

ILLINOIS STATE POLICE DIRECTIVE EQP-003, DEPARTMENT VEHICLE CRASH AND INCIDENT REPORTING

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| RESCINDS: EQP-003, 2009-147, 12-02-2009 | REVISED: 01-08-2013 2013-004 |
| RELATED DOCUMENTS: ADM-012, EQP-001, EQP-002, PER-013, PER-029, PER-030 | RELATED CALEA STANDARDS: 61.2.2 |

I. POLICY

The Illinois State Police (ISP) will investigate all crashes and incidents involving department vehicles and establish policy and procedures for crash and incident reporting.

II. DEFINITIONS

- II.A. Class "A" injury - an 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. This includes severe lacerations, broken/distorted limbs, skull injuries, chest injuries, and abdominal injuries.
- II.B. Crash - where the movement of a vehicle results in damage to the vehicle, another vehicle, property, or causes injury to an individual.
- II.C. Department vehicle - any vehicle used for official business that is owned/leased by the Department, a private vehicle being reimbursed for mileage by the Department, or a vehicle being operated by an employee while under the terms of their employment.
- II.D. Department vehicle crash - a crash involving a department vehicle subject to the full reporting requirements of this directive and ISP directive PER-013, "Traffic Crash Review Board."
 - II.D.1. It is reportable regardless of injury, property damage, where it occurred, who was responsible, or whether the vehicle was occupied.
 - II.D.2. This definition specifically excludes those crashes occurring while an employee is participating in a supervised drivers training exercise sanctioned by the ISP Academy.
- II.E. Department vehicle incident - any other occurrence that results in damage to a department vehicle including, but not limited to:
 - II.E.1. Damage from material that falls, drops or is propelled by the movement of a vehicle
 - II.E.2. Vandalism
 - II.E.3. Storm damage
 - II.E.4. Drivers training crashes
- II.F. Employee - any individual who is acting on behalf of the Department, i.e., sworn officers, code personnel, ISP task force members, etc.
- II.G. Fleet Operations Section - a unit of the Logistics Bureau, Division of Administration (DOA), charged with the responsibility for procuring and overseeing the maintenance of official vehicles.
- II.H. Fleet Safety Unit (FSU) - a unit of the Fleet Operations Section, charged with the responsibility of maintaining records on department vehicle crashes and incidents.
- II.I. Totaled vehicle - a vehicle damaged to the extent the cost to repair the vehicle equals or exceeds the net value of said vehicle.

III. RESPONSIBILITIES

III.A. Investigative Responsibilities

- III.A.1. Generally, the Division of Operations (DOO) will investigate all department vehicle crashes. However, in certain instances other divisions may be required to initiate the investigation.
- III.A.2. Department vehicle incidents will be investigated by an officer from the affected Division, unless a supervisor requests assistance in the investigation.
- III.A.3. Nothing in this directive will restrict local law enforcement agencies from fulfilling their responsibilities in reference to crash reporting or vehicle incident investigative procedures at scenes not normally investigated by ISP officers. If local authorities do investigate a department vehicle crash or incident, such investigation will not relieve ISP from completing all additional procedures mandated by this directive.

III.B. The employee who was in actual physical control of the vehicle at the time of occurrence will initiate all applicable procedures and fulfill all requirements. For unattended department vehicles, it is the responsibility of the employee who placed the vehicle at that location.

III.C. The Fleet Officer/Coordinator who oversees the maintenance of the involved vehicle will:

- III.C.1. Compile all required investigative documentation
- III.C.2. Coordinate the repair of the damaged vehicle
- III.C.3. Ensure the interests of the ISP are represented in cases involving a liable/negligent party
- III.C.4. Forward all completed crash and incident files, including the Illinois Motorist Report, SR-1, to the FSU

III.D. The Fleet Operations Section will:

- III.D.1. Provide the necessary crash files to the Traffic Crash Review Board or the Division of Internal Investigation (DII), when applicable. See ISP directive PER-013, "Traffic Crash Review Board."
- III.D.2. Coordinate all department vehicle claims with:
 - III.D.2.a. The Department of Central Management Services (CMS), Division of Vehicles
 - III.D.2.b. The administrator of the CMS Risk Management Section
 - III.D.2.c. The Public Safety Shared Services Center (PSSSC)
- III.D.3. Provide PSSSC with the necessary information to establish an Accounts Receivable should the claim involve a liable third party.
- III.D.4. Serve as a central repository for information on all department vehicle crashes and incidents.
- III.D.5. Obtain titles of ownership for totaled vehicles owned by the Department.
- III.D.6. Provide the completed SR-1 to the Illinois Department of Transportation (IDOT) as provided by law.

