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|  <p>DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS</p> <p>POLICY AND PROCEDURE</p> | EFFECTIVE DATE: | May 25, 2023 | Page 1 of 9 |
| | SUPERSEDES: | NEW ISSUANCE | |
| | OPI: | SUPPORT SERVICES/FLEET MANAGEMENT | |
| | REVIEW DATE: | May 25, 2024 | |
| | Approving Authority | Thomas Faust Director | |
| SUBJECT: | VEHICLE ACCIDENT REVIEW COMMITTEE (VARC) | | |
| NUMBER: | 2900.1 | | |
| Attachments: | Attachment A – Vehicle Accident Review Meeting Notification Attachment B – Preventability VS Fault Attachment C – Smith System Defensive Driving Keys Attachment D – Management Review Committee Determination Attachment E - Vehicle Violation Disciplinary Record Form | | |

SUMMARY OF CHANGES:

| Section | Change |
|--------------|--------|
| NEW ISSUANCE | |
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APPROVED:

Signature on File



Thomas Faust, Director

5/25/23

Date Signed

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1. **PURPOSE AND SCOPE.** DC Department of Corrections (DOC) policy requires a Vehicle Accident Review Committee (VARC) to be established for the purposes of timely reviews of all vehicle accidents. This committee will determine preventability and root cause and recommend any action(s) to be taken to prevent future occurrences. This will ensure consistency and accountability in enforcing DOC's Vehicle Safety Policies.
2. **POLICY.** It is the policy of the DC DOC to establish policies and procedures for governing the outcome of employees operating agency owned or leased vehicles that result in a vehicular accident.
3. **APPLICABILITY.** This directive applies to all DOC employees that are required to operate agency owned or leased vehicles to perform their official duties.
4. **NOTICE OF NON-DISCRIMINATION**
 - a. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §2.1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intra-family offense, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
 - b. DOC prohibits discrimination against inmates based on race, religion, national origin, sex, disability or political views in making administrative decisions and in providing access to programs.
5. **PROGRAM OBJECTIVES.** The expected results of this program are to:
 - a. Provide for an open employee dialog and feedback regarding accidents involving agency owned or leased vehicles.
 - b. Hold DOC management accountable for timely investigations of motor vehicle accidents involving agency employees operating agency owned or leased vehicles.
 - c. Emphasize commitment to accident prevention.
 - d. Aid in identifying root cause of vehicle accidents and solutions to help avoid future incidents.

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- e. Ensure that appropriate, targeted, and timely training takes place to promote motor vehicle safety and prevent future motor vehicle accidents.

6. DIRECTIVES AFFECTED

a. Directives Referenced

- 1) PP 1280.2 Reporting and Notification Procedures for Significant Incidents and Extraordinary Occurrences
- 2) PM 6000.1 Medical Management
- 3) SOP 6050.4B-19 Mandatory Employee Drug and Alcohol Testing Program (MEDAT)
- 4) PP 2830.1 Use of Government Vehicle-Fleet Management

7. AUTHORITY

- a. Mayor's Order 2009-160 Government and Personal Vehicle Operators Accountability Policy (09/23/09)
- b. Mayor's Order 2000-75 Fleet Management Policy (5/11/00)
- c. D.C. Code § 50-201-205, Public-Owned Vehicles
- d. DC Code § 50-211.01-211.07 Fleet Management Administration
- e. DC Code § 50-405, Uniform Classification and Commercial Driver's License
- f. D.C. Code Title 50, Subtitle VII, Chapter 22, Regulations of Traffic
- g. DC Code § 50-1731.01, et seq., Distracted Driving Prevention
- h. DC Code § 24-211.02 Powers; Promulgation of Rules
- i. District of Columbia Municipal Regulations, Chapter 18, Vehicles and Traffic
- j. Consolidated Appropriations Act, 2008 (H.R. 2764)

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- k. DPW Department Order No. 2004-04
- l. D.C. Code § 2-411 to 416, Non-Liability of District Employees
- m. D.C. Code § 1-623.01 et seq., Public Sector Workers' Compensation

