

**Is your police department ready for the next generation of vehicle
accident investigations?
Privatizing Collision Investigations**

By

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The Command College Futures Study Project is a FUTURES study of a particular emerging issue of relevance to law enforcement. Its purpose is NOT to predict the future; rather, to project a variety of possible scenarios useful for strategic planning in anticipation of the emerging landscape facing policing organizations.

This journal article was created using the futures forecasting process of Command College and its outcomes. Defining the future differs from analyzing the past, because it has not yet happened. In this article, methodologies have been used to discern useful alternatives to enhance the success of planners and leaders in their response to a range of possible future environments.

Managing the future means influencing it—creating, constraining and adapting to emerging trends and events in a way that optimizes the opportunities and minimizes the threats of relevance to the profession.

The views and conclusions expressed in the Command College Futures Project and journal article are those of the author, and are not necessarily those of the CA Commission on Peace Officer Standards and Training (POST).

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In today's world, would it be beneficial for your police department to provide a quality traffic program that can offer more service, safer streets, for less overall costs? Maybe you can, if you are willing to step out of your comfort zone and create custom partnerships built to address your needs.

In the United States and across California, law enforcement agencies are being stretched to provide and deliver quality service with limited resources. Agencies must sometimes choose between providing quality baseline services or special enforcement opportunities. To be more than reactive to crime increases and new trends, agencies must have programs that combine quality baseline service, special enforcement details and community based resource programs. Within many police agencies, departments have looked at ways to reduce costs, but also continue to deliver quality proactive policing.

In some departments, the model has been achieved through an increase in non-sworn personnel such as civilian functions, reserves, per diem employees, volunteer programs, and outsourcing. An emerging reality, though, is one that includes the privatization of traditional core services. On the pages that follow, we will look at one area where privatization is already occurring, and where other agencies may wish to follow suit. Consider for a moment how privatizing the investigation of traffic collisions might impact the work of policing.

Policing Services Privately Provided

In the future, it will be possible for your agency to deliver collision investigations through privatization. In fact, since 2005, the City of Marysville California has done just that.

According to Karen Hess, the privatization of some police duties historically have both enhanced safety and lowered costs if carefully planned and implemented.¹ According to Jan and Marcia Chaiken, authors of “Public Policing Privately Provided” for the Department of Justice; the privatization of government services are a result of: default, accommodation/cooperation, enabling legislation, and contracts.² Default occurs when the government does not meet a pressing need for law enforcement services, leaving private companies to fill the vacuum. Accommodation and cooperation occurs when the police informally rely on private security personnel to perform tasks they prefer not to do; in return, the agency provides services only when necessary. The possibilities for police privatization are limited only by the ingenuity and political courage of local leaders. Community interest in privatization reveals citizens are motivated by a reduction in costs, improving performance and reducing bureaucracy.

A good example of outsourcing for the purpose of providing a cost savings and reduction of inefficient police officer time is the City of Ceres California, where the Police Chief

¹ Hess, K. M., (1982). Introduction to Private Security. St. Paul, MN: West Publishing Co.

² Chaiken, M and Chaiken, J. (1987). Public Policing Privately Provided. (National Institute of Justice Contract No. J-LEAA-11-81) Washington, DC: U.S. Department of Justice.

utilized the services of a private vendor to provide records support.³ With the use of transcription services, only the most minor reports are hand written and or typed by personnel. They now have a more consistent format as a finished product for review by the courts, district attorney, and any others who have access to their reports. These changes have also netted significant savings in personnel time that can now be devoted elsewhere.

Previously, significant overtime was expended on report writing. In 2005, 736 hours (5% of the agency's total overtime hours) were used to write report. In 2006, with the implementation of privatized services, the total dropped to 414.5 hours (2% of total overtime hours). This equates to a savings of approximately \$9,645.00. By 2007, the average time spent per event or call for service went from 1 hour and 7 minutes to 52 minutes. They saw a reduction of 508 hours (total from 2005), in total report writing time, and approximately 15 minutes per event. The 15 minutes per event equate to 380 hours of additional unoccupied patrol time. The changes resulted in an improved appearance and quality of reports, reduced report writing overtime, and increased patrol time by decreasing the time officers spend completing their reports.⁴ In this example, the chief wisely privatized a function normally performed by the department. This in turn, improved the department overall service. Extending on this concept, privatizing collision investigation services will also provide similar positive outcomes.

