

ILLINOIS STATE POLICE DIRECTIVE PER-013, TRAFFIC CRASH REVIEW BOARD

RESCINDS: PER-013, 2022-186, revised 07-07-2022.	REVISED: 01-03-2023 2023-106
RELATED DOCUMENTS: EQP-003, PER-030	RELATED CALEA STANDARDS (6th Edition): 26.1.4, 26.1.5, 26.1.6, 26.1.8

I. POLICY

The Illinois State Police (ISP), Traffic Crash Review Board, or when applicable, the Division of Internal Investigation (DII), will review all traffic crashes involving department vehicles.

II. AUTHORITY

II.A. 20 ILCS 2605/2605-15, Article 2605 of the Civil Administrative Code of Illinois, hereinafter cited as the Illinois State Police Law.

II.B. 5 ILCS 140/7(1) "Freedom of Information Act"

III. DEFINITIONS

III.A. 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 within the scope of their employment.

III.B. Department vehicle crash – any traffic crash involving a department vehicle regardless of whether it results in damage to the Department vehicle, another vehicle, property other than a vehicle, or injury to a person.

III.C. Employee - any individual hired by the Department to act on its behalf, including sworn officers and civilian personnel.

III.C.1. Sworn officers – persons working for the ISP who have been certified by the ISP Merit Board, sworn in by the Director, and commissioned by the Governor as an Illinois State Police officer.

III.C.2. Civilian personnel - other persons working for the ISP, including term appointees, persons employed under the Illinois Department of Central Management Services (CMS) Personnel Code, persons exempt from the CMS Personnel Code, and contractual employees.

NOTE: A person's status as an employee is not affected by the fact that he/she is currently assigned to the Illinois Toll Highway Authority, another state agency, another law enforcement agency, a Metropolitan Enforcement Group, or task force.

III.D. Traffic Crash - any collision of a vehicle with another vehicle or an obstacle that results in damage to a department vehicle, another vehicle, property other than a vehicle, or causes injury to a person. (See ISP Directive EQP-003, "Department Vehicle Crash and Incident Reporting.")

III.E. Traffic Crash Review Board (hereinafter referred to as "the Board"). A nine-member board appointed by the Director that is comprised of eight sworn officers and one civilian. An advisor from the Legal Office shall attend all Board meetings and deliberations. The Board will be composed as follows:

III.E.1. Eight sworn officers

III.E.1.a. Division of Patrol (DOP) - three members

III.E.1.b. Division of Criminal Investigation (DCI) - one member

III.E.1.c. Division of Forensic Services (DFS) - one member from the Traffic Crash Reconstruction Unit (TCRU)

III.E.1.d. Division of the Academy and Training (DAT) - one Emergency Vehicle Operations Course (EVOC) Training Coordinator or Specialist

III.E.1.e. Division of Justice Services (DJS) - one member

III.E.1.f. Division of Statewide 9-1-1 (9-1-1) - the Fleet Coordinator

- III.E.2. All officers, except those from EVOC, TCRU, and the Fleet Coordinator shall be a Captain or above.
- III.E.3. One civilian employee from the Department. The civilian employee will attend a specialized EVOC training session taught by the EVOC section.

IV. PROCEDURES

IV.A. Membership

The Director will appoint employees to the Board as vacancies arise.

IV.B. Term

Appointments to the Board will be for two-year terms.

IV.C. Meetings

- IV.C.1. A Chair and Vice-Chair will be selected at the Board's first meeting each year. In the absence of the Chair, the Vice-Chair will preside.
- IV.C.2. The Board will meet every two months starting in January of each year to review all traffic crashes referred to the Board.
- IV.C.3. The Board will not review any traffic crashes already under investigation by DII.
- IV.C.4. The Board is authorized to promulgate Board operational procedures subject to approval of the Director.
- IV.C.5. The Chair will ensure all divisions are provided a copy of the Board's current procedures.
- IV.C.6. When the Board reviews crashes involving civilian employees, a civilian Board member must be present.

IV.D. Findings

- IV.D.1. The Board will examine the available evidence surrounding the Department vehicle crash and issue a ruling of preventable, non-preventable, or undetermined. In cases where a lack of documentation precludes making a determination, the Board can request additional clarification and/or documentation from the Troop investigating the crash.
- IV.D.2. The findings of the Board are for the purpose of determining if discipline or additional remedial driving instruction is warranted and will not under any circumstances be interpreted as an admission of liability

IV.E. Recommendations

- IV.E.1. The Board, having classified a crash as preventable, must then recommend to the appropriate Division Deputy Director the disciplinary action or other remedial action to impose.
 - IV.E.1.a. The Board may recommend:
 - IV.E.1.a.1) discipline;
 - IV.E.1.a.2) documented counseling; and/or
 - IV.E.1.a.3) other remedial measures designed to reduce the potential for future crashes.

- IV.E.1.b. Recommendations made by the Board regarding preventable crashes will be based on circumstances of the crash and the employee's driving record for the preceding two years prior to the crash.
- IV.E.2. The Division Deputy Director is not bound by the disciplinary recommendations of the Board but may not rescind their classification of the crash as preventable, non-preventable or undetermined.
 - IV.E.2.a. Before any disciplinary action is taken against a sworn employee, the Division Deputy Director will review the report(s) and recommendations of any entity conducting the investigation relevant to the crash and follow the guidelines set forth in ISP Directive PER-030, "Complaint and Disciplinary Investigations," for imposing discipline.
 - IV.E.2.b. Any crash involving a violation of department rules and regulations will be reviewed in its entirety before any disciplinary action is taken.
 - IV.E.2.c. Recommendations for disciplinary action made by the Board to the Division Deputy Director will be limited to the following:
 - IV.E.2.c.1) Documented counseling
 - IV.E.2.c.2) Documented oral reprimand
 - IV.E.2.c.3) Written letter of reprimand
 - IV.E.2.c.4) Suspension of two days or less
 - IV.E.2.c.5) Remedial Driver Training

NOTE: When the Board recommends disciplinary action other than an oral reprimand for code personnel covered under union contract, a pre-disciplinary meeting must be held before discipline is imposed.

IV.F. Release of Information

- IV.F.1. All Board findings will be treated as confidential information.
- IV.F.2. Such records are exempt from release under the Freedom of Information Act, 5 ILCS 140/7(1)(f).

| Indicates new or revised items.

-End of Directive-