



RESOLUTION NUMBER 2024-35

WHEREAS, vehicle operations are the County’s greatest liability exposure and one of the leading causes of an employee injury; and

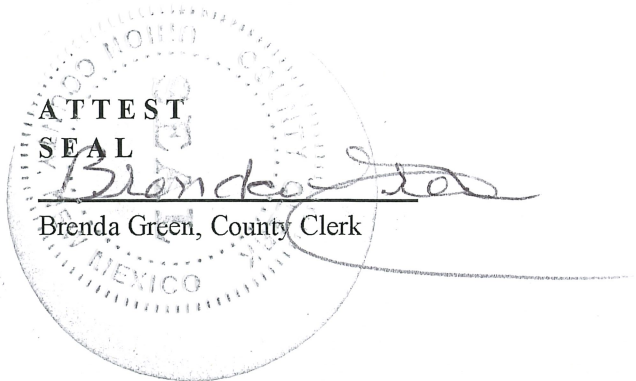
WHEREAS, the intent of this Policy is to protect the County’s human capital and financial resources from accidental and intentional loss; and

WHEREAS, NMSA 1978, Section 4-37-1 et seq provides that counties may adopt those resolutions and ordinances, not inconsistent with statutory or constitutional limitations placed on counties, to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the county and its inhabitants.

NOW THEREFORE, BE IT RESOLVED, by the Union County Board of County Commissioners the attached Vehicle Use and Accident Prevention Policy is approved.

PASSED, APPROVED AND ADOPTED this 9th day of April, 2024.

BOARD OF COUNTY COMMISSIONERS OF UNION COUNTY, NEW MEXICO



By: 

Clayton Kiesling, Chairman



W. Carr Vincent, Member



Lloyd Miller, Member

Union County

Vehicle Accident Prevention Policy

1. Purpose

Vehicle operations are the county's greatest liability exposure. The intent of this policy is to protect the County's human, capital, and financial resources from accidental and intentional loss. This program will save lives, decrease injuries, minimize County costs and potential liabilities, and increase productivity and efficiency.

2. Policy

The County will see that drivers are qualified and competent to operate assigned vehicles and equipment, as set forth in this policy and that the fleet is appropriate for assigned tasks. The County will provide a safe fleet and maintain the fleet in an acceptable state of readiness. Employees are expected to operate the fleet safely and promptly report deficient equipment or hazardous conditions.

When engaged in fleet operations, no task is more important than the safe operation of the fleet. Accidents involving the fleet will be reviewed for root cause identification and a preventability determination. Drivers involved in preventable accidents will be disciplined in accordance with county policies.

3. The Driver

3.1. Identify Driver

For the purpose of this policy "driver" is inclusive of employees, applicants and volunteers.

The County will evaluate employees and/or positions based on their driving potential. Employees or positions will be classified as either "regular drivers" (daily/weekly essential function), "limited drivers" (drive no more than three times per month) or "non-drivers" (employees that will not drive). "Regular drivers" shall meet all elements of this policy. "Limited drivers" shall meet minimal driving and licensing requirements. e.g. comply with all traffic laws and County policies, possess a current and valid license, and meet MVR review criterion and driver training requirements.

3.2. Valid License

All Drivers (current and prospective) shall have a valid license for the type of vehicle (s) operated on the job. The County will retain a photocopy of all licenses in a driver or individual personnel file. A Commercial Driver's License (CDL) is a legal requirement for certain vehicles. If a CDL or other license type is not required at hiring, the individual shall obtain proper licensing prior to operating such vehicles or equipment. Any driver who has a driver's license revoked/suspended will immediately notify their department head/elected official and discontinue operation of the County vehicle. The department head/elected official is responsible for timely reporting of license classification changes to the Managers Office.

3.3. Driver Selection/Qualifications

Reasonable efforts will be made to select the most qualified and competent person for each job. The County will not make driver selection based on subjective qualifications or experience alone; the process will be systematic and objective. Driver selection and qualifications will be analyzed during the hiring process. The County's goal is to hire competent qualified employees and, if they drive for the County, that means competent qualified drivers.