8. DEFINITIONS AND TYPES OF VEHICLE ACCIDENT CLASSIFICATIONS

- a. **Class “A” Offenses (Non-Preventable)** - An offense where it is determined there was no negligence on the part of the agency driver. An accident in this classification should not be considered for the disciplinary action against the agency driver. A vehicle accident report is still required to be completed. In addition, all vehicle accidents will require the driver to submit to drug/alcohol testing. Refer to SOP 6040.4B-19 MEDAT.
- b. **Class “B” Offenses (Preventable), Moderately Serious** - An offense where an agency driver fails to use reasonable care in a situation that resulted in an accident. Depending on severity, the accident can be upgraded. Class B offenses require a “written warning” in the event of one of the following types of “B” accidents:
 - 1) Any moving violation
 - 2) Backing accident
 - 3) Failure to complete pre/post trip inspections
 - 4) Hitting a stationary object
 - 5) Unexplained damage
 - 6) Any accident not specifically described here-in
- c. **Class “C” Offenses (Preventable), Serious** – An occurrence where the agency driver acts in a negligent manner, which results in an accident. Class C offenses require disciplinary action against the agency driver. Depending on severity, the accident can be upgraded to a Class D offense. Disciplinary action up to and including suspension may result from the following types of Class C accidents:
 - 1) Directly causing an accident (depending on the severity and gross negligence issues).

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- 2) Not yielding the right of way.
 - 3) Failure to report an accident immediately to the Agency.
 - 4) Driving too fast.
 - 5) Failing to report a moving violation involving an agency vehicle.
 - 6) Following too close.
- d. **Class “D” Offenses (Preventable), Most Serious** - An offense where an agency driver acts in a particularly careless or reckless manner. Class D offenses require significant disciplinary action to be taken against the agency driver, up to and including termination and/or revocation of agency vehicle driving privileges. The following actions constitute Class D offenses:
- 1) Leaving the scene of an accident.
 - 2) Reckless driving.
 - 3) Falsification of accident history.
 - 4) Driving under the influence (DUI) in an agency vehicle.
 - 5) Failure to submit to drug/alcohol testing per Agency Drug/Alcohol Policy.

9. VEHICLE ACCIDENT REVIEW COMMITTEE (VARC)

- a. After the appropriate DOC personnel is notified of an employee motor vehicle accident involving an agency owned or leased vehicle, the VARC will convene to assess the facts surrounding the accident, to include but not limited to the cause, preventability and corrective actions required. The supervisor shall complete the investigation report and give it to the Fleet Program Manager prior to the meeting. Also, the committee shall determine the type of vehicle accident classification and appropriate corrective and/or disciplinary action for the agency driver. The committee will consist of the following members:
- 1) DOC Risk Manager or designee
 - 2) DOC Fleet Program Manager (FPM) or designee
 - 3) DOC Chief of Human Resource Management (HRM) or designee

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- 4) The Warden's Assistant or designee (for the purposes of preparing and tracking documentation)
 - b. The committee will meet no later than three (3) business days either in person or virtually following a motor vehicle accident. The involved agency driver and his/her immediate supervisor shall also be present to address the committee.
 - c. If the Vehicle Accident Review Committee is required to meet virtually, the Warden's Assistant will be responsible for scheduling the virtual meeting and sending the invitation to all committee members.

10. AFTER ACCIDENT REVIEW PROCESS

- a. The Fleet Program Manager shall send an email to the committee members, shift commander/supervisor and/or direct report of the agency driver involved in the accident, notifying them of the required after accident committee review meeting. The email should specify names, dates, and times of the review meeting. (See Attachment A).
- b. The Warden's Assistant will make copies of the investigation report for the committee and the committee will review for quality assurance and completeness. Feedback should be given to the supervisor if the investigation is poor in quality or incomplete.
- c. Prior to the meeting, the Fleet Program Manager will prepare copies of all documentation needed to complete the review of all new accidents. This would include the following:
 - 1) the accident report,
 - 2) the agency driver's statement,
 - 3) the supervisor investigation,
 - 4) any witness statements and pictures,
 - 5) the accident review form,
 - 6) policies and disciplinary forms,
 - 7) blank follow-up training certifications and

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- 8) the agency driver's history of vehicle accidents.
- d. The Fleet Program Manager, when possible, shall lead the review meeting, explaining the purpose and structure of the meeting. The Fleet Program Manager shall also open the discussion of the meeting.
 - e. The accident investigation will be read by the agency driver's immediate supervisor and the driver will be given an opportunity to expound on any details.
 - f. The committee may ask open-ended questions of the agency drivers to obtain all necessary information related to the motor vehicle accident.
 - g. Once the committee is satisfied and there are no further questions, a decision will be made on preventability of the accident. (See Attachment B). In determining preventability for vehicle accidents, The Smith System Defensive Driving Keys (Attachment C) shall be utilized. The determination will be made and the Management Review Committee Determination form shall be completed (Attachment D).
 - h. The committee's decision and recommended action will be provided to the agency driver at the review. If a vehicle accident is deemed preventable, the agency driver has the right to submit a written appeal within ten (10) days to his or her supervisor. All appeals will be decided by the warden or designee. Should an agency driver disagree with the assessment of an incident, the following steps should be taken for an appeal:
 - 1) The agency driver must present the initial appeal to his/her supervisor.
 - 2) The Warden or his/her designee will review the appeal and make a final determination within seven (7) business days.
 - i. If an accident is determined to be preventable, the agency driver shall receive additional hands-on safety training. This would include either a Defensive Driving Certification (DDC), conducted by a member of our training staff within ten (10) days of the incident. The supervisor shall refer the agency driver for refresher training if the incident is deemed preventable or considered a class "C" or "D". In both aforementioned cases training should take place immediately.

