


**Department of Financial Services
Florida Division of State Fire Marshal**

	Title:		Policy #
	Motor Vehicle Crash Review Board		1.1.2
	Amends:	Rescinds:	Effective Date:
N/A	N/A	08/12/2009	
Review Date:	Review Date:	Review Date:	
Approved: _____ <i>Julius E. Halas</i> _____ Director Julius Halas			

I. Purpose

To delineate the responsibilities of members of the Motor Vehicle Crash Review Board and define guidelines for the fair and impartial review of motor vehicle crashes involving state owned or operated vehicles.

II. Policy

It is the policy of the Division of State Fire Marshal that all damage involving Division owned or operated vehicles is reviewed by the Motor Vehicle Crash Review Board.

III. Authority

DFS AP&P #2-07, "Fleet Management – Use of State Owned, Leased, or Rented Vehicles"

DFS AP&P #5-26, "Standards and Procedures of Discipline – Career Service Employees"

IV. Definitions

- A. Avoidable Motor Vehicle Crash - A motor vehicle crash that could have been averted by the operator of a state owned or operated vehicle through the use of defensive driving techniques.
- B. Division Operated Vehicle - Any vehicle that is not state owned, but which is authorized for a member's temporary use, such as a rental or lease vehicle.
- C. Division Owned Vehicle - State owned vehicle having an issued identification number and assigned to a Division member or Region.
- D. Inconclusive - leading to no conclusion or determination of fault.
- E. Motor Vehicle Crash - The unintentional collision of a state owned or operated vehicle with another vehicle, object or person on or off public or private roadways, driveways or parking lots, resulting in property damage or personal injury.

- F. Motor Vehicle Crash Review Board (MVCRB) - An internal review board created to examine motor vehicle damage and crashes involving state owned or operated vehicles.
- G. Non-Traffic Crash, Damage or Injury - Includes all other injury or damage related to parked or moving State owned or operated vehicles which are not considered or defined as motor vehicle crashes (abuse of vehicles, vandalism, unintentional property damage, acts of nature, etc.).
- H. Unavoidable Motor Vehicle Crash - A motor vehicle crash that could not have been avoided by the operator of a state owned or operated vehicle exercising reasonable care.

V. Procedures

- A. Composition of the MVCRB
 - 1. The board shall be made up of five voting members and an alternate to be established as follows:
 - a. Three members appointed by the Director;
 - b. The Bureau of Fire and Arson Investigations Unit Training Lieutenant; and
 - c. The applicable union representative shall select one voting member.
 - 2. The appointed board members shall elect one alternate member by a majority vote.
 - 3. The appointed board members shall elect the chairperson by a majority vote. The Chairperson shall compile and maintain records and reports to be presented at the MVCRB meeting.
 - 4. Board members will be appointed for a period of one year, and may be reappointed by agreement of the Director.
- B. When a traffic crash occurs involving a Division owned or operated motor vehicle, the Regional Captain or area supervisor shall forward the following to the Division Safety Coordinator, no later than five (5) business days after the receipt of the completed traffic crash report:
 - 1. Completed Florida Traffic Crash Report, including any witness statements and other documentation created or obtained by the investigating law enforcement officer;
 - 2. If FHP was unable to respond to the scene and the crash was investigated by another law enforcement agency, a memorandum explaining the reason for FHP's inability to respond;
 - 3. DHSMV "Driver Exchange of Information Form" ;

4. DFS "Automobile Accident Report" (form DFS-DO-261);
 5. Photographs;
 6. "Incident, Accident & Preventative Suggestion" (IAPS) Form; and
 7. Supervisor's memorandum.
- C. The Division Safety Coordinator shall upload the above information to the MVCRB intranet site and the Division "Motor Vehicle Crash Review Board Database" and notify the MVCRB members by e-mail.
1. The Division Safety Coordinator shall, within five (5) business days of receipt, forward all crash/incident related documents to:
 - a. Division of Risk Management;
 - b. Facilities Service Manager, Bureau of General Services; and
 - c. DFS Loss Prevention Coordinator.
- D. Traffic Crash Reviews
- All motor vehicle crashes involving a Division member while operating or occupying a Division owned/operated motor vehicle shall be thoroughly examined by the MVCRB.
1. The MVCRB shall meet within ten (10) business days of being notified by the Division Safety Coordinator of a traffic crash;
 2. The MVCRB may meet in person or by teleconference;
 3. The MVCRB shall conduct a thorough and comprehensive review of the incident, examining all documentation and evidence available;
 4. The Board may conduct interviews of the investigating law enforcement official(s) or reporting agency if necessary for clarification purposes or to further the investigation.
- E. The MVCRB shall determine if the crash was avoidable, unavoidable or if the facts are inconclusive. The board may recommend remedial training or specify if disciplinary action is recommended. If any policy or procedure violations are discovered during the course of the review, the Board will document such findings in a separate memo to the Director for review. The MVCRB is not authorized to conduct investigations of specified violations.
- F. Decisions of the MVCRB shall be by majority vote. The decision of the board shall not be contingent upon a chargeable offense, or upon the finding of a court hearing such charges.
1. In the event that a voting board member is absent, the alternate shall serve as a temporary voting member;