3.4. Information Release and Background Investigation

All job applicants shall sign an information release. This release authorizes the County to conduct a background investigation on the applicant's driving history. Once a release is obtained, the County will contact references and previous/current employers. The background investigations shall be completed prior to a final job offer being extended. The County may solicit information about the applicants' driving history, such as license status, citation history, possible restrictions, driving record, type(s) of vehicles driven, how frequent driver drove and past accidents.

3.5. Motor Vehicle Record (MVR) Reviews

MVR reviews shall be conducted on new hires applying for any position involving fleet operations prior to a final job offer being extended. New and existing employees' MVR will be reviewed annually.

Applicants with an acceptable record will be considered for employment; however, applicants with an unacceptable record will not be considered.

Employees having an unacceptable driving record shall automatically lose County driving privileges. These employees will be terminated or, at the County's discretion, reclassified or reassigned to a non-driving position if available. Unacceptable driving records will be evaluated on a case- by- case basis.

The following guidelines will be used:

A. Unacceptable Driver Record:

- Three (3) or more moving violation convictions in the past three (3) years;
- Two (2) or more moving violation convictions in the past year;
- Conviction of a major violation within the past three (3) years;
- A suspended, revoked, or restricted license for moving violations or conviction of a major violation within the past three years; or
- Any other serious traffic violation.

B. Major Violations:

- Reckless Driving
- Speed Contests (Racing)
- Leaving the scene of an accident
- Failure to report an accident
- DWI (alcohol or drugs) and /or refusal to take a blood alcohol content test
- Fleeing or attempting to elude police in a motor vehicle
- Homicide, manslaughter or assault arising out of use of a vehicle
- License suspended, revoked, or restricted due to moving violation convictions.

All drivers are required to immediately report any moving violation citation, major violation arrests or convictions, or license suspensions, revocations, or restrictions to their immediate supervisor.

3.6. "Practical Examinations" Proficiency Test

Applicants/employees engaged in more difficult driving or who operate specialized vehicles or equipment shall be tested in a manner consistent with their duties and vehicle type. Specialized vehicles and equipment include, but are not limited to, law enforcement vehicles, fire trucks, ambulances and rescue units, snowplows, backhoes, dozers, graders, and dump trucks.

Upon completion of this test, the monitor will sign a certification indicating that the applicant/employee either "possesses" or "does not possess" the skills necessary to safely operate the vehicle or equipment used during the test. Applicants/employees need only pass a proficiency test once, unless their vehicle(s) or equipment changes significantly, or if the county has a reasonable bias to check the proficiency of an operator, such as poor driving record or involvement in fleet accidents or property damage.

Applicants failing to satisfactorily pass a test will be disqualified from the employment process. Existing employees may be given a refresher or remedial training, then retested. If an employee fails a second test, the county may select: reassignment, driving restrictions, or termination. **(Note: Prior to taking disciplinary action, consult with the County Manager, or their designee.)**

4. The Vehicle

4.1. Motor Vehicle & Equipment

Proper vehicle selection is often overlooked, yet can have catastrophic implications; therefore, department heads/elected officials shall select the proper vehicle for the tasks involved. It is important to ensure that the County selects a safe and appropriate vehicle for the task.

4.2. Maintenance & Repairs

Routine maintenance and repairs shall be conducted in a regular and timely fashion. The County shall develop and implement a system of checks and a schedule for vehicle maintenance. Fleet vehicles will be maintained in accordance with the manufacturer's recommendations at a minimum. Drivers are encouraged to take personal responsibility for and pride in the condition of their vehicles and equipment. The county shall develop a reporting process, where drivers can report vehicle problems and needs. Employees are required to immediately report vehicle problems or maintenance needs to their supervisor.

All maintenance and repair records, including maintenance or repair requests, will be retained for a minimum of three (3) years after the vehicle is no longer in service.