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- j. The DOC Fleet Program Manager will review the accident review packet for accuracy, completeness and forward to Human Resources and Risk Management. In order to ensure proper and timely follow-up action has been taken, the supervisor will provide the completed documentation of all corrective actions (signed and dated by the agency driver), to the Major's Office to be entered into incident tracking.
- k. The review committee will verify that all recommendations for the previous accident reviews are completed by reviewing the previous management review determination forms at the beginning of the next management review committee. Any overdue or open action items should be addressed with the supervisor immediately.
- l. Disciplinary action shall be taken in compliance with DOC policy and shall be discussed in private, not at the review, with the agency driver and immediate supervisor. These actions should be effective immediately and documented no later than 10 days from the date of the accident.

11. AFTER ACCIDENT DISCIPLINARY ACTION. Disciplinary steps remain in effect for twelve (12) months from the date of the first offense. After twelve (12) months, they drop off unless the agency driver demonstrates a continuing pattern of unsafe driving. In such cases, the agency driver's entire record will be considered in determining action, and the Vehicle Violation Disciplinary Record form shall be completed (Attachment E). If within a consecutive twelve (12) month period any agency driver has any of the following combinations, he or she will be subject to discharge:

- a. 3 – Class "B" offenses
- b. 2 – Class "C" offenses
- c. 1 – Class "D" offense
- d. 1 – Class "C" & 2 – Class "B" offenses

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Attachment(s): Attachment A – Vehicle Accident Review Meeting Notification
Attachment B – Preventability VS Fault
Attachment C – Smith System Defensive Driving Keys
Attachment D – Management Review Committee Determination
Attachment E – Vehicle Violation Disciplinary Record Form

DOC/PP2900.1/5/25/2023/OPP



Email Notification Prompt for the Vehicle Accident Review Meeting with the Vehicle Accident Review Committee (VARC)

Please follow the procedures of the following email notification example below:

Attention



The following employees listed below are scheduled to attend the Vehicle Accident Review Meeting on day, date, time, and location.

Employee Name, Supervisor Name

Example:

Employee - Chris Crash, Supervisor - Speedy Gonzales

It is mandatory that all employees involved in an accident along with their supervisor or manager attend the Vehicle Accident Review Meeting. The Review Meetings will be held every Thursday at 7am and it will then be determined if the accident was preventable or non-preventable.

Please bring any information pertaining to the incident, including photos and or ride along information. If the employee is scheduled off, he/she must report to work to attend the review meeting. Please schedule accordingly.

Defensive Driving Tip # 15: "Drive Using The 5-Keys"

| | |
|---------------------------------|--|
| Key #1 - Aim High In Steering | Maintain a 15 -second eye lead time. That's roughly a quarter mile in highway driving or 2 blocks in the city. |
| Key #2 - Get The Big Picture | Maintain a minimum 4-second following distance. Strive to maintain 4 seconds between you and the traffic in front of you. This is the space that you control. |
| Key #3 - Keep Your Eyes Moving | Scan your mirrors every 5-8 seconds. Do not develop a blank or fixed stare by keeping your eyes moving. |
| Key #4 - Leave Yourself An Out | Maintain space around your vehicle. Do not drive in clusters. Anticipate the mistakes of others. Make convenient lane changes to avoid potential hazards, not panic moves. |
| Key #5 - Make Sure They See You | Communicate in traffic. Use your turn signals, lights, brakes and horn. |



Vehicle Accident Review Committee

Preventable vs. Non-Preventable “...that is the question.”

The purpose of a vehicle accident review is to analyze the facts concerning an accident.

Preventability is more than legal fault; in fact, it may have nothing to do with fault.

Management should take the point of view, that ALL accidents are, for the most part, preventable.

