

**SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES
LAW ENFORCEMENT DIVISION DIRECTIVE**

DIRECTIVE # D 301

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SUBJECT: LAW ENFORCEMENT COLLISION REVIEW

DATE: NOV 21, 1997

RELATED DIRECTIVES, STANDARDS, ETC:

LAST REVISION: SEP 1, 2011

RESPONSIBLE AUTHORITY: DEPUTY DIRECTOR OF LAW ENFORCEMENT

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT

PURPOSE: The purpose of this directive is to provide employees with guidelines for reporting vehicular accidents/incidents and to ensure agency compliance with applicable laws and regulations.

DIRECTIVE: Accidents and incidents of agency law enforcement vehicles which involve personal injury or property damage will be promptly reported and evaluated for any necessary corrective action or discipline in accordance with state law and department procedures. At the same time, care must be exercised to demonstrate appropriate concern and support for employees who may be injured. This directive is inclusive for all accidents/incidents, including those that involve only one vehicle.

DEFINITIONS

- A. **Accidents:** The causing or incurring of damage or injury, whether or not the vehicle concerned is the moving unit. Not an incident.
- B. **Collision:** Accident or incident.
- C. **Employee:** A person who performs a service, function or duty for a state agency. This shall include, but not limited to, positions classified as follows: permanent (full-time or part-time), temporary, consultant, contractor, and volunteer.
- D. **Incapacitating Personal Injury:** Any injury, other than a fatal injury, which prevents the injured person from walking, driving or normally continuing the activities he/she was capable of performing before the injury occurred.
- E. **Incident:** Incidents are cases where a state vehicle incurs damage as a result of some action (vandalism, acts of nature, etc.) not fitting the definition of an accident. Incidents are not

used in calculating accident frequency rates.

- F. **Line of Duty:** A concept applicable only to law enforcement officers. An officer is considered to be performing "in the line of duty" when that officer is engaged in activities pursuant to the laws, regulations, policies, procedures, or instructions issued by proper authority.
- G. **Motor Vehicle:** Any vehicle, self-propelled or drawn by mechanical power, designed and licensed to be principally operated on the highway in the transportation of property or passengers.

PROCEDURES

A. Employee/Driver Responsibilities

- 1) If the collision of a law enforcement vehicle involves incapacitating personal injury, death or a privately owned vehicle, another government vehicle, or damage of \$1000.00 or greater it will be investigated by the South Carolina Highway Patrol (SCHP) in accordance with '56-5-765 of the S. C. Code of Laws and this Directive. The SCHP and the employee's immediate supervisor will be notified in the quickest means available (normally through the Communications Center).
- 2) All collisions will require that an incident report be submitted to the officer's supervisor
- 3) If the SCHP or another agency declines to investigate, a notation to that effect should be made (including name of officer and agency) in this agency's Operator's Report of Accident/Incident form. Within 24 hours of any collision requiring a report, the affected employee's supervisor will furnish or obtain the following information:
 - (a) The statement of the driver;
 - (b) A statement as whether the accident was "in the line of duty";
 - (c) A copy of the TR-310 (accident report) or incident report, as appropriate;
 - (d) The driver's license number and estimated amount of property damage for each party involved;
 - (e) The Operator's Report of Accident/Incident form;
 - (f) Law Enforcement Checklist (see attached);
 - b) Vehicle Accident Memorandum (see attached); and
 - c) Statement from immediate supervisor (endorsed by the chain-of-command) noting that DNR (i.e. supervisor) has reviewed the accident to determine if all applicable DNR Policies or Directives have been adhered to and if appropriate disciplinary actions have been taken if necessary.
- 4) Information not available within 24 hours due to weekends, holidays or other circumstances beyond reasonable control will be furnished or obtained as soon as possible.
- 5) In any collision resulting in damage to an unattended vehicle or to fixtures legally placed upon or adjacent to a highway, the agency's driver will take reasonable steps to locate and notify the owner or person in charge of such vehicle or fixture, and if not located, a written notice giving name, address of the driver, telephone number and owner of vehicle shall be left in a conspicuous place.

