



**DEPARTMENT OF PUBLIC SAFETY
POLICIES & PROCEDURES**



POLICY NUMBER	
ADM: 18	
EFFECTIVE DATE: 04/22/2016	ORIGINAL ISSUED ON: 12/15/1991
REVISION NO: 11	

SUBJECT: FLEET DAMAGE

1.0 PURPOSE

It is the purpose of this policy to establish a standard for reporting, classifying, and investigating damage caused to Department of Public Safety vehicles.

2.0 POLICY

It is the policy of the Department of Public Safety to provide a fair system to its employees regarding the reporting, classifying, and investigation of damage caused to DPS vehicles.

3.0 APPLICABILITY

This policy applies to all Department of Public Safety employees.

4.0 REFERENCES

NONE

5.0 DEFINITIONS

- A. Act of nature** – Events outside human control, such as sudden floods or other natural disasters, for which no one can be held responsible.
- B. Chief** – The Chief of the New Mexico State Police.
- C. Criminal Act** – For the purpose of this policy, a criminal act is defined as an intentional act committed against a DPS vehicle causing damage to the vehicle.
- D. DPS** – Department of Public Safety.
- E. Driver** – The person in actual physical control of a DPS vehicle that is being operated, or who was last in control of a vehicle that is parked. This person will be listed as Driver # 1 on the Uniform Crash Report.
- F. Fleet Crash** – Any collision with, or by, a DPS vehicle which causes death or personal injury to any person; causes damage to any vehicle, property, or object; or any damage caused to a DPS vehicle that is parked (attended or un-attended) and is struck by any other vehicle.
- G. Fleet Damage** – A fleet crash or other incident causing damage to a fleet vehicle.
- H. Fleet Incident** – Any damage caused to a DPS vehicle as a result of an intentional act during the execution of lawful duties (example: P.I.T. maneuver, road block, shooting incident), criminal act, or an act of nature.
- I. Lawful Intentional Act** – A lawful action taken by an officer where the outcome of his/her conduct is substantially certain.

J. Pursuit Intervention Technique (P.I.T.) Maneuver – A technique used by an officer to forcibly stop a suspect vehicle by utilizing their patrol vehicle. The forced stop occurs when the pursuing officer makes contact with the side of a suspect's vehicle, causing the suspect's vehicle to rotate into a stopped position.

K. Training Incident – Any damage caused to a DPS vehicle during training exercises.

6.0 PROCEDURE

A. Fleet Damage Reporting

1. The employee must immediately report any fleet damage regardless of extent by the quickest means possible to his/her supervisor, who will inform the respective division director through the chain-of-command. Failure to report fleet damage, regardless of fault, may subject the employee to discipline ranging from reprimand to dismissal.
2. The employee will immediately contact the nearest New Mexico State Police office (via radio, telephone, or reliable messenger) and request that an investigation of the damage be completed by a State Police officer, and a CAD number be assigned. In the event a State Police officer is not available, an investigation by another DPS Officer, a County Sheriff's Deputy, or Municipal Police Officer will be requested.
3. The employee will remain at the scene of the damaged vehicle (unless injuries prohibit it) until the on-scene investigation is complete or the employee has been instructed to leave the scene by the supervisor or the investigating officer.

B. Fleet Crash Procedures

1. At the discretion of the District Commander, where the crash occurred, and if a Fleet Crash Investigation Task Force exists, the commander may recommend the fleet crash investigation be conducted by the Task Force when the crash results in serious bodily injury or death of either the employee or another person.
2. A crash re-construction shall be conducted for any crash involving a DPS employee operating a department vehicle when the crash results in the death of the employee or another person .
3. The integrity of the crash scene must be securely maintained until such time as the re-construction officer has released it.
4. Any fleet crash where the investigating officer suspects, or has reason to believe, alcohol or drugs were involved, shall immediately be reported to a district/bureau commander.
5. All employees operating a department vehicle which was involved in a fleet crash, are required to submit to a drug screen at the request of the district/bureau commander.
6. The District Commander/Director will ensure that the Chief's staff and the Fleet Manager are notified of the date, time, and unit number of the DPS vehicle involved in a crash. The notification can be accomplished through email including the significant event details.
7. In the event that an employee is injured, a Notice of Injury Packet must be completed and forwarded to Headquarters. Department of Public Safety policy

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PRS: 11 State Police Duty Injury Leave shall be adhered to. A first notice of accident does not need to be attached to the Fleet Packet.

