

NEW CANAAN POLICE DEPARTMENT

SUBJECT: DEPARTMENTAL PROPERTY
DAMAGE, DESTRUCTION OR LOSS

GENERAL ORDER NUMBER: 93-1-105

FILE: OPS 8.4

Auxiliary & Technical

I PURPOSE/POLICY

The purpose of this General Order is to provide policy and guidelines to supervisory and command staff when conducting investigations, making recommendations and performing administrative review of incidents involving damage to, destruction or loss of departmental property.

II RESPONSIBILITY

It is the responsibility of all department personnel and supervisory staff to adhere to this General Order. It is the additional responsibility of the Division Commanders and/or Chief of Police, to insure it's compliance.

III PROCEDURES

A The following terms, for purposes of this division order, are defined as follows:

1. Department Property - Any vehicle or equipment owned or under the control of the department which is being or may be used in the performance of duties by department personnel.
2. Willfully - Done deliberately; intentionally
3. Neglect (Negligence) - A failure to regard something obvious; inattention to one's duty or business; disregarding or ignoring through haste or a lack of care; failure to exercise the care that a prudent person usually exercises.
4. Substantial Damage or Loss - Any damage or loss that leads to significant repair/replacement costs, or that seriously impairs operations functions.

B All personnel are responsible for immediately notifying the Patrol Shift Commander whenever damage to or loss of departmental property is discovered. The Shift Commander will respond to the scene and confirm the damage or loss, and insure that an incident report is logged on the damage or loss.

Note: In the case of a motor vehicle accident, the patrol vehicle will not be moved by the officer, unless a safety hazard exists, until viewed by the Shift Commander.

1. If the officer responsible for the damage or loss is known, he/she will provide a detailed incident report on the facts and circumstances of the damage or loss. The Shift Commander will review the report.
 2. If the officer responsible for the damage or loss is unknown, the Shift Commander shall forward a copy of the damage/loss report to the Captain of Operations, indicating the following:
 - a. The last person assigned to use the vehicle/property prior to the discovery of the loss or damage.
 - b. If the damage should have been discovered previously.
- C** The Shift Commander is required to initiate, supervise and review an investigation of damage or loss of department property when:
1. The damage is the result of an accident involving a department vehicle.
 2. There is substantial damage or loss to other department equipment.
- D** Following his review of the investigation, the Shift Commander will forward a cover memo of the investigation to the Captain of Operations and a finding as to whether the damage or loss was the result of willfulness, negligence, unavoidable accident, defective equipment, or other factors.
- E** If the Shift Commander's finding is willfulness or negligence, the Shift Commander will also forward a recommendation for disciplinary action, citing appropriate violations of the Manual of Conduct and Discipline, Rules and Regulations.
1. Prior to performing this duty, the Shift Commander will review General Order 91-8-96 Disciplinary Procedures. Appropriate section(s) of the personnel record of the involved officer will be made available for review by the Shift Commander as part of the recommendation for discipline process.
- F** If the officer responsible for the damage or loss is at the Rank of Shift Commander or above, the review process will be conducted by an officer of the next higher rank.
- G** In the event of a minor motor vehicle accident, involving any Department vehicle, the Shift Commander may designate any member of his or her shift to conduct the accident investigation.
- H** In the event of a motor vehicle accident resulting in serious physical injury or substantial property damage the Chief of Police or his designee may assign an advanced accident investigation officer or accident reconstructionist to investigate the accident.

IV PROCEDURES - ADMINISTRATIVE PROCESS

- A** Upon receipt of the Shift Commander's investigation, finding and recommended disciplinary action (if any), the Captain of Operations will conduct an administrative review. This review will insure that the investigation and other reports submitted by the Shift Commander are complete and accurate.

B Following this review, the Captain of Operations will forward all reports, along with a cover memorandum to the Chief of Police. As part of the cover memorandum, the Captain of Operations will indicate concurrence or disagreement with the Shift Commander's finding and recommendation.

1. When disagreement is noted, the reasons for disagreement and alternative recommendations will be noted in the cover memorandum.

C The Chief of Police has the final authority and responsibility for disposition of incidents involving damage, destruction, or loss of departmental property.

V **DISTRIBUTION**

This general order will be reproduced in electronic and traditional media. All sworn personnel shall have access to Department general orders through a read-only file on their individual domain of the Department's computer network. Printed copies and/or CD's will also be placed in locations throughout headquarters so that they are easily accessible to all personnel.

VI **EFFECTIVE DATE**

This division order is effective July 23, 1993.

Reviewed April 2000
Reviewed March 2005
Reviewed August 2009

Per Order

Edward J. Nadriczny
Chief of Police