III.E. The PSSSC is responsible for:

- III.E.1. Providing standardized notification to the FSU that the involved employee(s) has filed for Workers' Compensation benefits as a result of the vehicle crash.
- III.E.2. Forwarding Workers' Compensation claims to the CMS, Workers' Compensation Unit.

- III.E.3. Coordinating collection of property damage claims involving personal injury to an employee by the appropriate Fleet Officer/Coordinator.
- III.F. PSSSC and the Legal Section will provide case assistance as requested by the FSU.
- III.G. The Academy will ensure all normal crash reporting duties mandated by law are fulfilled in addition to the provisions of this directive regarding crashes occurring while an employee or driver of a department vehicle is actually participating in a sanctioned driver training exercise. The crash of a department vehicle during a sanctioned driver training exercise is **not** considered a department vehicle crash.

IV. PROCEDURES

IV.A. Department Vehicle Crashes

- IV.A.1. The involved employee will stop immediately, and unless incapacitated as a result of the accident:
 - IV.A.1.a. Provide whatever assistance can reasonably be rendered.
 - IV.A.1.b. Ensure the vehicles involved are not moved, unless a traffic hazard exists or the potential for injury would be increased.
 - IV.A.1.c. Immediately notify the nearest district headquarters providing the crash location, the involved employee's name and unit of assignment, and any other pertinent information. If the involved employee is unable to make the notification, the first ISP employee arriving at the scene will ensure notification is made.
 - IV.A.1.d. Make no verbal comment or written statement regarding the vehicle crash or liability to anyone other than law enforcement officers handling or investigating the crash or a representative from CMS, Risk Management, unless prior authorization has been provided by CMS or the FSU.
 - IV.A.1.e. Cooperate in all facets of the investigation and any subsequent investigations and proceedings that do not jeopardize the employee's rights.

NOTE: In a Class "A" injury or fatal crash, the involved employee shall submit, upon the request of a law enforcement officer who has established probable cause, to a chemical test or tests of his/her blood, breath, or urine for the purpose of determining the alcohol content thereof or the presence of any other drug or combination of both in accordance with 625 ILCS 5/11-501.2(c). In situations where probable cause does not exist, administrative action requires reasonable suspicion (according to the established guidelines and protocols of the labor contracts) in order to determine the completion of chemical testing.

- IV.A.1.f. Complete a memorandum within three working days detailing the events surrounding the vehicle crash.
- IV.A.1.g. Complete the SR-1 copy of the Traffic Crash Report and submit to the Fleet Officer/Coordinator within three days. As with all Traffic Crash Reports, a copy must be sent to the Records Bureau, DOO.
- IV.A.1.h. If any state-issued equipment (other than a vehicle) is lost/damaged, or when any employee is injured, an ICase Report or Field Report, form ISP 5-48 (a copy of this form is available from the ISP Document Library at <http://maphome/documentlibrary/>) must be completed. If the involved employee is a code employee, then a detailed memorandum should be submitted, unless this information was previously provided in the initial memorandum to his/her supervisor.

- IV.A.1.i. Review the completed Traffic Crash Report and the investigating officer's narrative report for accuracy.
 - IV.A.1.i.1) The involved employee will sign the investigating officer's report acknowledging the employee has had the opportunity to review the report.
 - IV.A.1.i.2) Any discrepancies should be noted and reported by memorandum.
- IV.A.1.j. Within five calendar days, submit all documentation concerning the crash to the Fleet Officer/Coordinator responsible for the maintenance of the involved vehicle who will forward the information to the FSU.
- IV.A.1.k. Complete the applicable Workers' Compensation forms, if injured, and submit them through the chain of command to the PSSSC.
 - IV.A.1.k.1) Any injured employee of the Department will advise the PSSSC through proper channels before accepting a settlement from any insurance company or individual.
 - IV.A.1.k.2) For additional information, see ISP directive PER-029, "Workers' Compensation."