Consider what preventative or reasonable measures should have been taken to avoid the accident. If you can determine through your analysis that one or more things could have been done differently to avoid the incident, then it is **preventable**. This will be more than 90% of all accidents. Document your findings, explain what should have been done to avoid the incident and prepare the necessary paperwork for Human Resources and Risk Management.

If you are unable to determine, even a single thing, that could have been done differently, to avoid the incident, then it is **non-preventable**. This will be less than 10% of all accidents.

To conduct the review process in any other manner sends the wrong message to our employees. It says that vehicle accidents are acceptable, inevitable or unavoidable.



Smith-System Defensive Driving Keys Drivers Checklist

The following points are important to understanding and executing the Smith-System Space Cushion Driving Program. They should be used as determining factors for preventability in vehicle accidents. Please take the time to read the following statements and adhere to them while behind the wheel of a DOC vehicle.

1. Utilize proper hand position (9 and 3 o'clock).
2. Look over your shoulder before entering traffic.
3. Always scan an intersection before entering.
4. When stopped at a light, allow the vehicle in front to move several seconds before you accelerate.
5. Look carefully at all parked cars, observe wheel position, occupants, tail pipe smoke, brake lights, etc.
6. Always brake early.
7. Maintain a 4 – second following distance.
8. Leave a one car length space between vehicles at a stopped position.
9. Be sensitive to avoid holding up traffic while pacing lights.
10. Recognize and avoid poor driving habits of others.
11. Observe packs or clusters of traffic.
12. Obtain eye contact with other motorists, pedestrians, etc.
13. Be aware of fresh and stale lights.
14. Be aware of the space around your vehicle.
15. Try to choose the lane of least resistance.
16. Always stop one car length behind a cross walk.
17. Observe tire to ground contact of vehicles entering the highway.
18. Be aware of your point of no return, when entering intersections.
19. Always check a mirror when you apply the brake.
20. The light isn't green until the brake lights go out and the vehicle a head starts to roll.
21. Maintain a 15-second eye lead time.
22. Check your mirrors every 8-10 seconds.
23. Make convenient lane changes, avoid emergency lane changes.
24. Observe driving patterns of other drivers.
25. Aim high in steering.
26. Get the big picture.
27. Keep your eyes moving.
28. Leave yourself an out.
29. Make sure they see you.
30. Notice aggressive drivers don't really get ahead.
31. Compare your space, visibility and options with other drivers.
32. Time your turn signal proper, do not signal too early.
33. Use the 4-point lane change: Signal, clear your blind spot, execute lane change, kill your signal.
34. Avoid backing at all costs.
35. Use pull-through parking, back when you arrive. Plan your departure when you arrive.



Management Review Committee Determination Form

Vehicle Accident

| | |
|---------------------------|-----------------------|
| Facility/ Location: _____ | Department: _____ |
| Employee's Name: _____ | Position: _____ |
| Date of Incident: _____ | Date of Review: _____ |

The committee must look at all facts to determine preventability. If this incident is deemed preventable the committee must also determine what Class it belongs in "B" Minor, "C" Serious, or "D" Most Serious

Management Review Committee Members:

| | |
|--|---|
| Signature: _____ | Recommendation |
| Title: _____ | |
| Date: _____ | <input type="checkbox"/> Preventable <input type="checkbox"/> Non-Prevent |
| Mgmt Review Committee Member #1 | |

| | |
|--|---|
| Signature: _____ | Recommendation |
| Title: _____ | |
| Date: _____ | <input type="checkbox"/> Preventable <input type="checkbox"/> Non-Prevent |
| Mgmt Review Committee Member #2 | |

| | |
|--|---|
| Signature: _____ | Recommendation |
| Title: _____ | |
| Date: _____ | <input type="checkbox"/> Preventable <input type="checkbox"/> Non-Prevent |
| Mgmt Review Committee Member #3 | |

| | |
|--|---|
| Signature: _____ | Recommendation |
| Title: _____ | |
| Date: _____ | <input type="checkbox"/> Preventable <input type="checkbox"/> Non-Prevent |
| Mgmt Review Committee Member #4 | |

| | |
|--|---|
| Signature: _____ | Recommendation |
| Title: _____ | |
| Date: _____ | <input type="checkbox"/> Preventable <input type="checkbox"/> Non-Prevent |
| Mgmt Review Committee Member #5 | |

| | | |
|---|---|--|
| Final Determination: This Incident has been ruled; | | |
| <input type="checkbox"/> Preventable | → <input type="checkbox"/> Class (B, C, D) | OR <input type="checkbox"/> Non-Preventable (Class A) |

***If final determination is preventable please initiate immediate and appropriate training and corrective action paperwork in accordance with the current Vehicle Safety Policy and forward to the Fleet Program Manager.**

Vehicle Accident Policy Preventability Determination Guidelines

Employees who drive agency vehicles shall immediately inform their supervisor when they are involved in a vehicle accident. Supervisors shall investigate accidents when possible and refer to this program for disciplinary action. Preventability will be determined by the Accident Review Committee consisting of the Fleet Program Manager, department managers and Deputy Warden. The Committee will review all Class "B", "C" and "D" offenses upon notification.