³ Agenda Rreport,07/09/07,Ceres City Council Meeting Agenda, City of Ceres, Website, Retrieved Sep 19, 2007, from <http://www.ci.ceres.ca.us/minutes/CityCouncil-20070709>

⁴ Agenda Rreport,07/09/07,Ceres City Council Meeting Agenda, City of Ceres, Website, Retrieved Sep 19, 2007, from <http://www.ci.ceres.ca.us/minutes/CityCouncil-20070709>

Privatized collision investigations

Most agencies deploy full time sworn peace officers to respond, investigate and report collision investigations within their jurisdictions. In addition, agencies are responsible to document, maintain, control, and release collision investigation reports. The traditional model is not only very costly, but deploys very expensive resources to a largely non criminal incident. If successful, the privatization of collision investigations could allow agencies the ability to shift resources and time to proactive policing and education programs. Agencies need to keep focused on the goal to maximize service and create the ability to shift their valuable resources. Truthfully, many agencies are providing a minimum level of response and investigation for collision reports. Many fail to respond at all by triaging the accidents through the communication center, deferring them to online reporting limiting response to injury only accidents. For instance, in the City of Lathrop CA, a non injury traffic accident would be a low priority call and a delayed response likely during peak demand hours, sometimes deferred to the next day. Privatization provides an opportunity to improve service and deliver a better traffic program. One City has first-hand experience with the issue, and their experiences are instructive to others considering a similar approach.

The Marysville Experience

Since 2005, the Marysville Police Department has successfully operated a traffic program that includes the privatization of collision investigations. Marysville Police Department, with 35 employees and 24 sworn officers, serves a community of 13,000.

According to Commander John Osbourn, they successfully partnered with a private vendor for collision investigations in 2005. Between then and January of 2008 JENN

Inc. completed 1092 investigations. The department was able to increase their proactive efforts, combining grant funding for enforcement and the implementation of red light cameras to reduce total accidents 9% from 2006 to 2007. The vendor improved overall quality of collision investigation reports and the city received the service for no cost.

Former Marysville Police Chief Bret Smith and a member of JENN, Inc. management team said the goal when starting program was to alleviate the strain on public services by facilitating report taking and scene assessment aspects of any traffic accident investigations. He said the company provides impartial and a higher quality accident report including; digital photos, video clips, audio statements, and diagrams. Chief Smith said he worked closely with the company founder to bring the program to the city of Marysville. He said founder Randy Fletcher has background and experience in the insurance industry, law enforcement, and private investigations. Working during peak hours Monday through Friday their investigator are on call and are dispatched through the police communication center. All investigators are past law enforcement officers certified in collision investigation. The company does a complete collision investigation for every case they handle. Reports are provided to the police departments at no cost and are available online through a contracted internet vendor. The company provides non injury accident reports to victims, insurance companies and other interested parties for \$50 and injury accident reports for \$250. They also provide and report accident statistics to the Police Department and State as required by law.

According to Commander Mike Smith, the Police Department and vendor signed a contract to spell out the level and quality of service provided. For example; the times of service delivery, qualifications of employees, document control and reporting, type of vehicles used, are all based on the department recommendations. The program was accepted by the police department and met the goals and objectives identified through the contact. Although the police department was satisfied with the service provided by JENN INC. the high cost to the customer and the vendors need to turn a profit contributed to the failure of this project less than three years after its inception.

Commander John Osbourn stated their privatization of collision investigations failed in March of 2008. It did not fail because the service was poor, but because the business was not as profitable as it needed to be, and customers complained of the substantially higher report costs. Officials from the insurance industry as well as the general public appeared before city council when injury accidents rose as high as \$ 250 for each report. Osbourn felt the business plan led to the failure in that it did not factor the increases in cost to the company when they switched to a third party for control and release of reports.

Overall, the City and Department were satisfied with the agreement and service. The department saw a reduction in accidents during this time frame. The concept was proven to work based on the last three years in Marysville. The program failed to control costs that were passed on to the consumer which ultimately became a problem. Even though this instance of privatizing collision investigations culminated in abandoning the concept, an expert panel convened to study the issue felt it was still a valid alternative to the status quo.

