

Rules and Procedures

Rule 316

February 8, 1989

Rule 316 - DEPARTMENT MOTOR VEHICLE ACCIDENTS

This rule is issued to provide guidelines and regulations for the reporting and investigating of all motor vehicle accidents in which Police Department Vehicles are involved. It is effective immediately and it is intended to complement all other Rules and Regulations and Department policies regarding the operation of Police Department vehicles.

Sec. 1 Notification

When a Department vehicle is involved in an accident the operator of the vehicle must immediately notify the Operations Division of the accident and the location. The operator shall then determine if there are any injuries and request an ambulance, if required, from the Operations Division before administering any needed first aid. The operator of the police vehicle will then have the responsibility of obtaining the necessary information to complete a 1.1 Incident Report.

If the vehicle is a two officer unit and the operator has been injured in a manner which prevents him from completing a 1.1 Incident Report, the observer will assume the responsibility of making the 1.1 Incident Report.

If the police vehicle involved is a one officer unit and the operator is unable to complete a 1.1 Incident Report due to an injury, the Patrol Supervisor shall summon another unit to the scene to complete the 1.1 Incident Report.

In the event that the operator of the department vehicle is precluded from completing the 1.1 report at the scene of the accident due to an injury, he shall complete a supplemental written report concerning the accident on BPD Form 26 as soon as practicable. The fact that a 1.1 report concerning the accident has been filed by either an observer or another officer does not excuse the operator from this responsibility.

Sec. 2 Investigation

The Operations Division shall dispatch an Area Patrol Supervisor of the Area of occurrence and any other units that may be required to assist at the scene. That Patrol Supervisor shall conduct a thorough on-scene investigation of the accident to include photographs of damaged property, interviews of all operators and witnesses, both civilian and police personnel and determine that appropriate citations have been issued, and shall submit a complete report of the accident on a Boston Police Department form 1899 (Revised) to his Commanding Officer PRIOR TO THE END OF HIS TOUR OF DUTY.

In the event that the department vehicle involved in the accident is not normally assigned to the Area of occurrence, then the supervisor of the unit to which the vehicle is assigned shall be responsible for the investigation. If the unit supervisor is unavailable, then the Area Patrol Supervisor shall be responsible for the investigation.

In the event of a serious personal injury to any party, or at the discretion of the responding Patrol Supervisor or Unit Commander, a Superior Officer of the Staff Inspection Unit will be summoned to the scene. The Staff Inspection Superior Officer shall be responsible for ensuring that a complete and thorough investigation is conducted.

In the event the accident occurs outside the city, the supervisor of the unit to which the vehicle is assigned shall be notified to conduct the investigation. If the unit supervisor is unavailable then an Area Patrol Supervisor will be assigned to conduct the investigation.

Sec. 3 Reporting

The Commanding Officer shall submit a full report of the accident including recommendations as to who should be held responsible and bear the expenses for the damage to the Department vehicle, whether, if negligence is shown, any disciplinary action should be brought against the operator of the Department vehicle and any other relevant recommendations to the Chief, Bureau of Field Services within 48 hours (Saturdays, Sundays and Holidays excepted). For the purposes of this rule, a full report shall be:

- 1.1 Incident Report -- To be completed by the operator of the vehicle, or, in the event of injury to the operator, by the observer, unit supervisor or Area Patrol Supervisor.
- Commonwealth of Massachusetts E23 Report -- To be completed by the operator of the vehicle.
- BPD Form 1899 (Revised) -- To be completed by the unit supervisor or the Area Patrol Supervisor and signed off by the Area or Unit Commander.

For the purposes of investigating accidents involving department motor vehicles, the BPD Form 1899 (Revised) shall replace Form 26.

In addition to the above, copies of the Form 1899 (Revised) will be forwarded to the Director of Personnel, the Legal Advisor's Office and the Bureau of Administration and Technology

Sec. 4 Review Board

With the promulgation of this order there is established within the Department a Motor Vehicle Accident Review Board (hereinafter referred to as the "Board"). The Board will be convened by the Chief of the Bureau of Field Services whenever he deems it to be appropriate. In addition, the Board shall review reports wherein Department personnel are involved in multiple

accidents and any other Department motor vehicle accident involving personnel where the Commanding Officer recommends that it be brought to the attention of the Board.

Additionally, the Chief of Field Services may convene an inquiry into the circumstances surrounding a motor vehicle accident. The operator of the vehicle and the investigating supervisor may be called in to clarify the circumstances surrounding the accident and the contents of the subsequent reports. This inquiry shall have the authority, based on its findings, to recommend a Trial Board.

Sec. 5 Board Membership

The membership of the Board, appointed by the Police Commissioner, shall consist of the following Department personnel: a Superintendent or a Deputy Superintendent, based on seniority, as Chairman. In addition to the Chairman, the Board shall consist of two Deputy Superintendents, the Director of Transportation and a member of the Training and Education Division.

Individuals appointed to the Board shall serve at the discretion of the Police Commissioner.

Sec. 6A Board Authority

The Board will receive all reports submitted relating to a motor vehicle accident and may summons and interview any person who may have information pertinent to the accident. With the approval of the Police Commissioner, the Board Chairman may use any Department resource required for a complete inquiry.

Sec. 6B The Board shall advise the Police Commissioner whether to accept the Commanding Officer's recommendation or to reject it, and may make any further recommendations it deems necessary, including recommending disciplinary action.

Sec. 7 Record Keeping

The Bureau of Administration and Technology shall be the repository for all motor vehicle accident reports for the Board. Reports summarizing the accident data will be sorted by the operator's identification number, Area, District, Unit and the situation or other categories requested by the Board and will be produced on a quarterly basis.

Sec. 8 Responsibility for Damage

As indicated in Rule No. 103-A, Sec. 21, the operator of a vehicle "...shall be held responsible for any damage to his assigned vehicle which is due to his negligence."

Sec. 9 Civil Claims Arising from Accidents Involving Department Motor Vehicles

Any department employee who retains an attorney to prosecute a "third party" liability claim for personal injuries arising out of an on-duty motor vehicle accident shall immediately notify his commanding officer of such claim in writing including the name and address of such attorney.

Note:

- Amended by SO 07-016, issued April 2, 2007, update the organization names to reflect the new BPD organizational structures.