

**THE BILL BLACKWOOD
LAW ENFORCEMENT MANAGEMENT INSTITUTE OF TEXAS**

Assessing Accident Review Boards Evaluation Systems for the Victoria Police Department

A Policy Research Project submitted in Partial Fulfillment
Of the Requirements for the Professional Designation
Graduate, Management Institute

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April 1997

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ABSTRACT

Research shows that fleet accidents are a concern for law enforcement agencies not only because of personal (32.6 % of officers killed in the line of duty in 1996 were in motor vehicle accidents) and monetary loss (law enforcement accidents were on the average more costly than other accidents) to the agency, but also because of damage done to the department's image. Because law enforcement officers have a higher rate of accidents than any other group of workers, police departments need to show their concern about the seriousness of fleet accidents by having a fleet accident review policy in place. A survey by the author of police departments in Texas shows that the majority use supervisor review of fleet accidents, using the criteria of fault/non-fault and allowing the supervisor to use their discretion in making recommendations to the chief for corrective action. A survey done at the Victoria Police Department of all sworn personnel revealed the majority concur with this policy.

Introduction

Every police agency has a fleet of marked and unmarked automobiles that are constantly being driven throughout it's streets. These automobiles are a moving liability for these departments.

Traffic accidents are the leading cause of work-related accidents in the United States costing companies \$55 billion a year in medical and legal bills alone (Overman 58). The City of Victoria, Texas Police Department has a total of forty three motor vehicles, including twenty two marked police cruisers and twenty one other vehicles that are driven within the city's twenty nine square mile area (Chamber of Commerce). Victoria's 103 licensed police officers drive these motor vehicles to patrol the city's 296 miles of roadways and protect and serve it's 61,320 residents (Chamber of Commerce).

Victoria's Patrol Divisions' police officers drive an average of seventy five miles per a twelve hour shift or approximately 1,200 miles per month, while the plainclothes detectives drive about thirty five miles per an eight hour shift or 622 miles per month (City of Victoria).

With officers spending long hours in automobiles and driving so many miles in urban traffic, it is inevitable they will be involved in a fleet accident.

Police officers frequently drive hundreds of miles during one eight hour shift under demanding circumstances (i.e., inclement weather, high speed pursuit, low speed patrol, heavy traffic areas, etc.) It is no surprise that the incident of motor vehicle accidents among police officers (1.36) is one of the highest among all occupation groups" (Miller 25).

In the past, when an officer was involved in a fleet accident he was judged under the same system and standards as other city employees from city departments such as Water Department, Parks Department, Administration and Library. The distinction, however, was that employees

from these other departments do not drive the same number of miles per day, spend the same amount of time driving or drive under the same circumstances as the police officer. Consequently, to evaluate the officer under the same criteria was inaccurate and inappropriate. This system has been done away with and new ways to evaluate police fleet accidents are being considered.

The purpose of this research, is to analyze different police agencies' fleet accident review systems to determine what types of review and evaluation systems are being used and who conducts these review. The sources used for this study will be a survey of police departments fleet accident review systems and a survey of Victoria Police Officers and their preferences. Private business will also be surveyed and related articles from journals and magazines will be reviewed. The intended audience of this policy research project is the Victoria Police Department's Chief of Police and the Administrative Lieutenant. This Policy Research Project is intended to show the most popular and widely used fleet accident review systems. The intended outcome of this project is to guide Victoria's policy makers in making a decision on the evaluation system to use in evaluating officers involved in fleet accidents.

Historical, Legal and Theoretical Context

Prior to September of 1988, fleet accident review was preformed by the Sergeant in charge of the Department's Traffic Safety Division of the Victoria Police Department. The Traffic Safety Sergeant would review the accident and decide if the officer was at fault or non fault and if it was a preventable or non-preventable accident. The findings were forwarded to the Chief of Police who reviewed their findings and made the final decisions on any corrective

action. Corrective action was at the discretion of the Chief and could range from a verbal reprimand to dismissal depending on the officer's driving history and the severity of the accident. The officer then had the option of appealing the chief's decision to the City Manager (Dubose).

In 1988 The City of Victoria created a new Risk Management Department. City Driver License were issued to all city employees who drove a city vehicle or their own vehicle on city time. The City Driver License was required to be carried by city drivers any time they were driving on city business.