8. Any fleet crash that occurs during a training exercise will be reported and investigated as per the fleet crash procedures in this section.

9. Driver/Investigating Officer Responsibilities

- a. The following documentation must be submitted together as a Fleet Crash Report Packet by the driver and investigating officer:
 - i. Driver Responsibilities:
 1. Obtain three (3) estimates for the repair of the damage to the vehicle.
 2. Complete a Crash Review Form (narrative from driver shall include details of the incident).
 - ii. Investigating Officer Responsibilities:
 1. Complete a State of New Mexico Uniform Crash Report.
 2. Take photographs of the scene and damage to the vehicle(s).
- b. After the crash investigation has been completed, the driver and investigating officer should work together to complete the Fleet Crash Report Packet.
- c. Once the photographs, Uniform Crash Report, and three (3) estimates are completed by the driver and investigating officer, they shall be faxed or scanned to the Fleet Manager in Special Operations within three (3) business days to expedite the repair process. If these items cannot be submitted within three (3) business days, the driver or investigating officer will need to contact the Fleet Manager.
- d. Once the Fleet Crash Report Packet is complete, it shall be forwarded to headquarters, through the chain of command, within thirty (30) calendar days.
- e. If the driver is seriously injured in the crash and unable to fulfill his/her responsibilities, the driver's direct supervisor, or designee, will obtain the three (3) estimates, and the officer will complete the Crash Review Form as soon as reasonably possible.

10. Administrative Review

- a. Initial Assessment/Classification
 - i. Every employee (driver) involved in a fleet crash must complete a Crash Review Form as part of the Fleet Crash Report Packet.
 - ii. Each fleet crash shall be classified by the Uniform District Commander responsible for the area where the crash investigation occurred.
 - iii. The driver and District Commander must all classify the crash on the Fleet Crash Review Form utilizing the assessment/classification categories as defined in this policy. Once completed the packet will be forwarded to the Zone Commander for review.

- iv. The Zone commander will review the packet and request any additional documentation, as needed, to render a final assessment of the incident. If further investigation into the incident is required, the Zone Commander will request the Standards Bureau Commander review the incident for any violations.
 - v. Final packets will be forwarded to the Standards bureau for review, as needed, and for entry into EIPS.
- b. Standards Bureau Review

In the event of negligence or multiple incidents of a similar nature, the fleet crash may be investigated by the Standards Bureau per *ADM: 04 Internal Investigations*.

c. Assessment/Classification Categories

- i. Personnel will categorize all crashes into one (1) of four (4) categories:
 - 1. **A Classification** – It is clear that no negligence existed on the employee's part.
 - 2. **B Classification** – The employee operated or parked a DPS vehicle in a manner that contributed to the cause of the crash. The employee might have not been negligent, but failed to exercise the care expected of a reasonably prudent person in like circumstances. Very minor crashes usually fall in this category. Weather related crashes, for example, may be generally, but not in all cases, classified in this category.
 - 3. **C Classification** – The crash is a direct cause of an employee's negligence. Crashes that occur while operating without due regard for the width, grade, curves, corners, traffic, road conditions, and all other attendant circumstances may be classified in this category.
 - 4. **D Classification** – The crash is a direct cause of an employee's gross negligence in which the employee operates a vehicle in a careless, inattentive, or imprudent manner.
- ii. All findings will be forwarded to the Standard's Bureau for review and retention.

d. Penalties and Appeals

Progressive discipline will be used in cases where an employee is determined to have contributed to the cause of a fleet crash per *ADM: 47 Discipline*.