IV.A.2. District Operations Officer or designee will:

- IV.A.2.a. When appropriate, notify the local law enforcement agency within whose jurisdiction the vehicle crash occurred.
- IV.A.2.b. Assign the nearest Sergeant, or above, to investigate all department vehicle crashes involving an officer. The nearest Trooper will normally investigate all department vehicle crashes involving a civilian employee driver.
- IV.A.2.c. Assign a Traffic Crash Reconstruction Officer to investigate all department vehicle crashes that involve serious personal injury or fatality to any of the involved parties.
- IV.A.2.d. Immediately notify DII regarding all crashes that involve serious personal injury or fatality to any of the involved parties or may result in discipline greater than summary punishment.

NOTE: Crash investigations referred to DII will be handled in accordance with ISP directive PER-030, "Complaint and Disciplinary Investigations."

- IV.A.2.e. Advise the Springfield Communications Center of the following information for department vehicle crashes:
 - IV.A.2.e.1) Traffic crash number assigned by DOO or local authority
 - IV.A.2.e.2) Date and time of the crash
 - IV.A.2.e.3) Location of the crash
 - IV.A.2.e.4) Name(s) (and ID number(s), if applicable) of employee(s) involved
 - IV.A.2.e.5) Specific unit of assignment of involved employee(s) (i.e., division/district/zone/bureau/lab)
 - IV.A.2.e.6) Equipment number(s) and license number(s) of involved vehicle(s)
 - IV.A.2.e.7) Name(s) and address(es) of other driver(s)
 - IV.A.2.e.8) Death(s) and/or injury(ies), if any; if none, so state. Provide name and brief description of all injured and/or deceased persons.
 - IV.A.2.e.9) Estimate of damage to each vehicle involved, and/or any other property that was damaged (identify department vehicle)
 - IV.A.2.e.10) Brief narrative description of the crash (identify department vehicle)

- IV.A.3. Springfield Communications Center personnel will send a LEADS Administrative Message to all ISP LEADS terminals and notify all persons listed on the "Incident Check List", for the Division to which the individual(s) involved is assigned and provide a copy of the initial email to the FSU.
- IV.A.4. Investigating officer will:
- IV.A.4.a. Take charge of all state-owned property if the responsible employee is incapable due to injury or other reasons.
 - IV.A.4.b. Provide the District Commander or designee with all information requested in paragraph IV.A.2.e., by telephone if feasible, until the typewritten report can be submitted.
 - IV.A.4.c. Interview and obtain written statements from witnesses.
 - IV.A.4.d. In Class "A" injury or fatal crashes, determine if probable cause exists to indicate the involved employee is under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, and was driving or in actual physical control of the motor vehicle, then conduct chemical testing of the involved employee under the protocol outlined in IV.A.1.e of this directive. In those situations where probable cause does not exist, administrative action requires reasonable suspicion (according to the established guidelines and protocols of the labor contracts) in order to determine the completion of chemical testing.
 - IV.A.4.e. Complete a Traffic Crash Report.
 - IV.A.4.e.1) If a local law enforcement entity is required to complete a crash report within its jurisdiction, this step can be omitted.
 - IV.A.4.e.2) A copy of the crash report will be obtained from the local law enforcement agency.
 - IV.A.4.f. Exchange information with all parties involved. Advise all other parties involved the state of Illinois is self-insured and the claims agent for the state is:

CMS Risk Management/Auto Liability
801 S. 7th Street
P.O. Box 19208
Springfield, Illinois 62794-9208
800-442-1300
 - IV.A.4.g. Complete a Department Vehicle Crash Investigating Officer's Report, ISP 2-454 (a copy of this form is available from the ISP Document Library at <http://maphome/documentlibrary/>).
 - IV.A.4.h. Not make a recommendation regarding preventable or non-preventable on crashes also under investigation by DII.
 - IV.A.4.i. Submit all investigative documentation to the Fleet Officer/Coordinator in the District of occurrence and DII, when applicable.
- IV.A.5. The Division or District Fleet Officer/Coordinator in the District where the crash occurred will forward directly to the Fleet Officer/Coordinator responsible for the maintenance of the involved vehicle:
- IV.A.5.a. A copy of the crash report
 - IV.A.5.b. The original investigating officer's report
 - IV.A.5.c. Any other investigative documentation
- IV.A.6. The Fleet Officer/Coordinator responsible for the maintenance of the crashed vehicle will:
- IV.A.6.a. After agreement from DII, ensure the damaged vehicle is returned to its area of assignment unless the vehicle is in a non-operable condition and/or appropriate arrangements are agreed upon with the District Fleet Officer/Coordinator in the District where the crash occurred.

- IV.A.6.b. Thoroughly inspect all investigative reports for completeness and accuracy with an overall review being completed through the chain of command.
- IV.A.6.c. Compile and forward all investigative documentation pertaining to the vehicle crash to the FSU within 15 business days from the date of the crash. This documentation will include a:
 - IV.A.6.c.1) Driver's memo
 - IV.A.6.c.2) Driver's Field Report or memorandum (if necessary due to injuries or damage to state equipment other than the vehicle) - copy
 - IV.A.6.c.3) Investigating officer's report - original
 - IV.A.6.c.4) SR-1 form, - original within seven working days
 - IV.A.6.c.5) Traffic Crash Report, SR-1050 - copy
 - IV.A.6.c.6) Witness statement/s - original

IV.B. Vehicle Incidents

The involved employee responsible for the vehicle will, unless incapacitated:

- IV.B.1. Notify their appropriate division supervisor(s), explaining the nature of the incident.
 - IV.B.1.a. An officer from the affected division will investigate the vehicle incident, unless a supervisor requests assistance in the investigation.
 - IV.B.1.b. If the employee is unable to contact his/her appropriate division supervisor(s) due to time of day, day of week, etc., and the nature of the vehicle incident is such it requires immediate reporting, the District in which the incident occurred will be contacted.
- IV.B.2. As a courtesy, notify the local law enforcement agency within whose jurisdiction the vehicle incident occurred that the incident did occur but that the ISP is taking all necessary action.
- IV.B.3. If there were injuries or damage to state equipment (other than the vehicle), officers should complete an ICase report or Field Report. Otherwise, officers should complete an Incident Report, ISP 5-178. Code employees should complete a detailed memorandum for any vehicle incident. All reports should document the vehicle incident, any unusual circumstances, the nature of the damage, any lost or stolen equipment, and any injuries, if applicable. A copy of this report will be given to the Fleet Officer/Coordinator responsible for the maintenance of the vehicle.

IV.C. Settlement of property damage

- IV.C.1. Those vehicles not owned or leased by the Department are specifically exempted from all obligations and provisions set forth in this section. Consult ISP directive ADM-012, "Travel Regulations," for insurance guidelines regarding privately owned vehicles being reimbursed for mileage.
- IV.C.2. If the involved vehicle sustained property damage as a result of the crash, the Fleet Officer/Coordinator responsible for the maintenance of the damaged vehicle will compile and forward all damage appraisal documentation pertaining to the crash to the FSU within 25 business days from the date of the crash that will include:
 - IV.C.2.a. Two estimates for cost of repairs to the vehicle (unless a third is required by CMS or the liable insurance company) obtained from a contract vendor, an independent body shop, or when possible and practical, a state garage.
 - IV.C.2.b. An itemized listing of all other department property lost or damaged (other than a vehicle) including the vehicle stripe kit.
 - IV.C.2.c. A copy of the repair bill and/or repair invoice voucher showing the actual cost of the repair to the vehicle.
 - IV.C.2.d. Letter of intent stating if reimbursement for the cost of vehicle repairs will be sought.