In September of 1988, Victoria's City Council approved a Loss Control Manual which included a "Motor Vehicle Accident Reporting and Review Policy." The policy set up a city wide system for action to be taken by an employee who is involved in a motor vehicle accident. It also outlined action to be taken by their supervisor upon notification that one of their employees was involved in an accident.

The Policy set up an Accident Review Board consisting of five members: the Assistant City Manager as the Chairperson, the Director of Risk Management, the Chief of Police, the Director of Personnel and the Director of Vehicle and Equipment Services.

The Accident Review Board had the authority to review any accident involving a city employee. The employee appeared before the board and described the accident and the board was allowed to question them. The board after reviewing the accident report generated by the accident investigation and hearing the employees side of the story, would then make two separate judgements of the accident. First was the accident preventable or non-preventable and second was the city driver at fault or not at fault.

The board then would meet in closed session and determine if the accident was

preventable or non-preventable and if the city driver was at fault or not at fault. If they determined the accident was preventable, the board would assign "Preventability Points" which would stay on the driver's record for a period of two years from the date of the accident. Corrective action for a preventable accident was considered after a driver accumulated six or more "Preventability Points" within any two year period. The corrective action ranged from a one day suspension without pay for six to ten "Preventability Points" up through termination for twenty six or more "Preventability Points."

The board would then use the "City Driver Retention Standard" which into consideration whether the city driver was at fault or not and the driver's three year driving history as shown on their Texas Motor Vehicle Record. This record includes on and off the job traffic citations and motor vehicle accidents. The "City Driver Retention Standard" reflects the city's current fleet liability insurance carrier standards. These standards say that an employee will not be covered while driving a city vehicle if they have a conviction for Driving While Intoxicated, a conviction for leaving the scene of an accident or any combination of three or more at-fault wrecks or moving violations.

The "Preventability Point" system and the "City Driver Retention Standard" are two separate systems used to evaluate driver performance from different perspectives. Therefore, under this system a driver could be found not at fault for all the accidents they had and still receive corrective action, ranging from one day suspension to termination, due to "Preventability Points" received.

On September 30, 1994, the Risk Management Department for the City of Victoria was disbanded and the "Motor Vehicle Accident Reporting and Review Policy" was placed on hold.

At the present time fleet accidents are reviewed by the Chief of Police who uses his own discretion in assessing corrective action. If termination is being considered, the Accident Review Board is reconvened and will make the determination. The employee still has the right to file an appeal if they disagree with any decisions.

Review Of Literature and Practices

National Safety Council statistics show that every hour of every day in the United States five people are killed in motor vehicle accidents (one of these deaths will be work related) and 180 people are injured. Every year one out of ten people will be involved in a motor vehicle accident, one in twenty will be involved in a serious accident and one in sixty will be in a fatal accident. Automobile accidents are the major cause of death in the United States, 40,000 per year. Motor vehicle accidents cost us \$24.5 billion dollars in lost wages, \$6.7 billion in medical expenses and \$29 billion in vehicle damage yearly (Wilkinson 32, 33).

According to Julie Chandler in Safe Driving Saves Money one out of every five commercial fleet vehicles in the United States will be involved in an accident every year (62). At this rate the Victoria Police Department would expect to have approximately nine of it's forty three vehicles involved in accidents in any give year. However, in 1996 there were twenty three police vehicles involved in accidents (City of Victoria). Citizen drivers do not operate their fleet vehicles under the same conditions that police officers do. Senior Patrol Officer Todd Jones with the Victoria Police Department says that officers operate their vehicles under higher stress conditions such as family disturbances, fight calls, person with a gun, shots fired, accidents, injured persons and irate citizens. While the average driver can pay 100% attention to their

driving, the police officer is constantly watching other traffic for moving and non-moving violations, looking inside buildings and at citizens on the street for anything out of the ordinary. The police officer working the day shift will be driving in congested city traffic during the three peak rush hours: eight am morning rush hour, noon rush hour and the five o'clock rush hour. Sue Cartwright in The Company Car Driver: Occupational Stress as a Predictor of Motor Vehicle Accident Involvement says that people driving under stress are five times more likely to be involved in a fatal accident than drivers who are not (196).

