

Vehicle Malfunction

OBJECTIVES

The objectives of this large loss claim review are to:

- Examine a CIRMA Workers' Compensation claim resulting from a police vehicle malfunction.
- Discuss CIRMAs and other resources for reducing employee safety exposures associated with law enforcement vehicles.
- Develop specific risk management best practices to prevent or mitigate future losses for members based on lessons learned.

INCIDENT BACKGROUND

The State Police were asked to investigate an accident involving a 2020 municipal Police Interceptor Utility Vehicle (PIUV) responding to a call with its lights and sirens activated. The police unit was approaching a red signal at a busy intersection in town when the officer observed a Honda Accord turning into the intersection. The officer attempted to apply the brakes when, according to the state police report, the PIUV did not stop and collided with the Honda due to a possible brake failure. The scene investigation indicated no skid marks, and the officer told the state police that nothing had happened when she applied the brakes. The Officer was taken to the hospital with injuries via ambulance, while the driver of the Honda only complained of minor aches and pains in his knees but refused EMS treatment.

INVESTIGATION

- The accident occurred 1.7 miles from the location where the officer was patrolling.
- The time of day was mid-afternoon, and it was partly cloudy with mostly sunshine.
- The road was flat and dry, with good visibility approaching the intersection.
- The posted speed limit was 35 mph.
- The officer was responding to a dispatched call for service and was traveling at approximately 30 mph 30 seconds before the accident.
- At the time of the collision, the officer was estimated to be going 35 mph.
- As the officer approached the intersection, she removed her foot from the accelerator and repositioned it to the brake pedal. As she depressed the brake pedal, the officer noticed the vehicle was not slowing down as anticipated.
- The officer was quoted in her statement as saying she "needed to stand on the brake...".
- The police vehicle began to slow once she let off the accelerator; however, since the brakes seemed not to work, the officer could not stop and collided in the intersection.
- The officer was not wearing her seatbelt at the time of the accident.

VEHICLE INSPECTION

- The police vehicle had approximately 70K miles.
- It was determined that the last regular maintenance inspection had been 18 months before the accident.
- The vehicle tires were evenly worn but had below-average tread depth.
- The brakes were found to be worn and grinding into the rotors.
- It was stated that the officers had mentioned in passing to their supervisor that the brakes felt and sounded funny "sometimes."
- The department had a vague fleet management/maintenance program at the time of the accident.

INJURY AND DAMAGES

As a result of this accident:

- The Officer was complaining of neck and back pain at the scene and was transported to the hospital, where she was diagnosed with whiplash, a minor concussion, contusions to the face and arms, and a minor laceration to the forehead requiring a derma-bound application to close.



INJURY AND DAMAGES - *continued*

- The Officer was placed out of work for two weeks. She successfully returned to work after clearing concussion protocols by her doctor.
- The civilian suffered minor bruising and scraps to his knees and refused medical treatment at the scene.
- The police vehicle sustained significant damage to the front end. Based on the miles of the car, the vehicle's condition, and the extent of damage, the police vehicle was deemed a total loss.
- The civilian's vehicle sustained significant damage to the passenger's side. It required the vehicle to be off the road for several weeks, causing the civilian driver to use a rental car.

Total severity for all parties and property damage was \$95K.

CONCLUSION

Waiting until a vehicle experiences a mechanical failure before taking it out of service should be a thing of the past. By nature of their use, police vehicles experience increased wear and tear, leading to malfunctions and placing police officers and others in harm's way. Regardless of make or model, all police vehicles must meet the high expectations and demands of a police officer's daily activities. Proper fleet management is the key to ensuring that each vehicle operates optimally in all situations. Effective fleet management is critical to improving safety, increasing vehicle lifespan, mitigating risks, and reducing costs.

KEY RECOMMENDATIONS/ACTION ITEMS

- Implement a formalized fleet management & maintenance program.
- Establish and document regular intervals for vehicle operating systems, such as brake systems, tires, and lights.
- Implement a process for officers to report a vehicle issue and request that a vehicle be taken out of service if it is not operating or functioning properly.
- Implement a policy to require officers to wear their seatbelts.

Questions on this topic? Ask your Supervisor or CIRMA Risk Management Consultant.



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