- IV.C.3. If the involved vehicle sustained no property damage as a result of the crash, the Fleet Officer/Coordinator responsible for the maintenance of the vehicle will send the FSU a memorandum stating this fact.
- IV.C.4. Non-department liable party
 - IV.C.4.a. Repairable vehicle
 - IV.C.4.a.1) The Fleet Officer/Coordinator will attempt to negotiate a lump sum settlement for property damage to state equipment with the liable party(ies) or their insurance carrier, if applicable.
 - IV.C.4.a.2) Property damage settlement checks routed through the Fleet Officer/Coordinator can be made payable to:
 - IV.C.4.a.2)a) The repair vendor
 - IV.C.4.a.2)b) The CMS State Garage Revolving Fund for credit to the appropriate cost center.
 - IV.C.4.b. Totaled vehicle
 - IV.C.4.b.1) The Fleet Officer/Coordinator can request the Fleet Operations Section Manager to supply a comparable replacement vehicle, if available.
 - IV.C.4.b.2) The Fleet Officer/Coordinator will attempt to negotiate a lump sum settlement for property damage to state equipment with the liable party(ies) or their insurance carrier, if applicable.
 - IV.C.4.b.3) Property damage settlement checks will be made payable to the CMS State Garage Revolving Fund, ISP Wrecked Vehicle Fund with the check routed through the Fleet Officer/Coordinator to the FSU.
 - IV.C.4.c. All potential property damage settlement agreements less than 85 percent of the total property damage costs actually incurred by the Department as a result of the crash must be approved by the FSU.
 - IV.C.4.d. All settlements made by the Fleet Officer/Coordinator will be for property damage only and the settlement check should reflect this fact.
 - IV.C.4.d.1) This area is especially critical when notification has been received advising Workers' Compensation benefits have been filed for by the involved employee as a result of the crash.
 - IV.C.4.d.2) Any property damage settlement agreement not handled in this manner may have a direct effect on personal injury claim subrogation.
 - IV.C.4.e. The FSU will be notified in writing of all property damage settlement agreements, who the settlement check was issued to, and the agreed amount. A photocopy of the settlement check and any signed property damage release statements will also be submitted.
 - IV.C.4.f. No independent installment agreements will be negotiated by the Fleet Officer/Coordinator. If an installment agreement is sought by the liable party and the Fleet Officer/Coordinator sees limited chance for a lump sum settlement, the claim will be transferred to the FSU subject to the conditions stated in paragraph IV.C.4.j.
 - IV.C.4.g. Any damaged communications equipment (radios, radar, siren, etc.) or other state assets in or mounted on the vehicle will be included in the collection process.

- IV.C.4.h. When the liable third party does not have insurance coverage and has been formally charged in a court of law with offenses stemming from or in connection with the crash, the court of jurisdiction should be petitioned by the Fleet Officer/Coordinator, or their designee, to have the liable third party pay restitution for property damage and/or personal injury, if applicable.
 - IV.C.4.h.1) When the court of jurisdiction has collected the restitution, monies for property damage will be made payable in accordance with this directive.
 - IV.C.4.h.2) Personal injury restitution will be made payable to "Illinois State Police" and be directed to the Medical Section for deposit within the General Revenue Fund.
 - IV.C.4.h.3) The FSU will be advised of all court orders for restitution.
- IV.C.4.i. All titles of ownership for vehicles directly owned by the Department will be obtained through the Fleet Operations Section.
- IV.C.4.j. If an agreeable settlement cannot be reached with the liable party(ies) and/or their insurance carrier(s), the Fleet Officer/Coordinator can relinquish the claim, with the District Commander's approval, to the FSU for follow-up.
 - IV.C.4.j.1) If this option is taken, all correspondence with the insurance carrier and/or the liable party(ies) will be forwarded along with a written request for claim assistance to the FSU.
 - IV.C.4.j.2) Any recovery made after the claim has been turned over to the FSU will be directed to the CMS State Garage Revolving Fund for the account of the ISP Fleet Operations Section.
 - IV.C.4.j.3) The FSU can mandate this sub-section be invoked if no property damage settlement has been reached within 60 calendar days from the date of the vehicle crash.
- IV.C.5. Department liability

All documentation and correspondence received concerning liability as a result of a crash will immediately be forwarded to the FSU for coordination with CMS, Risk Management.

| Indicates new or revised items.

-End of Directive-