



GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



ORIGINAL EFFECTIVE DATE: MARCH 1, 2002	REVISED DATE: March 26, 2015	NO. PAGES: 1 of 8	NUMBER: 8.1.01
SUBJECT: DAMAGE TO CITY VEHICLES			
ASSOCIATED MANUAL:		RELATED ORDERS: 1.1.15, 1.3.16, 8.1.05	
CHIEF OF POLICE: <i>Calvin D. Williams, Chief</i>			

Substantive changes are italicized

PURPOSE: To set guidelines for the investigation of motor vehicle crashes (MVCs) involving *City of Cleveland vehicles, MVCs involving Division of Police personnel, and any damage to Division vehicles.*

POLICY: The Division shall investigate *MVCs that involve City personnel operating City vehicles, MVCs that involve Division members, and damage to Division vehicles.*

PROCEDURES:

- I. When a City-owned vehicle (excluding Cleveland Metropolitan School District vehicles) is involved in an MVC, the Communications Control Section (CCS) shall dispatch a supervisor to the scene. That supervisor shall:
 - A. *Confirm the location of the crash and determine if the Accident Investigation Unit (AIU) is needed. If AIU is needed, advise CCS to request AIU respond to the scene.*
 - B. Ensure a Zone Car or SR Car remains on scene to assist AIU with the investigation.
 - C. *Complete a supervisory investigation for Division of Police vehicles only. Investigations for non-Divisional vehicles are the responsibility of the involved City employee's supervisor.*

- II. AIU officers shall complete the OH-1 and Form-10 reports and photograph the damage. If AIU is unable to respond, the on-scene supervisor shall ensure that the OH-1 and the Form-10 reports are completed and request that the Crime Scene and Record Unit (CSRU) respond to the scene for photos. Investigating officers shall complete the reports before reporting off duty.

- III. *If the MVC, involving a City-owned vehicle, occurs outside the jurisdiction of the City of Cleveland, a CCS supervisor shall note the severity and distance to the crash scene. The CCS supervisor and the sector supervisor from the sector closest to the crash shall determine if and to what extent a Division of Police response is warranted. If a consensus cannot be reached, the CCS supervisor shall notify the Inspection Unit who will make the response determination.*
- IV. For the purposes of this order, a supervisory investigative Form-1 shall include a synopsis of the circumstances surrounding the crash, interviews of involved members and witnesses, reported injuries or no reported injuries, extent of damage, were the vehicles legally operated or parked, driver license status, proof of insurance, scene and damage photographs, CCS recordings, AVL information, video recordings, observations related to suspected impairments, any other information the investigating supervisor feels is relevant and a clear recommendation as to whether the crash was preventable or non-preventable and cite supporting reasons.
- V. If a Division of Police vehicle is involved in an MVC or damaged by any means, the involved member shall notify CCS and obtain an incident number. An on-duty supervisor from the unit to which the vehicle is assigned shall complete the investigation. If no supervisor from the affected unit is on-duty, a supervisor from the district of occurrence shall investigate. If the crash occurs outside of the City of Cleveland, the member's immediate supervisor shall complete the investigation.
- A. The CCS shall immediately notify the investigating supervisor's commander.
- B. The driver of the vehicle shall immediately complete the EAC-1 report (attached). If the driver is unable to complete the report, the investigating supervisor shall assign another member to do so. *An EAC-1 is required whenever a crash or damage occurs, regardless of value.*
- C. If there are injured members of the Division of Police, separate injury packages are required for each injured member.
- D. The driver, passenger, and any witnessing members shall complete Form-1s describing what occurred. If the driver or passenger is unable to complete the report, the supervisor shall note this fact in their investigation and include their statement(s) as part of the supervisor's Form-1.
- E. If there are any civilian witnesses, a Driver/Witness Accident Statement Form shall be completed for each.