2. Should a voting member leave the Division, the replacement shall be selected by the authority making the original appointment; and
 3. Should a voting member of the MVCRB be involved in a motor vehicle crash, the member shall be replaced by the alternate member for the purpose of the crash review.
- G. The MVCRB final report shall be forwarded to the Division Safety Coordinator. The final report shall be forwarded within five (5) business days of receipt to:
1. The Office of the Director;
 2. The appropriate Bureau Chief;
 3. Member(s) involved in the crash;
 4. Division of Risk Management;
 5. Facilities Service Manager, Bureau of General Services; and
 6. DFS Loss Prevention Coordinator.
- H. Discipline
1. The MVCRB may recommend discipline based on the totality of the circumstances, but the final decision with regard to the imposition of discipline rests with the Director or his or her designee. All disciplinary action will be administered in accordance with Department of Financial Services and Department of Management Services rules and regulations which may include, but is not limited to the following:

Initial Traffic Crash

One avoidable crash within a three year period – Issuance of a letter of counseling and instruction by the member's supervisor concerning the cause of the crash and proper defensive driving techniques.

Two Traffic Crashes

Two avoidable traffic crashes within a two year period – Issuance of a written reprimand and loss of vehicle take home privilege, if applicable, for five (5) business days.

Two avoidable traffic crashes within a one year period – Issuance of a written reprimand and loss of vehicle take home privilege, if applicable, for ten (10) business days and mandatory attendance at a defensive driving training class approved and scheduled by the training section.

Three or More Traffic Crashes

Three avoidable traffic crashes within a three year period – Suspension from duty without pay for one (1) to three (3) business days, loss of vehicle take home privilege, if applicable, for ten (10) business days,

mandatory attendance at a defensive driving training class approved and scheduled by the training section.

Three avoidable traffic crashes within a one year period – discipline up to and including dismissal.

Four avoidable traffic crashes within a three year period – discipline up to and including dismissal.

2. Depending on the circumstances of the traffic crash, extent of carelessness, and length of prior safe driving history, the MVCRB shall have the authority when making its recommendations to deviate from disciplinary parameters set forth in this policy. When the MVCRB finds a traffic crash to have been avoidable, the MVCRB may recognize crash-free driving records of five years or more, and modify disciplinary recommendations accordingly.
 - a. Nothing in this policy is intended to limit the right of the Director to reasonably depart from the disciplinary guidelines or to order remedial training for a member; and
 - b. All completed disciplinary actions will be forwarded to the Professional Standards Captain and appropriate documentation shall be placed in the member's personnel file.
3. The Division Safety Coordinator shall be the main repository of all crash report records involving Division owned or operated vehicles.
 - a. The Division Safety Coordinator shall track all traffic crashes involving Division owned or operated vehicles, using the Division's "Traffic Crash Database" and maintain all recommendations of the MVCRB; and
 - b. The Division Safety Coordinator, in coordination with the Bureau of Fire and Arson Investigations Training Section, will identify training needs and determine if patterns of careless or improper operation develop. Should a pattern be determined, the Director, or designee shall be informed in writing, with appropriate recommendations for further review or remedial training.
 - c. The Division Safety Coordinator shall provide the Director with an annual report summarizing the data from the previous year's traffic crashes. The report shall be submitted no later than January 31st each year and shall contain, at a minimum:
 - 1) Total number of crashes;
 - 2) Total number of crashes per member;
 - 3) Member injuries or fatalities;
 - 4) Other injuries or fatalities;

- 5) Total damage loss of all crashes; and
- 6) Any other data deemed significant.

I. Non-Traffic Crash, Damage or Injury

In instances that are not considered “traffic crashes” which constitute property damage to a Division owned or operated motor vehicle, the Regional Captain or area supervisor will request the MVCRB to examine the incident to determine if the event was avoidable or preventable.

1. The Regional Captain, or area supervisor will submit the following information to the Division Safety Coordinator:
 - a. Photographs;
 - b. “General Liability Loss Report”;
 - c. Supervisor’s memorandum; and
 - d. Any other documentation available.
2. The Division Safety Coordinator shall upload the above information to the MVCRB intranet site and the Division “Motor Vehicle Crash Review Board Database” and notify the MVCRB members by e-mail.
3. The Division Safety Coordinator shall, within five (5) business days of receipt, forward all crash or incident related documents to:
 - a. Division of Risk Management;
 - b. Facilities Service Manager, Bureau of General Services; and
 - c. DFS Loss Prevention Coordinator.
4. The MVCRB shall investigate the incident as appropriate and make written recommendations, in writing to the Office of the Director.
5. The MVCRB report and the Director’s response, if any, shall be forwarded to the Division Safety Coordinator/Loss Prevention Coordinator, who shall provide them to:
 - a. The appropriate Bureau Chief;
 - b. Division of Risk Management;
 - c. Facilities Service Manager, Bureau of General Services;
 - d. DFS Loss Prevention Coordinator

VI. Index

Avoidable
Discipline
Inconclusive
Motor Vehicle Crash Review Board (MVCRB)
Non-Traffic Crash
Property Damage
Traffic Crash
Unavoidable

VII. Forms

DFS-DO-261 Automobile Accident Report
DFS-DO-261 Statement of Accident Continued
DFS-DO-1403 General Liability and Loss Report
DHSMV Drivers Exchange of Information