



INCIDENT INVESTIGATION CHECKLIST

A. Description and Identification of the Premises

1. Exact location, giving street numbers and any other designation necessary to pinpoint the location.
2. Type of building (use and construction type).
3. Age of building (If necessary, obtain name of architect, contractor and builder).
4. General condition of building or area.
 - a) Is building or area in good general condition?
 - b) Is building or area well maintained?
 - c) Is building kept in good repair?
5. Use to which facility, area or equipment is put.
 - a) Is the use proper?
 - b) Is the use lawful?
 - c) Is the use hazardous in any way?
 - d) Does the use create a nuisance?
6. What is the history of previous incidents with this facility, area or equipment?

B. Ownership and Control

1. Who owns the facility or equipment?
2. How long has local government used facility or equipment?
3. If another tenant or facility user is involved, obtain a list of names, addresses and phone numbers, and their insurance company.
4. Obtain a copy of building lease when applicable.
5. Does a landlord control the area of a facility complained of? If so, obtain name, address and phone number, including his insurance company.
6. Who is responsible for the cleaning and general maintenance? If not local government, obtain names, addresses and phone numbers, including their insurance companies.

C. Coverage

1. Make sure the incident occurred within the local government's jurisdiction.
2. Make sure the incident occurred on local government property.
3. Are there any easements within the incident area?
4. Did the incident occur under the possible control of someone else, and not the local government?
5. Were there any contracts or hold harmless agreement signed that have a bearing on this incident? If yes, obtain.
6. Can liability be transferred to another party (contractor, hold harmless signer, private property owner)?
7. Does the agency's insurance coverage this incident?
8. Check for possible completed operations:

- a) Obtain exact date when work was done.
- b) Was job accepted as completed?
- c) Was payment made for completed job?
- d) Were any exposures left at site?
- e) Were any complaints made about workmanship?
- f) Were any repairs made, or conditions corrected?
- g) Are inspection records available, complete?
- h) Did the operation involve a service or maintenance contract? If so, obtain.

D. Actual or Constructive Notice

- 1. Who was responsible for the general maintenance of the building, area or equipment?
- 2. Was the individual aware of the risk or exposure?
- 3. How did it come to his attention?
- 4. When did it come to his attention?
- 5. How long had the condition been permitted to exist?
- 6. Were any regular inspections made? By whom? Reports made?
- 7. If the local government was unaware of the exposure, could it have been identified through a regular inspection?
- 8. Was the building, area or equipment regularly inspected?
- 9. Are safety precautions regularly used in maintenance?

E. Physical Conditions

- 1. Describe the condition which caused the incident.
- 2. Exact location. Preserve any evident. Take pictures.
- 3. If pertinent, describe composition, nature, condition of floor (wet, debris, slick, broke, rough, slope, cracked, obstructed).
- 4. Was the incident caused by defective conditions owing to ordinary wear and tear? Faulty construction?
- 5. Describe lighting condition (time of day, weather, windows, shades, power, lights).
- 6. Describe weather condition.
- 7. Were any warning or cautionary signs posted? Photograph.
- 8. Are blueprints or plans available if necessary? Where?
- 9. Did facility meet code?
- 10. Had repairs been made? By whom, when, how, guarantee?

F. Reports and Witnesses

- 1. Obtain signed statements from all parties.
- 2. Were any confessions or admissions made? Obtain.
- 3. Document any injuries sustained.
- 4. Obtain names, addresses, and phone numbers of all witnesses and involved.
- 5. Obtain names, addresses, and phone numbers of outside witnesses who can testify regarding conditions, policies, procedures, practices, routines, etc.
- 6. Obtain an police, physician, or other available reports.

G. Information from Claimant

- 1. Claimant's name and all previous names or aliases under which the claimant was even known.