Because of these factors, law enforcement officers have 30.9 accidents per million miles driven, the highest rate among fleet drivers (Dinah 66). Victoria Police officers drove a total of 421,849 miles in 1996 with a total of 23 accidents, twice the national average (City of Victoria).

With officer's attention being divided between driving and watching for unusual activity, it can be understood why their accident rate is higher than commercial and corporate fleets, since 95% of motor vehicle accidents are caused by driver error (McCorry 38). Senior Patrol Officer William King of the Victoria Police Department said "The normal performance of our duties place us in a more hazardous driving environment than other citizens." He went on to say that our "Accident Exposure Time" was greater than the average citizen. If you factor in the stressful conditions officers work under, chances of accidents increase even more.

A survey of fifty four police departments by phone and personal contacts was done. Of the fifty four departments only five (9%) had city review boards, twenty two (41 %) had departmental review boards and twenty seven (50%) used a supervisor to review fleet accidents. In mid size departments, 50-199 officers, which is comparable to the Victoria Police Department with 103 officers, out of seventeen departments two (11 %) had a city wide review board, eight

(47 %) had departmental review and seven (41 %) used a supervisor to review accidents (See Appendix A, Table 1). One mid size department allowed a supervisor to review and recommend action on any fleet accident under \$250 damage. Over \$250 in damage the accident went to a department review board.

Forty six (85%) of the departments used fault/non-fault criteria as a tool in evaluating fleet accidents. Eight departments (15%) used a combination of both fault/non-fault and preventable/non-preventable criteria in their evaluation. Eighty two percent or fourteen of the mid size departments used fault/non-fault as their criteria. (See Appendix A, Table 2).

Eighty three percent or forty five departments allowed the chief or a supervisor discretion in assessing corrective action. Only 17% or nine departments had corrective action that is set out and allowed no discretion. (See Appendix A, Table 3).

Eight privately own businesses that have fleet vehicles were also contacted. These included such companies as Du Pont De Nemours Inc., Union Carbide, Baker Oil Tools, Yellow Cab, CW A Trucking Company, Brown and Root Construction, Hartman Distributing, Accro-Feed and Lederlee Pharmaceutical. The smallest company had twenty six vehicles and the largest had over 3000. None of the companies considered fleet accidents as presenting a major problem. Two of the companies used committees to review the accidents with all of them using fault/non fault as the criteria for determining corrective action. Five of the companies reviewed the cause of the accident and utilized their findings in training to prevent future fleet accidents, but not for corrective action. Driving While Intoxicated or being at fault in a fatal motor vehicle accident were the only causes for terminations these companies considered.

A "Fleet Accident Evaluation Survey" was done at the Victoria Police Department.

Ninety five questioners were handed out to all licensed personnel. Eighty seven of these were returned. All questions were answered except for one officer who declined to answer question number three. The following three questions were asked:

- 1) How would you prefer fleet accidents be reviewed?
 - >city wide review board
 - >department review board
 - >supervisor/chief review
- 2) What criteria would you prefer be used for evaluation?
 - >preventable/non-preventable
 - >fault/non-fault
 - >a combination of fault/non-fault and preventable/non-preventable
- 3) how would you prefer corrective action be administered?
 - >point system with set corrective action
 - >review board makes recommendations
 - >supervisor makes recommendation

The findings were broken down into three subgroups for further study. The first subgroup was officers with three years experience or less, seventeen returns, the second subgroup, officers with six to ten years experience, twenty nine returns and the third subgroup was officers with eleven years experience or more, forty one returns.

Forty-five (52%) of total responding officers preferred supervisor/chief review over a review board. Thirty eight (44%) preferred departmental review and four (4%) officers preferred city wide review. Officers with three years of experience or less overwhelmingly preferred supervisor or chief review. Four years experience and above were almost equally divided between departmental review and supervisor/chief review. (See Appendix B, Table 1).

Officers in all three experience groups overwhelmingly preferred accidents be evaluated on fault/non-fault over any other system. Fifty five-officers (63%) responding preferred

fault/non-fault criteria to be used, with twenty six officers (30 %) preferring a combination of preventable/non-preventable/fault-non-fault criteria be used. (See appendix B, Table 2).