Class "A" Offenses (Non-Preventable)

An offense in the "A" Classification is one wherein it is certain there was no negligence on the part of the Company driver. An accident in this classification should not be considered for the disciplinary action against the driver. It should not cause the driver to lose any safety awards, nor shown on any letter of reference or recommendation. A vehicle accident report is still required to be completed. In addition, the circumstances of the accident may require the driver to submit to drug/alcohol testing. Consult the drug/alcohol policy for further information.

Class "B" Offenses (Preventable), Moderately Serious

An offense in the "B" Classification is one wherein a driver failed to use reasonable care in a situation that resulted in an accident. Written Warnings could result from the following types of "B" accidents:

- Any accident not specifically described here-in
- Backing accident
- Hitting a stationary object
- Any moving violation
- Failure to complete pre/post trip inspections
- Unexplained damage

Depending on severity, the accident can be upgraded.

Class "C" Offenses (Preventable), Serious

An offense in the "C" Classification is one wherein the driver acted in a negligent manner, which resulted in an accident. Disciplinary action up to and including suspension could result from the following types of C accidents:

- Directly causing an accident (depending on severity and gross negligence issues)
- Failure to report an accident immediately to the Company
- Unreported moving violation in a Company vehicle
- Not yielding right of way
- Driving too fast for conditions
- Following too close

Depending on severity, the accident can be upgraded.

Class "D" Offenses (Preventable), Most Serious

An offense in the "D" Classification is one wherein a driver acted in a particularly careless or reckless manner. Disciplinary action up to and including termination and/or revocation of Agency vehicle driving privileges could result from the following "D" accidents:

- Leaving the scene of an accident
- Falsification of accident history
- Failure to submit to drug/alcohol testing per Company Drug/Alcohol Policy
- Reckless driving
- DUI in an Agency vehicle

If within a rolling 12 month period any employee has any of the following combinations he/she will be subject to discharge.

3 – Class "B" offenses

2 – Class "C" offenses

1 – Class "D" offense

1 – Class "C" & 2 – Class "B" offenses

Disciplinary steps remain in effect for twelve (12) months from the date of the first offense. After twelve (12) months, they drop off unless employee demonstrates a continuing pattern of unsafe driving. In such cases, the employee's entire record will be considered in determining action.

Appeal Process*

Should an employee disagree with the assessment of an incident, following are the steps for an appeal:•The employee must present the initial appeal to his/her supervisor. The employee and supervisor will prepare a written statement regarding the incident and the employee's reason for appeal within in 10 days of the decision.

•The Deputy Warden will review the appeal and make a final determination.

***(This is not intended to replace or supplant appeals processes under current collective bargaining agreements.)**



VEHICLE VIOLATION DISCIPLINARY RECORD

DRIVER NAME _____ MGR. NAME _____

DIVISION _____ ACCIDENT DATE _____

On __/__/____, after reviewing the facts surrounding your vehicle accident, the Review Committee found your accident to be a Class ____ "Preventable".

Estimated total cost of this accident to the agency = \$_____.

EXPLANATION AND FUTURE PREVENTION:

This is your _____ (First, Second or Third) preventable vehicle accident within the previous 12 months, therefore this letter serves as a _____ (Written Warning, Final Warning, Discharge, Other). Any future preventable vehicle accidents within the next 12 months will result in further disciplinary action and may result in termination.

In the event that you believe that the Vehicle Accident Review Committee's ruling was incorrect, you may file an appeal by filling out the back page of the Decision Sheet and turning it into your supervisor within ten calendar days. All appeals will be heard at the next regularly scheduled meeting.

Employee's signature: _____ Date: _____

Supervisor's signature: _____ Date: _____

SIGNATURE OF RISK MGR APPROVAL

DATE

FLEET PROGRAM MGR APPROVAL

DATE

SIGNATURE OF ER REP APPROVAL

DATE

DEPUTY WARDEN APPROVAL

DATE