

GENERAL LIABILITY INVESTIGATION

Presented by



How can you help?



The schools- On Site Investigator's Role
In General Liability Claims

Why Investigate GL Claims?

- Needed to assist claims staff before facts are forgotten or scene altered:
 - Determine cause
 - Document scene
 - Document what people said and saw



NEW MEXICO
 PUBLIC SCHOOLS INSURANCE AUTHORITY
 Cannon Cochran Management Services, Inc.
 Claims Administrator
 P.O. Box 30870
 Albuquerque, New Mexico 87190-0870
 800-635-4679 505-837-8700
 505-858-6794 Fax



ACCIDENT REPORT – GENERAL/PRODUCTS LIABILITY
 (DO NOT USE FOR AUTO)

NAME					PHONE NUMBER	
DISTRICT:						
ADDRESS			CITY	STATE	ZIP	
ACCIDENT						
DATE OF LOSS	TIME OF LOSS	LOCATION OF LOSS		CITY	STATE	ZIP
OPTICALS CALLED TO SCENE IF SO, IDENTIFY						
<input type="checkbox"/> POLICE <input type="checkbox"/> FIRE DEPT. <input type="checkbox"/> AMBULANCE						
CLAIMANT (PROPERTY DAMAGE)						
NAME		ADDRESS	CITY	STATE	ZIP	PHONE
DESCRIBE DAMAGED PROPERTY		LOCATION OF PROPERTY	CITY	STATE	EXTENT OF DAMAGE	
CLAIMANT (BODILY INJURY)						
NAME	AGE	ADDRESS	CITY	STATE	ZIP	PHONE
OCCUPATION		DESCRIBE EXTENT OF INJURY				
DESCRIPTION OF LOSS						
WITNESS						
NAME		ADDRESS	CITY	STATE	ZIP	PHONE
NAME		ADDRESS	CITY	STATE	ZIP	PHONE
IMPORTANT: HAS THIS ACCIDENT BEEN REPORTED TO OUR LOCAL EMERGENCY ADJUSTER? <input type="checkbox"/> YES <input type="checkbox"/> NO						
IF REPORTED, NAME OF FIRM						
ADDRESS						
DATE ASSIGNED						

DATE OF REPORT

SIGNATURE AND TITLE

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Documentation

- Document the scene through photographs, sketches, written descriptions, video recordings
- Investigate facts that surround incident
- Document witness names, phone number and address.

Documentation

- Who (at school site) does the documentation go to for forwarding to the CCMSI claims staff?
- What timeframes are in place for completing the investigation?
- Follow-up for correction of hazards in any found?

Claims Staff Role

- Claims staff receives information from member school district or Charter School.
- Will investigate the Who, What, Where, When and How questions in more depth
- May call with additional questions or to set up an on site inspection
- CCMSI Claims staff determines compensability of the claim.

Why should the School investigate?

- Assist in the claims process at time of incident.
- To be the “eyes and ears” in the field
- To gather facts on-site before they change.
- To preserve evidence that may be lost over time
- To identify ways to prevent accidents from recurring

Best Practices

- Do:
 - ▣ Go to the accident site as soon as possible
 - ▣ Investigate and document the cause if possible
 - ▣ Document witnesses
 - ▣ Preserve the evidence

- Don't:
 - ▣ **Speculate on coverage**
 - ▣ Conduct formal interviews
 - ▣ Give advice

Guidelines for Investigators

- Survey, secure and document the site
- Identify the cause
- Look for contributory hazards
- Report conclusions and recommendations

Investigative Techniques

- Investigate immediately
- Don't assume anything
- Obtain all possible facts
- Preserve the evidence
- Take photographs of the site
- Take measurements and diagram if necessary



Preserve the Evidence

- Before you preserve it, let's define it:
 - ▣ Evidence is data, which helps to prove the event
- Next, decide what evidence is important
 - ▣ Immediate photographs are critical
 - ▣ The site could change the next day and evidence would be lost

What do you Photograph or Videotape?

- Sites of accidents, including:
- Views from a distance and up close
 - ▣ Defects
 - ▣ Hazards
 - ▣ Unusual Conditions
 - ▣ Conditions that differ from what the injured party describes

What to look for?

- ❑ Liquid substances or objects on a floor
- ❑ Worn treads
- ❑ Slippery floor (heavy wax)
- ❑ Frayed or torn carpet
- ❑ Type of shoes worn by injured party
- ❑ Anything being carried
- ❑ Anything out of the ordinary

Weather

- Sunny and clear?
- Rainy?
- Foggy?
- Icy?
- Temperature
 - Cold?
 - Hot?



Address

NMPSIA General Liability
Self-Insured Program

CCMSI/ Administrator
P.O. Box 30870

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