Fifty-one officers (59 %) in all three categories of experience, preferred that corrective action be administered at the discretion of the chief upon a recommendation of a supervisor. Four to ten year experienced officers were closely divided between the review board making recommendations and the supervisor making recommendations, with ten officers (36 %) wanting a review board to make recommendations and thirteen (46 %) favoring a supervisor. (See appendix B, Table 3).

Discussion of Relevant Issues

Incidents resulting from high risk activities are inherent to law enforcement. Personal injuries can not be prevented. Litigation cannot be avoided nor can losses be eliminated. But through proper management, the law enforcement administrator can better manage the risk and control the losses inherent to the enforcement of the law (Hooper 47).

In 1996, 116 police officers died in the line of duty. Forty two or 36.2 % died in motor vehicle accidents (Floyd 30). According to M.T. Charles in the Journal of Crime and Justice:

Police vehicles were at a greater risk of becoming involved in roadside accidents than any other type of emergency vehicle and were disproportionately represented, both as the vehicle struck and the vehicle causing the collision in the overall roadside accident configuration, as compared to other emergency vehicles" (Charles 1992).

The average cost of a law enforcement accident was \$1,826 as compared to \$1,435 for all others (Dinah 66). There is no doubt that accident review and evaluation must be performed due to the high cost and liability involved in motor vehicle accidents. Being firm with employees

who have at fault accidents, is an effective way to demonstrate to drivers the importance your department attaches to safe driving (Candler 38).

The majority of the police departments surveyed (91%) used police officers as the evaluators of fleet accidents. As one officer put it, when a civilian pulls out into traffic they are only watching for approaching traffic, while the police officer is not only watching for approaching traffic, but also trying to keep the violator in view and make mental notes of their observations of the violation. (King) I believe that it is for this reason that ninety six percent of the officers surveyed preferred some type of police review over a city wide review board.

The use of fault/non-fault criteria is most widely used among police departments surveyed, forty six out of fifty four (85 %) and among Victoria officer survey fifty five officers (63 %) preferred it over the other two criteria. As one officer said, he might be in a non-fault accident and have a review board sitting down and discussing the accident over a cup of coffee in a conference room and judge that he could have prevented it by making a different decision (Jones).

Police departments contacted and Victoria Police Officers surveyed, overwhelmingly lean towards allowing discretion in assessing corrective action. Eighty three percent of police departments and eighty seven percent of Victoria officer's preferred it over set standards.

As a result of the police department and officer survey the most used accident evaluation system and most desired by Victoria Police Officers is the supervisor/chief review with fault/non-fault criteria that allows the supervisor or chief to use their description in assessing corrective action.

The most cost effective and the easiest way to evaluate fleet accidents is using a

supervisor to review the accident as it only ties up one person. However it does not allow for different view points other than a review of his decision by the chief. The most costly is the city wide review as used by the City of Victoria as it tied up four department heads and the assistant city manager, the highest paid personnel in the city. A department review board using patrol officer and supervisor allows for lower paid personnel, experienced officers and a variety of ideas.

Conclusions and Recommendations

The purpose of this research is to learn what other departments are using to evaluate fleet accidents and to determine what evaluation systems Victoria Police Officers prefer. This topic is important because according to Guy Smith in Safety Training No Longer a Choice, high accidents rates bring steeper insurance rates and damage a firms reputation (Smith 30).

The list of environmental and social problems associated with vehicle accidents in long. It includes death, suffering, congestion, pollution, disruption, industrial inefficiency, increase operation cost, increased insurance premiums and auxeses, reduced customer service, and poor image of vehicle operators (Murray 593).

Accident review with feedback to the involved driver can reduce accident rates, according to Julie Candler in Getting Serious About Safe Driving (Chandler 40).

The problem for the Victoria Police Department at this time, is that as it moves away from a city wide review board that used preventability and fault to judge fleet accidents, what type of departmental review should it use for fleet accidents, what criteria should it use and how should corrective action be administered.

In conclusion I would recommend the Victoria Police Department use a supervisor to review and evaluate fleet accidents on the fault/non-fault criteria, allow the supervisor to make recommendations of corrective action to the chief and the chief use discretion in his decision or corrective action. These are the preferences of the majority of the officers who answered the survey. The above fleet accident review system would let officers know that their input is important and is considered by management.

