



City of Racine Police Department  
**Policy and Procedure**

**Number: 210**

Subject: <b>Accident Review Board</b>		
Date Issued: <b>05-02-80</b>	Date Revised: <b>06-21-18</b>	Revision Number: <b>5</b>

## POLICY

The Accident Review Board (ARB) shall review all accidents, incidents, or an action of legal intervention on private or public property, on or off the roadway, involving Department members engaged in the operation of City-owned vehicles, leased or loaned.

The ARB shall, through an investigative review process, determine if the accidents reviewed within their jurisdiction were a result of improper actions performed by the operating officer involved in the accident. The ARB shall make non-binding recommendations to the Chief of Police who has the final authority for dispositions of accidents involving Department members.

The consistent review of accidents by the ARB can help to identify if the accident was caused by human, mechanical, or physical highway factors.

## PROCEDURE

### MEMBER

1. The ARB will meet quarterly within the first two weeks of the first month of the quarter unless the schedule is altered by the ARB Chairman.
  - a. The ARB's Chairman shall ensure all three (3) voting members are in attendance, which will determine the time slot for the meeting.
  - b. If any member must cancel their attendance, the meeting will be rescheduled.
2. Any member may appear before the ARB when a case concerning that member is being heard.
  - a. Appearance shall be considered voluntary and no overtime/compensation time may be claimed unless the member is ordered to appear before the ARB by the Chief of Police.
  - b. The ARB Recording Secretary will provide written notification to any officer that has an accident / incident scheduled for review by the ARB at least seven (7) days prior to the hearing.
  - c. The fact that an officer elects not to appear shall have no detrimental effect upon any decision or recommendation made by the ARB.
3. All findings of the ARB shall be by simple majority vote. After the review process, the ARB shall render a finding concerning that review as follows:
  - a. PREVENTABLE - Officer's actions directly contributed to the accident / incident, or
  - b. NON-PREVENTABLE - Officer's actions did not contribute to the accident / incident. This includes necessary actions taken by the officer while performing the duty of their office, or
  - c. CHARGEABLE - Officer's actions violate a State of Wisconsin Traffic Statute, or
  - d. NON-CHARGEABLE - Officer's actions did not violate a State of Wisconsin Traffic Statute. This includes actions taken by the officer while performing the duty of their office.
4. The ARB will adopt a uniform letter that will be used in all cases that are reviewed.
  - a. The letter will be submitted to the Chief of Police within fifteen (15) business days after a hearing.
  - b. All recommendations shall be based upon a simple majority vote by the ARB.
  - c. The letter shall include the applicable following information:

- 1) Articulated findings concerning the factors surrounding the accident / incident and the contributing actions of the officer, if any, involved in the accident / incident.
  - 2) Recommendation of penalty if the ARB's review finds an officer's actions to be chargeable.
  - 3) Recommendation of referral to the affected member's Shift / Unit Commander for review of Policy / Procedure Rules compliance.
  - 4) Recommendation for preventable / non-chargeable findings as outlined below.
  - 5) Recommendation of no action taken against an officer for non-preventable / non-chargeable findings.
  - 6) Findings and recommendations approved by the Chief shall be entered into the affected member's work history by the Chief's Assistant.
5. The ARB may recommend a penalty assessment to the Chief of Police for Preventable - Chargeable findings.
    - a. Any recommended penalty will be based off of the current State of Wisconsin - Revised Uniform State Traffic Deposit Schedule and will conform to the State of Wisconsin's established monetary deposit forfeiture for repeat offenses of specific violations.
    - b. Department penalty assessments will not reflect additional assessments / fees or demerit points as officers are not afforded the privilege of the use of the Municipal or Circuit Court Systems.
    - c. When determining the proper deposit forfeiture, only on-duty accidents / incidents will be considered.
    - d. If the ARB does not recommend a monetary penalty a letter will be placed in the member's file along with an entry in their work history.
  6. Members, who have a high rate of Preventable – Non-Chargeable Accidents, may need additional training, instructions, and possibly discipline if a pattern of negligent / careless driving has occurred.
    - a. The following chart will be used for members who have Preventable Accidents on file within the past 36 months (from date of accident).
      - 1) 1st offense - Letter in file, entry in work history and a discussion with immediate supervisor discussing the violation and ways to avoid future instances.
      - 2) 2nd offense - Letter in file, possible vehicle driver training based on the carelessness of the two documented cases, and may enter the Department discipline system.
      - 3) 3rd offense - Letter in file, possible driving training based on carelessness of the three documented cases.
      - 4) 4th offense and greater – Continue in the Department's discipline system.
    - b. The Command Staff Officer will make the recommendation for any sanctions to the Chief of Police.
  7. The ARB shall maintain historical records of all cases referred to them and shall use said records to determine the appropriate recommendation(s) in the event an affected member has had prior accidents / incidents reviewed by the ARB within the last three (3) years.
  8. Members of the ARB, who attend scheduled meetings on days off, or at times other than their scheduled working hours, shall receive overtime benefits as required by contract agreement.
  9. When a member of the ARB is involved in an accident / incident, which is within the authority of the ARB:
    - a. The member will absent themselves from that portion of the meeting during which that member's accident / incident will be discussed.
    - b. The affected member may request an appearance before the ARB as set forth in Item 2.
    - c. In no case shall a member vote on an accident / incident in which the affected member was involved as a vehicle operator.
    - d. The Command Staff Officer will vote in place of the ARB member during this situation.
  10. Cases ruled upon by the ARB may be reopened at the discretion of the Chief of Police.
    - a. When new evidence becomes available which may have a direct impact on the initial findings of a review, a case can be reopened up to one (1) year from the date of the ARB's findings.
    - b. Non-appearance of the affected member on the date of the initial review shall not, in itself, be sufficient grounds for reopening of the case.

11. The ARB may make other rules and procedures by a majority vote as necessary to perform its function provided that such rules and procedures are in writing and not inconsistent with this policy and approved by the Chief of Police.

## **MEMBERSHIP**

The ARB shall consist of three (3) voting members and one (1) Command Staff Officer.

1. Members shall be made through the position posting procedure as outlined in Policy 211 with the exception of the Command Staff Officer, who shall be appointed at the discretion of the Chief of Police.
2. The ARB should be represented by one (1) Patrol Officer, one (1) Investigator representing the Investigative Division, one (1) Traffic Investigator and a Command Staff Officer at the rank of Sergeant or above.
3. Individuals appointed to the ARB shall serve a three (3) year term from the date of appointment. The Chief of Police may extend terms as he deems necessary.
4. The Chief of Police may remove an individual from the ARB at his discretion.

## **COMMITTEE OFFICERS**

1. The appointed Command Staff Officer shall serve as the ARB's Chairman.
2. The Traffic Investigator shall serve as the ARB's Recording Secretary.

## **RELATED PROCEDURES**

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[211 – Selection Process for Temporary Positions](#)