Expert Panel Weighs In on Privatization

On October 17th, 2008 an expert panel was convened to study the issue of privatizing traffic investigations. The panel's discussion included specific issues with costs, and cost control, as critical to the success of any privatization. In fact, a panelist representing the insurance industry noted it was the most prominent factor from their perspective. Others expressed concerns for a variety of reasons.

One member of the panel, a police union representative, was very opposed to the idea of privatization. He believed ultimately there would be a reduction to union membership. It was clear it would be a hard sell to win over the membership with any form of privatization. The importance of the union support can't be overstated. A recent example of successful labor union advocacy regarding significant changes to their span of control occurred in the City of Rialto. In 2005, the Rialto City Council voted to shift delivery of police services from the municipal government to the County Sheriff's Department. After an appeal by the City's Police Association, the Court of Appeal published their decision on October 3, 2007, which described the case as an "issue of first impression". They ruled the City must first meet and confer with the applicable bargaining unit. This case decision makes it clear that any significant change in service delivery must have input from labor organizations effected.⁵

The panel believed the privatization of collision investigations had potential of success, but would probably not become a wide spread practice within the industry. The panel concluded an agency could provide the community a higher level of service and the

⁵ Dammeier, D. (2008). The Debate is Over: Labor Law. Porac Law Enforcement News. 39(12), 23.

change would be very positively viewed by the public. Agencies would be able to utilize the service deliver change to re-direct current staff to proactive enforcement education programs above their current levels. The judicial acceptance of private collision investigations was also discussed. The Chief Deputy District Attorney concluded that civilian reports would be handled in the same manner in which private investigator reports are used. In many cases, he concluded that contract investigators would provide reports on the behalf of both the prosecution and defense as expert witnesses. This is not considered a new practice and would be accepted by the courts as long as credibility was maintained.

The expert panel was also concerned about the level and quality of the investigation and investigator. The credibility of the investigator was seen as crucial for the program to have public and criminal justice industry acceptance. The reduction in cost was not nearly the factor that reliability of the program as whole was. The panel seemed all in agreement if the first agencies that choose this service delivery change do it poorly, then the practice may be doomed in the future. The panel felt the selection of the vendor was a potential road block that agencies may find.

There are few vendors providing this type of service and private collision investigators are limited mostly to private investigation companies conducting follow-up investigations to accidents for litigation purposes. Even with privatization, agencies will not be able to completely replace the need for collision investigation within their departments. As the vendor is the business of making a profit, and peaks traffic hours are more conducive to meeting these needs. A program that only a segment of the collision investigations would be investigated by the private vendor would lower the overall value of the concept and

make it less desirable to undertake. The agency would still need to maintain their basic collision investigation skills and training programs that would exist along side the vendor. An agency would not benefit by reducing their costs associated with providing this training.

All of these issues and observations lead to the panel's conclusion that privatization can be advantageous, but also that it is fraught with adverse issues. The panel concluded that agencies considering the privatization of collision investigations should move forward cautiously. Among issues that must be addressed are; the quality of vendors available, the ability of the vendors to be profitable, quality and cost control for the product provided the consumer, and the ability to gain police association support. Although many of these issues were overcome in Marysville, the City and vendor found it difficult to maintain the contract obligations at a cost acceptable to the consumer.

Conclusion

At the conclusion of the research, one can see the benefits and potential to privatize traffic investigations through the experience of JENN and the City of Marysville. One of the most important issues identified by experts was the need for success by pioneers in this movement to privatize a traditional police duty. To succeed, departments would need to factor their interest in managing this change. The potential vendor would need an accurate forecast of the costs and control mechanisms to ensure profit while providing the requisite level of service. In Marysville, the product that was too expensive and eventually caused dissatisfaction to the customer. If the cost of providing the service is

too high, there will be resistance from the insurance industry and their customers as costs are passed on.

In the end, it comes down to the quality of work, the money and an ability to make a profit for the vendor. The service delivery change did provide benefits to the community of Marysville as expected, but the cost was too high for the customer to bear and not enough for the business to stay around. Based on the Marysville case study, it appears that privatizing collision investigations is viable. It can improve service, reduce costs and add to traffic safety. An agency looking at a service delivery change, though, must first evaluate their current service level, and determine if they could improve it by making these changes. Agencies struggling to provide service for collision investigations would benefit, and the ultimate consumer, the driver using public roadways, could benefit as well.