

# **Claims Reporting and Handling Procedures**

## **POLICY**

It is a policy of the JPIA to see that all liability claims made against its Member Agencies are investigated and settled fairly and expeditiously where legal liability is determined.

Decisions regarding the disposition of a claim shall be based on the merits of that claim. It is the policy of the JPIA to pay only those claims for which Member Agencies have legal liability.

## **PROCEDURES**

Except for those claims that the Member Agency decides to handle under the "Small Claims Settlement Option", all claims filed under the Liability Program shall be handled according to the following procedures:

**As a general rule, it is important in that the Member Agency not be drawn into arguments with potential claimants. A major part of our service to you is to handle the difficult claimants on your behalf. By reporting promptly, you can take advantage of that service. Once the claim has been reported to the JPIA we ask that you and your staff refrain from continued contact with claimants. It is our responsibility to communicate all settlement offers and to advise claimants of the status of the claim.**

**It is also essential that none of your staff give out information concerning the occurrence to anyone but the appropriate law-enforcement investigator, JPIA staff, or others assigned by the JPIA to assist in the investigation of the claim.**

1. Initial Reporting:
  - a) All **incidents** involving damage to property not owned by the Member Agency, or injury to non-employees of the Member Agency should be reported promptly to the JPIA by fax or telephone to our office:

ACWA/JPIA  
P.O. Box 619082  
Roseville, CA 95661-9082

Phone: (916) 786-5742  
(800) 231-5742  
FAX: (916) 786-0209  
e-mail: [claims@acwajpia.com](mailto:claims@acwajpia.com)  
Forms: <http://www.acwajpia.com/Claims.aspx>

It is important that you do not wait for a **written claim** to be filed before reporting to the JPIA. We realize that it is a legal requirement, but unless we have notice of an incident, we are unable to begin an investigation and are often unable to adequately investigate if too much time has passed between the incident date and the report to the JPIA. If you wish to report claims to your General Counsel, please forward duplicates immediately to the JPIA as well, so that there will be no delay in our receipt of the information.

All non-auto incidents should be reported on the "**Non-Auto-Only Incident Report Form**". This form is for Member Agency use only, to report the incidents to the JPIA. It should never be given to the claimant for completion. If the loss involves a vehicle accident, please use the "**Auto-Only Incident Report Form**" and also have the driver complete the "**Driver's Report of Accident**". Fax the forms to the JPIA. (Copies of forms available on JPIA website <http://www.acwajpia.com/Claims.aspx> ).

The "**Claim Form**" is the proper form to give to someone who wishes to present a claim to the Member Agency. If you receive a request for a claim form, it is appropriate to gather as much information as you can and complete an incident form to forward to the JPIA. Often we do not receive the Claim Form until all of the evidence is gone and we are unable to adequately investigate. Sending us the Incident Report immediately can be of considerable benefit to your agency.

- b) Although all liability and property claims will be handled directly with the JPIA, any emergency claims after 4:30 pm or on weekends/holidays, can be reported to Sedgwick staff. Please contact the following:

Jim Stewart (916) 548-8283 or  
Casey McClintock (916) 607-6360

They provide a 24-hour service for all of our Member Agencies. If you use the above service, you must also report the claim to us on the next business day so that we may assume the handling and guidance of the claim.

- c) An “**SR-1 Form**” should be filed with the Department of Motor Vehicles (DMV) for any incident involving an agency-owned vehicle. Filing this form is helpful in making uninsured motorists pay claims or face losing their driver's licenses. Although the law requiring the filing of this form does not apply to public agencies, filing it does help reduce inquiries from the DMV to your employees.

2. Subsequent Reporting:

Forward all correspondence involving a reported claim directly to the JPIA. This would include the following:

- a) Any claim or letter filed with the Member Agency or any subsequent correspondence or notes of conversations with potential or actual claimants;
- b) Any legal documents or related correspondence from attorneys or other representatives of claimants or insurance carriers;
- c) Any letters, memos, or notes of conversations, or other inquiries from interested parties;
- d) Any police or other public agencies' reports that are available; and
- e) Any photographs, newspaper articles, etc., that you can provide.

3. Initial investigation:

While it is the responsibility of the JPIA to thoroughly investigate and determine liability in any given case, the assistance of the Member Agency in the initial investigation is often invaluable. If you

have a representative at the scene, the following guidelines may improve the quality of the investigation:

Preserving evidence in a timely fashion is critical to the outcome of the investigation. The faster the investigator gets to the accident scene, the less chance there is that details will be lost. Preserving evidence at the accident scene generally results in a much more successful and accurate outcome. Observing and recording evidence such as instrument readings, control panel settings, plus other routine observations such as the weather are essential to a good investigation.

- a) Photographs, video cameras, drawings and notes are among the most valuable methods of recording and preserving evidence. General and specific scenes should be photographed to provide a comprehensive record. It is generally best to take too many pictures since it is often difficult to determine what each one will show until they are developed and reviewed. Photographs of objects involved in the accident may need something to show the proper scale. A ruler or coin, photographed alongside of the object, is often helpful. In addition, accurate and complete notes that explain the photographs, who took them, and when, significantly increases their value and the likelihood that they will be admitted as evidence in a court of law. We suggest mounting them on a form with notes concerning the individual photograph.
- b) Diagrams are also useful to assist us in understanding the nature of the occurrence. The more accurately drawn the better, but even a hand drawn diagram can be used to present the facts and preserve the investigators recollection of the incident. There is a diagram on the back side of the "Driver's Report of Accident" form that is useful for vehicle accidents.
- c) Witnesses, if found and interviewed promptly, may be the most important source of information in any investigation. Record their names, addresses, home and work phone numbers if at all possible.
  - 1) Identifying witnesses is a critical part of an investigation. Do not limit yourself to those who remained on the scene. Discussions with those who

are present may lead to others. A canvas of nearby businesses or homes may also prove fruitful.

- 2) If you choose to interview witnesses, they should be interviewed one at a time, in as much privacy as is possible. The accuracy of people's recall is highest immediately after the incident. Many things interfere with recall, including discussions with other witnesses, newspaper accounts, or just poor memories. Where possible, the interviews should be conducted at the accident scene, which will allow the witnesses to point out what they consider significant. Remember that interviews of this type are fact-finding. It is a good idea to point out to the witness that you are only concerned with the facts at this point, not in assessing blame.
- 3) The interview itself should be conducted in as a relaxed atmosphere as possible. It is far more important that the interviewer be a good listener than it is to think of good questions. Remember that your goal is to get a general idea of what each witness will say, what he saw, and what value he will have as a witness. Take notes as unobtrusively as possible. It may be best to wait until the interview is over before writing anything down. Unless you have had formal training in taking written or recorded statements, we do not recommend that you attempt to do so.
- d) Facts are essential. Please try to not put a spin or slant on your report. This creates delays, misunderstandings, and tends to actually increase costs as it often results in needless litigation to arrive at the truth. All evidence presented to us is used to make the appropriate decisions for your Agency. If you have done a comprehensive investigation, a written report outlining all of the evidence that you have obtained may be of considerable value to us and to your Agency. The "Incident Report" and "Driver's Report of Accident" forms, while useful for simple situations, have obvious limitations in trying to report on a more complex or detailed investigation. No particular format is required. The goal is the complete and objective "what, when, where and who" of any good news article.

## **LITIGATION**

1. The JPIA will select and retain appropriate attorneys to defend the Member Agency.
2. When litigation begins, it is important that you immediately forward all documents as soon as they are received in your office. All litigation has a very rigid and usually short time frame in which to respond. Holding a summons or complaint can cause problems for us in defending you.