- i. The district commander may take corrective action for minor fleet crashes, but all discipline will be forwarded to the Standards bureau for review and storage.
- ii. The Chief shall review an officer's entire fleet crash record in determining any further disciplinary action up to and including termination.
- iii. All appeals to any disciplinary action will be handled per *ADM: 47 Discipline*.

C. Fleet Incident Procedures

1. Act of nature

Driver Responsibilities

- a. Take photographs of the scene and damage to the vehicle.
- b. Obtain three (3) estimates for the repairs needed to the vehicle.
- c. Complete an Inter-Departmental Correspondence (IDC). In the narrative, include the Computer Aided Dispatch (CAD) number associated with the incident and a brief description of how the damage occurred to the vehicle(s).
- d. Once the photographs, IDC, and three (3) estimates are completed by the driver, they shall be faxed or scanned to the Fleet Manager in Special Operations within three (3) business days to expedite the repair process. If these items cannot be submitted within three (3) business days, the driver or investigating officer will need to contact the Fleet Manager.
- e. Once the photographs, IDC, and three (3) estimates are completed, they shall be forwarded to the Special Operations Bureau Commander, through the chain of command, within thirty (30) calendar days.

2. Lawful Intentional Act

a. Driver Responsibilities

- i. Take photographs of the scene and damage to the vehicle(s).
 - ii. Obtain three (3) estimates for the repairs needed to the vehicle.
 - iii. Complete an Inter-Departmental Correspondence (IDC). In the narrative, include the Computer Aided Dispatch (CAD) number associated with the incident and a brief description of how the damage occurred to the vehicle(s).
 - iv. Once the photographs, IDC, and three (3) estimates are completed by the driver, they shall be faxed or scanned to the Fleet Manager in Special Operations within three (3) days to expedite the repair process. If these items cannot be submitted within three (3) business days, the driver or investigating officer will need to contact the Fleet Manager.
- b. If the Lawful Intentional Act involves a pursuit refer to *OPR: 08 Vehicular Pursuits* for further information.
 - c. If the Lawful Intentional Act involves use of force refer to *OPR: 01 Use of Force* for further information.
 - d. If the Lawful Intentional Act involves death or great bodily harm refer to *OPR: 29 Investigation of Use of Force Incidents Resulting in Death or Great Bodily Harm* for further information. **If OPR: 29 applies, the driver will not take photographs, obtain estimates, or complete an IDC regarding the incident. Photographs and the driver's statement will be included in the investigating agent's report. The Fleet Manager will track the status of the investigation and follow up with repairs to the vehicle(s) when it is appropriate.**

3. Criminal Act

a. Driver Responsibilities

- i. Obtain three (3) estimates for the repairs needed to the vehicle.
- ii. If the Investigations Bureau is not called in to assist, the driver will complete an Inter-Departmental Correspondence (IDC). The narrative will include the Computer Aided Dispatch (CAD) number associated with the incident and a brief description of how the damage occurred to the vehicle(s).
- iii. If the Investigations Bureau is not called in to assist, the driver will be responsible for photographing the scene and the damage to the vehicle.
- iv. Once the photographs, IDC and three (3) estimates are completed by the driver, they shall be faxed or scanned to the Fleet Manager in Special Operations within three (3) business days to expedite the repair process. If these items cannot be submitted within three (3) business days, the driver or investigating officer will need to contact the Fleet Manager.
- v. Once the photographs, IDC, and three (3) estimates are completed, they shall be forwarded to the Special Operations Bureau Commander, through the chain of command, within thirty (30) calendar days.

- b. Reference can be made to OPR: 39 Criminal Investigations to assist personnel in determining whether or not the Investigations Bureau should handle the incident.

4. If the driver is seriously injured in the incident and unable to fulfill his/her responsibilities, the driver's direct supervisor, or designee, will take photographs, and obtain the three (3) estimates. The officer will complete his/her paperwork as soon as reasonably possible.

7.0 ATTACHMENT

A. DPS Crash Review Form

8.0 APPROVAL

APPROVED BY: S/ D. Scott Weaver DATE: April 22, 2016
DPS Cabinet Secretary