2. Age, general appearance, and impression made. Obtain any legally permissible public information as to the claimant's character, intelligence, integrity, driving record, police record, etc.
3. Present and previous address and phone number.
4. Military status if applicable.
5. Dependency status.
6. Employment history.
7. Possible distractions to claimant:
 - a) Weather
 - b) Was claimant carrying any packages, umbrella, or other objects that could have affected vision, balance, etc. Describe.
 - c) Was claimant watching someone or something?
 - d) Was claimant talking to anyone at time of incident?
 - e) Was claimant daydreaming or preoccupied?
 - f) Was claimant awake?
 - g) Was claimant worried or under stress?
 - h) Was claimant tired?
8. Were the claimant's clothes material to incident?
 - a) Hat over eyes?
 - b) Collar or hat over ears?
 - c) Were clothing or shoes a tripping or other hazard?
9. Did claimant's physical condition have any bearing on incident?
 - a) Medical condition (heart disease, epilepsy, faintness, etc.).
 - b) Alcohol or drug use.
 - c) Illness or lack of sleep (work hours?)
 - d) Any physical disabilities? Describe.
 - e) Eyesight (need glasses? wearing glasses/contacts?).
10. Ascertain circumstances surrounding claimant incident.
 - a) Was claimant invited guest, trespasser?
 - b) Why was claimant in area?
 - c) Who was with claimant just prior and following incident? Interview. If claim involves injury, how was claimant hurt?

Additional Special Investigation Procedures

Street & Sidewalk Incidents

1. Describe composition of street or walk.
2. Determine if publicly or privately owned? Easements?
3. Were attempts made to guard or barricade the exposure?
4. Were any warning signs placed around the defect?
5. Had there been previous complaints about the exposure?
6. Did the abutting property owner have any responsibility?
7. Who originally constructed the street or walk? When?
8. If the exposure was caused by tree roots, who planted, maintains, owns them?
9. Snow and Ice Cases
 - a) Describe slope.
 - b) Was ice caused by leaking water? If so, was leak from public water main or private service line, or defective spout or other part of building?

- c) If snow was involved, how much? When did it stop snowing? Who is responsible for snow removal?
- d) Was snow hard, packed, soft, icy?
- e) Was attempt made to clean the snow? Who? When?
- f) Was cleaned snow piled up so that it melted and created hazard?
- g) Was there any defect under the snow?
- h) What was weather at time of incident?
- i) Review snow removal ordinance, policy, procedures. Were they complied with?

Slippery Floors Cases

1. Was the floor wet? Who caused it to be wet?
2. Were any caution or warning signs put out?
3. When was floor last waxed? By whom?
4. Obtain information on wax used (manufacturer, directions for use, manufacturer's insurer).
5. Were manufacturer's directions complied with?
6. What method was used to apply wax?
7. If necessary, obtain chemical analysis of wax and have a friction test made before waxing, after waxing, and after buffing.

Stairway Cases

1. What is description and construction of stairs?
2. What are measurement (height, depth, width)?
3. Are all steps of equal height, etc.?
4. What is condition of steps?
5. Do stairs have covering? Of what? Condition?
6. Did stairs have any nosings? Defective?
7. Were stairs unusual in any way? (curved, winding)
8. Give location and description of any landings.
9. Do construction of stairs conform to building code? If not, what violations are there?
10. Were there any obstruction on stairs? Describe fully.
11. Were stairs lighted?
12. Were stairs in common use? Who else uses them?
13. Any complaints or reports ever made about stairs?
14. Was there a handrail? Exactly where, how fastened, what composition, what condition, how high?
15. What kind of shoes were claimant wearing? Describe soles and condition?
16. Was claimant carrying anything? Describe fully.
17. Was claimant wearing anything that could catch, cause trip, fall or obscure vision?
18. What caused the incident? (trip, slip, failure to use handrail, loss of balance, intoxication, etc.)
19. How did claimant fall (backwards, forwards, side, lurch)?
20. Did claimant attempt to catch rail or self? Which foot was forward?
21. Diagram exact location of fall. Between which steps?