- F. If the driver claims that a defect caused the crash, the investigating supervisor shall have the vehicle immediately taken out of service, a Bad Order Form completed, and towed to the Charles V. Carr Municipal Center (East 55th Street Garage). The Bad Order Form shall be used to request an inspection for investigation purposes. AIU shall note that a defect has been reported in their Form-10 and shall *ensure* that the results of that inspection are entered in their final reports.
- G. If the incident requires a control number, as described in *section V.I.*, the investigating supervisor shall forward the EAC-1 report to the commander's office. The commander's administrative officer shall contact the OIC of AIU or the Hit Skip Unit by telephone, Monday through Friday, 0800 to 1500 hours, to report the crash. AIU shall assign the investigation a control number. The administrative officer shall place the control number in the assigned space on the EAC-1 along with the incident number assigned by CCS at time of reporting under the control number. The administrative officer shall then return the EAC-1 to the investigating supervisor.
- H. If an unoccupied Division vehicle is involved in an MVC, the member in custodial care as defined in GPO 8.1.05 shall be considered the "*driver*" for investigative purposes.
- I. The investigating supervisor shall submit a complete investigative package to the commander within one week of the crash. The investigative package shall include:
1. For crashes taking place on any public roadway or starting on a public roadway and continuing onto private property, or completely on private property:
 - a. A supervisory investigative Form-1 titled: MVC/On-Duty/Officer (driver's name and badge).
 - b. Control Number (write on top right corner of all investigation pages).
 - c. Photocopy of OH-1 Crash Report.
 1. If the combined damage for the involved vehicles is estimated under \$1000.00, ensure the "PDO Under State Reportable Amount" box has an "x" placed in it on Page 1 of the OH-1 Report.

2. For Private Property crashes, ensure the “Private Property” box has an “x” placed in it on Page 1 of the OH-1 Report.
3. For Hit-Skip crashes, ensure the “Hit Skip” field is properly classified as solved or unsolved on Page 1 of the OH-1 Report. Refer to GPO 8.1.04 for directives on handling Hit Skip crash investigations.
 - d. Form-10 Supplement Report.
 - e. Driver, passengers and witness Form-1s and any Driver/Witness Accident Statements.
 - f. EAC-1 Report.
 - g. Copy of the Hit Skip card (if applicable and available).
 - h. Any photographs or any other multimedia evidence gathered by the investigating officer(s) taken of the crash scene or vehicle(s) involved, unless it is an investigating officer from AIU or CSRU, in which case a notation of the investigating unit number or name and badge is sufficient.
 - i. A copy of the Vehicle Pursuit Form and associated Offense/Incident reports if the crash is proximately caused by a vehicular pursuit.
2. For non-crash related damage discovered to a stationary Division vehicles of unknown origin, or noncriminal in nature:
 - a. *A control number is not required for these types of incidents.*
 - b. A supervisory investigative Form-1 titled: Damage to City Property/MV/Car # and “P” Code.
 - c. RMS “Damage to City Property/MV” report.
 - d. Form-1s from any reporting officer(s) and/or from any officers who had control of the vehicle during the investigative period in question.
 - e. EAC-1 Report.

- f. Any photographs or any other multimedia evidence gathered by the investigating officer(s) taken of the crash scene or vehicle(s) involved, unless it is an investigating officer from AIU or CSRU, in which case a notation of the investigating unit number or name and badge is sufficient.
3. For damage to a Division vehicle deliberately caused either by a criminal act of a suspect or a police intervention:
 - a. *A control number is not required for these types of incidents.*
 - b. A supervisory investigative Form-1 titled: Damage to City Property/MV/Intentional Act/Car # and "P" Code.
 - c. "Damage to City Property/MV" shall be added to the RMS title.
 - d. A Form-10 Supplement Report is required only for vehicles that were in motion (e.g. felonious assault or police intervention) at the time the damage occurred. A Form-10 is not required for damage done to parked/stopped vehicles.
 - e. Driver, passengers and witness Form-1s and any Driver/Witness Accident Statements.
 - f. EAC-1 Report.
 - g. Any photographs or any other multimedia evidence gathered by the investigating officer(s) taken of the crash scene or vehicle(s) involved, unless it is an investigating officer from AIU or CSRU, in which case a notation of the investigating unit number or name and badge is sufficient.
 - h. A copy of the Vehicle Pursuit Form if the crash is proximately caused by a vehicular pursuit.
4. For alleged crashes, or if contact is confirmed but no damage is visible (i.e. taps another car), it shall be investigated as a crash following the *procedures described in section V.I.I.*, except an OH-1 shall not be required. The supervisory investigative Form-1 shall include "No Visible Damage" in the title. (e.g. MVC/On-Duty/Officer name/No Visible Damage).

