course. “The potential of civil liability without regular driving training is astronomical. A single traffic accident may result in a multi-million dollar judgement against the agency and its governmental body” (Trautman 222).

The Sugar Land Police Department training officer has looked into furnishing a more intense training course. The problems a department runs into is a place to have the driver training class and the cost. Research has shown that officers that receive more in depth emergency driving instruction have fewer accidents.

In addition to these findings, the academy received numbers of letters from chiefs of police who had sent their entire departments through advanced driver training. Based on comments made in these letters, it was reasonable to conclude that annual accident rates can be improved by as much as 50 percent to 75 percent. Using the NHTSA cost of accident figures such reductions in accident rates can result in tremendous savings to the departments and to the community in general (Mahurin 20).

The City of Sugar Land is insured through the Texas Municipal League with a \$10,000.00 deductible. The city is responsible for the first \$10,000.00 in damages to the city vehicle, the other vehicle involved or any property damaged under \$10,000.00. Fleet accidents are costly to the city.

When any officer is involved in a fleet accident the city is at risk for a law suit or litigation. Numerous law suits are filed each year because people feel they have a big chance of making money off of a city municipality. “One small municipal department reported paying over

\$150,000 for one crash related law suit in 1989” (IACP 16).

The City of Sugar Land is governed by a city manager. The chief of police can discipline through the disciplinary policy, but when a lose of wages or termination is recommended then the city manager makes the final decision. “A city manager form of government in some incidences does not give the chief of police the authority to administer discipline” (Anderson 9). A city must have some uniformity to policy and discipline or the departments credibility is destroyed.

The cost of setting up a policy for fleet accidents would not cost the department a great sum of money. The cost would be the man hours they pay to date. The Sugar Land Police Department frequently assigns officers to work on special assignments as part of their regular duty. “To have an established policy on police vehicle accidents will identify those individuals who have set a pattern for accidents, thus putting the department at risk of a lawsuit” (Anderson 10). Policy would identify a repetition of individual officers and set a guideline for disciplinary action.

### **Conclusions/Recommendations**

The purpose of this policy research project is to compile enough information from research, statistics, and other departments in order to create a policy on fleet accidents. The policy will be utilized to control the risk of loss inherent in the operation of city owned vehicles by Sugar Land Police Department employees. “Written and enforced policies are necessary for the proper management of all law enforcement functions” (Alpert 117).

It is important that the Sugar Land Police Department form policy and disiplinary procedures

for fleet accidents. The creation of a policy would establish a positive morale within the department. The police department would be aided in case of a law suit. "Litigation isn't to be taken lightly. There are too many cases where a department has lost a multi-million dollar law suit based on an automobile accident" (Yates 72).

The problem Sugar Land Police Department is faced with today is the lack of a policy for fleet accidents, disciplinary action, and training. The lack of policy and training lowers the creditability of the department. The discipline and training has to be uniform to all officers. The Sugar Land Police Department is putting itself at risk of litigation without a policy.

First, it is recommended that the Sugar Land Police Department create a policy for fleet accidents with disciplinary action. This would create a higher morale for officers because they would know what to expect. A policy would help expedite the decision on an officer involved in a fleet accident. Writing a policy would help in the area of litigation and save the police department money.

Second, the department would require all officers to attend an advanced emergency driving class designed for police personnel, followed the next year with a refresher course. The driving class would keep the officer familiar and trained with the vehicle in emergency driving situations. "When it comes to skill and career development, most of us just assume that our police know how to drive cars" (Mahurin 19).

Both of the recommendations above should resolve the threat of litigation, since police departments are usually targets for lawsuits. The information compiled from this research should help administration write a policy. The department will benefit because creditability will be established between supervisors and officers.

## Bibliography

Alpert, Geoffrey P. and Lorie A. Fridell. Police Vehicles and Firearms. Prospect Heights Waveland, 1992.

Anderson, Tim L. "Assessing the Need for a Fleet Accident Policy for the Nassau Bay Police Department." L.E.M.I.T. Oct. 1996.

Arrington, Greg. Personal Interview. November 19, 1998.

Auten, J. H. Law Enforcement Driving. Illinois: Thomas, 1989.

Baxter, Lonnie. Personal Interview. November 20, 1998.

Beach, Raymond W. Jr. et al., eds. Emergency Vehicle Operations-A Line Officer's Guide. Tulsa: Pecos, 1993.

Berg, Ronald. Personal Interview. November 16, 1998.

Goodroe, C. "Cutting Expenses and Injury With a Driver Training Program." Law and Order. V36, N3, March 1988: 22-26.

Harshberger, Rafe. Personal Interview. November 18, 1998.

Hopper, J. W. And W. C. Summers. "Managing the Risks and Controlling the Losses." Police Chief. V56, N9, September 1989: 45-46, 48.

International Association of Chiefs of Police. Law Enforcement Fleet Crash Study. Gaithersburg: 1995

Johnson, Robert A. Emergency Vehicle Operations. Maryland: 1992

Mahurin, W. "Needed-Advanced Driver Training to Cut Police Accident Losses." Traffic Safety. V78, N3, March 1978: 18-20, 28.

Miller, Larry S. "Motor Vehicle Accidents: An Administrative Concern." Police Chief. V50, N1, January 1993: 25-37.

Oakes, Randy. Personal Interview. November 16, 1998.

Planek, T. W. and R. C. Fowler. Development of an Injury and Damage Reduction Function for Municipal Police-Final Report. Chicago: 1971.

Rheiner, Rex. Personal Interview. November 16, 1998.

Riggs, Kirk. Personal Interview. November 20, 1998.

Sibley, George. Personal Interview. November 16, 1998.

Sugar Land, Texas Police Department. Claims and Judgements-Vehicles-Police Department Only. 1998: 1-2.

Rouse, D. L. North Dakota Law Enforcement Vehicle Survey Report. Bismarck: 1985.

Trautman, Neal E. Law Enforcement In-Service Training Programs. Springfield: 1987.

Weatherly, Bill. Personal Interview. November 20, 1998.

Yates, Tom "It Ain't the Years, It's the Miles." Law and Order. V40, N8, August 1992: 69-72.

**Appendix A**  
Survey Results of Policy Agency Fleet Accident Policy

Agency Population Officers	Fleet Accident Policy	No Fleet Accident Policy	Review Board	No Review Board	Required Driving Course	No Required Driving Course	Defensive Driving Course	No Defensive Driving Course
<b>Abilene</b> 113,000 171	X		X			X	X	
<b>Arlington</b> 300,00 390	X		X		X		X	
<b>Azle</b> 11,000 26	X		X		X		X	
<b>Converse</b> 15,000 22	X		X			X	X	
<b>El Paso</b> 100,000 1100	X		X			X	X	
<b>Farmers Br</b> 30,000 80	X			X		X	X	
<b>Leon Valley</b> 10,000 24		X	X			X	X	
<b>Texas City</b> 42,000 81	X			X		X		X
<b>Wells</b> 1,200 18	X		X		X		X	