4.3. Vehicle Inspections

A daily or pre-trip inspection shall be made on vehicles before operation to detect any obvious safety hazards or fleet deficiencies. Employees are required to conduct these inspections prior to driving. When approaching vehicles, for example, drivers should take time to notice the area around the vehicle. Look for damage, debris, fluid leaks, and hazards around the vehicle, and inspect the tires. It is the driver's responsibility to make sure the vehicle is in proper operating condition. Once inside the vehicle, the driver shall check for damaged or missing equipment, shall check all gauges, and shall adjust the seat and mirrors. The DOT has more stringent daily inspection regulations for vehicles weighing over 10,000 pounds. Vehicle damage or deficiencies will be immediately reported to the appropriate supervisor in writing.

Supervisors are responsible for ensuring that the fleet is in an acceptable state of readiness. Supervisors shall inspect vehicles at least quarterly for compliance with County policies and maintenance schedules, and shall identify employee omissions or abuse.

4.4. Vehicle Replacement Cycle

The County's decision on vehicle replacement is based on the economic impact of continued use and degree of liability the County is willing to assume. Once vehicle operational costs reach a certain point (economic life) it is no longer cost effective to keep these vehicles in service.

Priority should be given to replacement of emergency service vehicles.

5. Program Management

5.1. Accident Review Process

The County shall review all fleet accidents to identify root cause(s) and to determine the preventability of each accident. This review process shall result in corrective measure recommendations to management such as, but not limited to:

- A. Remedial or refresher training of operator;
- B. Review and/or modification of driver training and tactics;
- C. Modification or re-evaluation of fleet selection;
- D. Review or modification of applicable policies and procedures; or
- E. Evaluation of employees involved in the accident for vision defects, stress-related problems, or other condition affecting fitness for duty.

All fleet accidents, regardless of how minor, are to be reported, investigated, and reviewed. Accident reviews should include associated police reports, supervisory investigative reports, and any other pertinent information. The review committee shall make a preventability determination.

5.2. Corrective Action

Violations of this policy shall be met with prescribed, announced disciplinary procedures ranging from re-training, counseling, suspension, temporary or permanent suspension of driving privileges, up to and including termination. In accordance with personnel rules, major or repeated violations may result in termination.

Safety policies and discipline for noncompliance will be clearly outlined and uniformly and completely enforced. Violations shall be dealt with sternly, fairly, and consistently. Thus, the County Manger and/or County Attorney should be involved in the disciplinary process.

5.3. Driver Training

New drivers shall receive an orientation on organizational requirements before they operate the fleet, e.g., driving rules and procedures, and county expectations. Employees who negligently operate the fleet will be subject to disciplinary action.

Drivers shall successfully complete the county's defensive driver's training program within six months of hire. Refresher training will be provided to all drivers at least every three years.

Remedial training will be available for drivers involved in preventable accidents, drivers receiving moving traffic violation convictions, and drivers whose supervisor determines are in need to addition drivers training. Remedial training will be provided within thirty (30) days of a preventability or supervisory determination, or traffic violation conviction notification.

From time to time, specialized professions such as law enforcement, public works, fire, and EMS may choose to use approved specialized courses to complement or in lieu of defensive driver's training.

5.4. Fitness to Operate Vehicles

No driver shall operate a county vehicle when her/his ability to do so safely has been impaired by illness, fatigue, injury, or prescribed/OTC medication. No driver shall operate a County vehicle under the influence of alcohol or narcotics/illicit drugs. Supervisors should be vigilant for signs or conditions that adversely affect an employee's ability to safely operate the fleet or perform the essential functions of a particular job. If it is suspected that an employee may not be able to safely operate a vehicle, the supervisor shall immediately report concerns to the County Manager for follow up.