This would be cost effective as you are not tying up several other employees in a review board. It would allow a police officers who has experience driving under the same conditions as the officer involved in the accident and has investigated accidents also to judged the fault or no fault of the officer involved. The chief could then review the recommendations from the view point of the head administrator and come to a decision that he believes is not only fair to the officer but good for the department.

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APPENDIX A

Results of police department fleet accident review survey

Table
1

Types of review systems used by police departments to review fleet accidents.

DEPARTMENT			CITY REVIEW BOARD		DEPARTMENT REVIEW BOARD		SUPERVISOR OR CHIEF REVIEW	
SIZE		NO.	NO.	%	NO.	%	NO.	%
1-49	OFFICERS	28	2	7	10	36	16	57
50-199	OFFICERS	17	2	11	8	47	7	41
199 +	OFFICERS	9	1	11	4	4	4	44
TOTALS		54	5	9	22	41	27	50

Telephone and personal interviews preformed with 54 different Texas police departments

Table 2

Types of criteria used by police departments to judge officers involved in fleet accidents.

DEPARTMENT FAULT			PREVENTABLE		FAULT		COMBINATION OF	
			NON-PREVENT ABLE		NON-FAULT		NON-FAULT AND PREVENTABLE NON-PREVENTABLE	
SIZE		NO.	NO.	%	NO.	%	NO.	%
1-49	OFFICERS	28	0	0	27	96	1	4
49-199	OFFICERS	17	0	0	14	82	3	18
199 +	OFFICERS	9	0	0	5	56	4	44
TOTALS		54	0	0	46	85	8	15

Telephone and Personal interviews preformed with 54 different Texas police departments

Table 3

Types of standards used by police departments to assess corrective action

DEPARTMENT			SET STANDARDS FOR CORRECTIVE ACTION		ALLOW DISCRETION FOR CORRECTIVE ACTION	
SIZE		NO.	NO.	%	NO.	%
1-49	OFFICERS	28	4	14	24	86
50-199	OFFICERS	17	2	12	15	88
200 +	OFFICERS	9	3	33	6	67
TOTALS		54	9	17	45	83

Telephone and personal interviews preformed with 54 different Texas police department

APPENDIX B

Results of Victoria Police Department Officer fleet accident survey

Table 1
Types of review systems preferred in Victoria Police Officers survey

YEARS EXPERIENCE	CITY WIDE REVIEW BOARD			DEPARTMENTAL REVIEW BOARD		SUPERVISOR OR CHIEF REVIEW	
NO.	NO.	%		NO.	%	NO.	%
3 YEARS OR LESS	17	1	6	5	29	11	65
4 TO 10 YEARS	29	1	3	15	52	13	45
11 YEARS OR MORE	41	2	5	18	44	21	51
TOTALS	87	4	4	38	44	45	52

Written survey of all licensed officers at the Victoria Police Department

Table 2
Types of criteria preferred in Victoria Police Officers survey

YEARS EXPERIENCE	PREVENTABLE NON-PREVENTABLE			FAULT NON-FAULT		COMBINATION PREV/FAUL T	
NO.	NO.	%		NO.	%	NO.	%
3 YEARS OR LESS	17	0	0	11	65	6	35
4 TO 10 YEARS	29	2	7	18	62	9	31
11 YEARS OR MORE	41	4	10	26	63	11	27
TOTALS	87	6	7	55	63	26	30

Written survey of all licensed officers at the Victoria Police Department

Table 3
Methods of assessing corrective action preferred in the Victoria Police Officer survey

YEARS EXPERIENCE	SET POINT SYSTEM			REVIEW BOARD DISCRETION		SUPERVISOR OR CHIEF DISCRETION	
NO.	NO.	%		NO.	%	NO.	%
3 YEARS OR LESS	17	2	12	1	6	14	82
4 TO 10 YEARS	29	5	18	10	36	13	46
11 YEAR OR MORE	41	3	7	14	34	24	57
TOTALS	86*	10	12	25	29	51	59

Written survey of all licensed officers at the Victoria Police Department

* One officer with four to ten years experience declined to answer question number three