- J. In instances where a related sequence of events (as during a prolonged vehicular pursuit) results in multiple crashes, investigating supervisors shall ensure that each crash involving a Division vehicle is individually assessed and individually documented as appropriate. The documentation may include a combination of several OH-1 reports, damage to property reports, and/or felonious assault reports.
- K. Supervisors shall ensure that all protocols and procedures related to Post-Crash Alcohol and Drug Testing are followed. Refer to General Police Order 1.1.15 Alcohol and Drug Policy. Supervisors shall note, that as of this order's effective date, mandatory Post-Crash Alcohol and Drug Testing is not applicable to members of the Cleveland Police Patrolmen's Association (CPPA). This exception may change as changes to the CPPA collective bargaining agreement may indicate otherwise. However, supervisors shall order a drug/alcohol test if reasonable suspicion exists that any member is abusing illegal drugs or misusing legal drugs or using alcohol while on duty.
- L. Commanders shall forward the complete package, along with a recommendation and comments, to their respective deputy chief. Upon that deputy chief's review and recommendation, the package shall be forwarded directly to the Bureau of Traffic to be scheduled for a Traffic Safety Analysis Panel (TSAP) hearing if required as per G.P.O. 8.1.05.
- M. AIU shall be the final destination for all MVC and damage to city vehicle investigations that involve Division members.
- N. The Chief has final authority to determine disciplinary action.
- VI. Upon completion of the investigation, the Bureau of Traffic shall forward necessary reports to the Employee Accident Control Office and shall prepare the necessary investigative packages for monthly meetings of the TSAP. Traffic crashes and crashes involving unoccupied Division vehicles are subject to TSAP review. Intentional acts or unknown *causes of* damage (non-crash related) are not subject to TSAP review.
- VII. Per Ohio Revised Code 3937.41, Prohibiting Consideration of Work-related Accidents, law enforcement officers who are involved in motor vehicle crashes while engaged in the performance of their duties shall not have the crash count against their driving records, and no insurer may deny coverage or raise premiums as a result of such motor vehicle crash. The Record Section, upon receiving an OH-1 involving an on-duty MVC, shall initiate the requisite documentation to ensure compliance with ORC 3937.41.

VIII. When a member of the Division of Police is involved in an off-duty motor vehicle crash, the following procedures shall apply.

- A. If a crash occurs inside the City, a supervisor and a basic patrol car shall be dispatched to the scene.
 1. The responding Zone Car or SR Car shall:
 - a. Complete a thorough and unbiased investigation of the crash and all the circumstances surrounding it.
 - b. Complete an OH-1.
 - c. Ensure the involved member remains on scene until the supervisor arrives, unless the member is being immediately transported to a medical facility.
 2. The responding supervisor shall:
 - a. *Notify the Inspection Unit via CCS. The Inspection Unit shall determine if the crash requires a Bureau of Integrity Control call-up.*
 - b. Interview the involved member while on scene, unless the member is being immediately transported to a medical facility. If the member was transported to a medical facility prior to the supervisor's arrival the supervisor shall:
 1. Respond to the medical facility and interview the involved member there.
 2. Note in the supervisory investigative Form-1 if the member is unable to provide a statement because of their medical condition.
 - c. Complete a supervisory investigation Form-1 titled: MVC/Off-Duty/Officer: (name and badge of driver).
 - d. The investigating supervisor shall, within one week of the crash, forward the supervisory investigative Form-1, with a copy of the OH-1, through the chain of command to their respective deputy chief. Upon that deputy chief's review and recommendation, the package shall be forwarded to AIU.

- B. If the crash occurs outside the City and the member is cited, arrested, or summoned to court, the member shall complete a Form-1 and forward it through the chain of command to their respective deputy chief *for review*.
1. *If the deputy chief determines that there is cause for disciplinary and/or non-disciplinary action:*
 - a. *The deputy chief shall direct the involved member's commander to effect the disciplinary and/or non-disciplinary action.*
 - b. *The disciplinary and/or non-disciplinary action shall be forwarded through the chain of command to the Chief's Office for review and final disposition.*
 - c. *After final disposition, the Form-1 shall be forwarded to the Inspection Unit for filing.*
 2. *If the deputy chief determines that there is no cause for further action, then the deputy chief shall forward the Form-1 directly to the Inspection Unit for filing.*
- IX. Section VIII of this order shall apply when a member of the Division of Police is involved in a duty related crash while operating a non-Division owned vehicle. "Duty related crash" may include call up incidents, but does not include reporting for prosecutor consultations, *lunch breaks*, or court appearances. The title of the supervisory investigative Form-1 in this instance shall read: MVC/Off-Duty-Duty Related/ Officer: name and badge of driver.
- X. Members shall not utilize personal vehicles while on-duty unless required for a call-up situation or upon approval of a supervisor.

CDW/jeh

Accident Investigation Unit/Policy & Procedures Unit
Attachment (EAC-1)