State law requires timely reporting of several medical and psychological conditions to the Motor Vehicle Division (MVD), e.g., neurological, psychological, epilepsy, loss of consciousness, dementia, cardiovascular, stroke, deafness, eye disorder, addiction(s), diabetes with insulin prescription, hypoglycemia, orthopedic/prosthetic, ESRD (renal dialysis), and sleep disorder. Employees experiencing any of these conditions shall comply with State law and report them to the MVD. Employees experiencing a medical condition that is affecting their ability to safely operate the fleet will be evaluated on a case-by-case basis. The employee shall report to the County the use of any medications that may impair their ability to safely drive.

5.5. Substance Abuse Testing

The County has a vital interest in maintaining safe and efficient working conditions for its employees and citizens. Employees under the influence of alcohol or drugs pose serious safety and health risks not only to the user but also to all those in contact with the user.

Drivers shall be tested when any accident has occurred involving the county fleet vehicles.

For purposes of this policy, an "Accident" shall mean an occurrence associated with the operation of a County vehicle or other heavy equipment or machinery such as backhoes, loaders, and graders.

"Citable accident" shall mean an accident in which the county driver received or could have received a traffic citation for causing the accident.

5.6 Safety Evaluations

To be effective, employees at all levels of the County shall be held accountable for their loss prevention results. Every employee will be measured and evaluated based on their fleet accident prevention results and performance. Preventable accidents, traffic citations received in a fleet vehicle, and unsafe driving practices shall be considered in the evaluation process; conversely, good driving records shall also be considered.

Supervisors and managers will also be evaluated on their driving/operating performance as well as in other areas, e.g., their preventative efforts, areas of accountability and responsibility, for ensuring work is performed in a safe manner, for ensuring controls are in place and used, and for timely and accurate fleet inspections.

5.7 Vehicle Pursuit: Post Incident Review

The County's pursuit policy shall comply with New Mexico state law and nationally recognized standards, such as the International Association of Chiefs of Police (IACP) model policy, and the Commission for Accrediting Law Enforcement Agencies (CALEA) standards. These professional organizations recommend objective and timely review of all pursuits. Therefore, each pursuit will be reviewed by the Sheriff for compliance with department policy as well as with national standards.

5.8 Use of Personal Vehicle

Use of personal vehicle for County business is discouraged at all times. In rare instances where a County vehicle is not available, the employee's immediate supervisor must preauthorize use of a personal vehicle. In every case, employees using personal vehicles for County business have to be insured in accordance with state law and need to provide proof of valid insurance to the County Manager's office. Under no circumstances is an employee authorized to use an uninsured vehicle for County business.

If an employee uses his or her personal vehicle for county business, that employee's personal insurance is considered the primary coverage and the employee's personal insurance is responsible for liability coverage.

5.9 Assigned Take Home Vehicle Program

To improve services, county government has a bona fide need to assign take home vehicles to certain county employees, e.g., law enforcement personnel and on-call staff. The County is adopting a formal policy for the Assigned Take Home Vehicle Program.

5.10 General Vehicle Policies

- A. Use of the fleet is restricted to official county business only.
- B. Only County employees, volunteers, or others authorized through Joint Powers Agreements (JPA) or Memorandum of Understanding (MOU) may operate any vehicle in the fleet.
- C. Operators and passengers are restricted to County employees or those otherwise on official County business.
- D. Employees shall operate vehicles in the fleet in compliance with New Mexico traffic laws, operator licensing requirements, vehicle dimension and weight limits, County policies, and vehicle equipment requirements.
- E. Smoking is not permitted in any County vehicle or piece of equipment by any driver or occupant at any time.
- F. Use of cellular telephones is strictly prohibited while operating County vehicles, unless a hands-free system is used. Employees shall use due caution when using cellular telephones while the vehicle is in motion. The primary responsibility of employees engaged in fleet operations is the safe operation of the vehicle. Employees are encouraged to park the vehicle safely out of traffic prior to engaging in a cellular telephone conversation.
- G. Drivers shall take personal responsibility for the condition of their vehicle and equipment. All trash and debris should be cleaned out daily.
- H. Drivers should ensure vehicles and equipment are parked at a safe, secure, and legal location.
- I. Employees are responsible for reporting any vehicle or equipment mechanical problems, damage, or accidents to their immediate supervisor as soon as possible.
- J. Violation of these policies could lead to disciplinary action up to and including termination.