B. Supervisor's Responsibility

- 1) Ensure completion of procedures described in Section A by the employee(driver), or other employee(s), if the employee (driver) is physically able;
- 2) Furnish opinion as to whether collision was in the line of duty;
- 3) Promptly forward all information identified in paragraph A3 to the Accident Review Officer (ARO), usually within 72 hours;
- 4) Written recommendation to discipline employee or not; and
- 5) Follow through with recommendation of Accident Review Panel for corrective action.

C. Accident Review Panel (ARP)

- 1) An Accident Review Panel (ARP) comprised of members from SLED, DPS and DNR will review all reports that qualify of vehicle collisions to determine cause and to establish responsibility, where appropriate.
- 2) DNR members are appointed by the Director upon recommendation of the Deputy Director for Law Enforcement.
- 3) The ARP will forward its findings to the Director upon completion of its review.

D. Accident Review Officer (ARO)

- 1) The ARO will forward all required information to the ARP for consideration;
- 2) The ARO will also furnish to the ARP any information available regarding previous at fault accidents by the affected employee (driver) upon request;
- 3) The ARO will also furnish the collision information to the agency Vehicle Fleet Coordinator, who will report to and liaise with the State Insurance Adjuster, as appropriate;
- 4) The ARO will receive findings of the ARP from the Director and forward them to the appropriate supervisor;
- 5) The ARO will maintain appropriate records and will file disciplinary actions approved by the chain-of-command as directed by the Deputy of Law Enforcement;
- 6) The ARO will serve as an ex-officio member to the ARP; and
- 7) The ARO will provide a quarterly report to the Deputy Director for Law Enforcement listing accidents, the ARP findings and an annotation as to employee disciplinary action if any.

E. Drug and Alcohol Testing

- 1) All enforcement officers involved in a serious vehicular collision may be required to submit to a drug and alcohol test as established in DNR Policy #705.05 (Drug and Alcohol Testing Policies and Procedures). A serious collision as defined in this case as:
 - (a) Any collision involving the death of a human being,
 - (b) Any collision where there is incapacitating personal injury,
 - (c) Any collision where one or more of the involved vehicles are towed away from the scene,
 - (d) Any collision where the combined property damages exceeds \$2,499.00, and
 - (e) Any collision where the supervisor or investigating officer has reasonable suspicion that alcohol or drugs is a factor for the accident.

F. Appeals

- 1) The findings of the ARP may be appealed; and
- 2) Appeals of an ARP finding must be made within 10 working days of the employee receiving the decision and must be made in writing to the ARP via the Accident Review Officer (ARO).

APPROVED:

AC Frampt

A.C. Frampton, Colonel

South Carolina Department of Natural Resources

Law Enforcement Division

Law Enforcement Vehicle Collision

Officer's Name _____

Region # _____

- ☐ Contact Jean Beane within 24 hours of accident, 803-734-3933, fax 803-734-5973, e-mail beanej@dnr.sc.gov, copy of SCDNR Operator Report of Accident/Incident form and SCHP FR-10 form.

Forward to Major:

- ☐ Memorandum from Captain advising vehicle accident/incident has been investigated by DNR, if any policies or procedures were violated and any corrective action.
- ☐ Memorandum from employees direct supervisor as to whether the accident was/was not in the line of duty.
- ☐ SCDNR Operator Report of Accident/Incident form to include statement.
- ☐ The statement(s) of all witness(s), if given.
- ☐ A copy of the **TR-310 (Accident Report from S.C.H.P. required if over \$1000.00 in damages to vehicle, involving privately owned vehicles, involving injury or death)** or incident report as appropriate.
- ☐ The drivers license number, will be on TR-310.
- ☐ Estimated amount of property damage for each party involved, will be on TR-310 .

Information not available shall be forwarded as soon as possible for administrative purposes.

Copies: Original to Major _____

Copy to Lieutenant Monnet _____

Copy to Business Manager _____

Copy to Ms. Jean Beane _____

Copy to DPS _____

Revised 1/12

South Carolina Department of Natural Resources

Law Enforcement Division

MEMORANDUM

TO: Major _____

FROM: Captain _____

DATE: _____

SUBJECT: Officer _____ Vehicle Accident on _____

I have investigated the above vehicle accident and determined: (check one)

☐ Yes DNR Policies and/or Procedures were violated. I recommend the following corrective action be taken:

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☐ No DNR Policies and Procedures were not violated and no further action is required.

Major Approval: _____