

# CHARLOTTESVILLE POLICE DEPARTMENT



Note: This directive is for internal use only and does not enlarge an officer's liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by the Charlottesville Police Department and then only in a non-judicial administrative setting.

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| Type of Directive: GENERAL ORDER                        | Number: 02-04                 |
| <b>POLICE ACCIDENT REVIEW BOARD</b>                     | Date: September 5, 2019       |
| VLEPSC Number: Non-Standard                             | Manual Number: 517.02         |
|   | Effective Date: Sept. 5, 2019 |
| Authorization: Chief R.M. Brackney <i>R.M. Brackney</i> | Follow-up Date: Annually      |

## I. POLICY

It shall be the policy of the Charlottesville Police Department to forward all accidents involving Charlottesville Police Department owned or leased vehicles to the Accident Review Board for a finding of "Avoidable" or "Unavoidable." However, nothing in this order shall preclude any departmental accident involving some other act of misconduct to be investigated and resolved within the Internal Affairs process.

## II. PURPOSE

The purpose of the Accident Review Board is to provide consistency in the findings of accidents investigated involving Charlottesville Police Department owned or leased vehicles in accordance with General Order 542.01 and to maintain records of these accidents.

## III. PROCEDURE

### A. Accident Review Board composition

1. Chairperson – Traffic Section Supervisor
2. Sworn police department supervisor
3. Police officer/detective

*(In the event of the Traffic Unit supervisor being the investigating officer of an accident scheduled for review, the senior police officer assigned to the Traffic Unit shall be designated as the temporary chairperson.)*

### B. Accident Review Board Responsibilities

1. Review all accidents involving Charlottesville Police Department owned or leased vehicles upon completion of supervisor's investigation.
2. Make a finding of "Avoidable" or "Unavoidable."

3. Provide investigating supervisor the Board's finding and the officer's accident history.
4. Maintain records of all accidents reviewed by the Accident Review Board, categorized by involved officer.

#### C. Records

1. The Accident Review Board chairperson shall maintain accident files for a period of 5 years.
2. Files shall be categorized by involved officer name.
3. Each file shall consist of the following:
  - a. Copy of FR-300;
  - b. copy of Supervisor's Report;
  - c. copy of court charges filed, if applicable; and
  - d. copy of Accident Review Board's finding.
4. A copy of the file that resulted in disciplinary action of category "B" through "F" will be forwarded to the Internal Affairs Office, in compliance with Series Number 10233 of the Library of Virginia's Records Management and Imaging Services Division.

#### D. Course of Action

1. All accidents will be investigated in accordance with General Order 542.01
2. The investigating officer will forward all accidents to the Accident Review Board chairperson immediately upon completion of the investigation.
3. The Accident Review Board chairperson will immediately notify the involved officer of the date, time and location of the hearing to afford the officer an opportunity to appear.
4. The Accident Review Board may request the investigating supervisor to appear before the board.
5. The Accident Review Board will convene and make a finding of the following within ninety (90) days of receiving the accident from the investigating supervisor:
  - a. Avoidable;
  - b. unavoidable;

*(The officer's accident history will not be considered by the Accident Review Board when making a finding of avoidable or unavoidable.)*
6. The Accident Review Board chairperson will forward the Board's finding and officer's accident history in writing to the officer's immediate supervisor within

one (1) week of the hearing. The Board will also notify the involved officer in writing of their finding within one (1) week of the hearing.

7. Upon receipt of the Board's finding, the officer's immediate supervisor will promptly make a recommendation of disciplinary or corrective action as prescribed by General Order 517.00 and forward through the chain of command to the Chief of Police. No disciplinary action will be taken against an officer in an accident found by the board as "unavoidable".