UNION COUNTY
EMPLOYMENT BACKGROUND & MVR RELEASE
ACKNOWLEDGEMENT

I _____ as an applicant for Union County, grant authorization for the County to obtain information regarding my driving record and conduct a background investigation at this time of consideration for hire and during subsequent County employment. I acknowledge that my signing of this release is not a guarantee of employment with the County.

I understand that driving for the County using either a County vehicle or my personal vehicle is a privilege granted only to employees whose driving record satisfactorily meets County standards.

I understand that an acceptable driving record is a requirement of the job, both at the time of consideration for hire and as an ongoing condition of employment.

As an applicant or an employee, the County may conduct motor vehicle record (MVR) checks periodically and I give permission to the County to obtain such information regarding my driving record anytime the County deems it necessary.

I understand my driving record must continue to meet County standards. Should my driving record not meet County standards, my driving privileges for the County may be revoked and could be grounds for applicant disqualification or dismissal of employment.

I understand the information identified in my driver record check is a part of the hiring process and, if hired, may be discussed as the County deems it necessary.

I acknowledge reading this release and grant authorization to the County to conduct a background investigation and MVR checks, obtain information regarding my driving record, and discuss this information as the County deems necessary.

Application/Employee Name: _____

DL #: _____ State(s): _____

Date of Birth: _____ SSN: _____

Applicant Signature: _____

This record is confidential and shall be retained in the affected applicant's/employee's file.

UNION COUNTY APPLICANT MVR REVIEW

Driver Name: _____

Date of Birth: _____ SSN: _____

DL #: _____ State: _____ Exp Date: _____

I certify that I reviewed the listed driver's MVR. The MVR listed the following violations or actions: *If no violations, list "NONE".*

Date: _____ Offense: _____

Date: _____ Offense: _____

Date: _____ Offense: _____

Date: _____ Offense: _____

Date: _____ Offense: _____

Date: _____ Offense: _____

Driver's license current and valid? YES NO

How many moving violation convictions did the driver receive in the past 3 years? _____

How many moving violation convictions did the driver receive in the past year? _____

Driver convicted of DWI or a major violation within past 3 years? YES NO

License suspended, revoked, or restricted in past 3 years? YES NO

Action Taken:

- _____ Applicant/employee meets minimal qualifications to drive
- _____ Applicant not considered for employment
- _____ Remedial driver training
- _____ Administrative action, (explain)

Reviewed by: _____ Title: _____

ROAD TEST CERTIFICATION

Driver Name: _____

License Number/State: _____

Test driver in a vehicle or equipment similar to the type used on the job.

Driver/Operator was tested in vehicle/equipment type: _____

This is to certify that the above-named driver/operator was given a road test under my supervision consisting of:

_____ minutes;

_____ miles; or

_____ equipment hours of driving/operating.

It is my considered opinion that this driver _____ **Possesses** or _____ **Does Not Possess** sufficient driving skills to safely operate the vehicle/equipment type listed above.

Examiner Signature: _____ Date: _____

Examiner Title: _____

FLEET ACCIDENT CLASSIFICATIONS

The County shall review all fleet accidents for root cause analysis and classify these accidents as preventable or non-preventable. Recommendations will be forwarded to the County Manager for corrective action to prevent similar types of accidents in the future.

The Union County Loss Prevention Committee should review all applicable information, including police reports, supplemental reports, incidental reports, internal reports and statements, witness statements, etc. to make a proper determination. The Safety Committee may include additional recommendations such as, but not limited to:

- 1) Remedial or refresher training of vehicle operator.
- 2) Review and/or modification of driver training and tactics.
- 3) Modification or reevaluation of vehicle or other equipment selection.
- 4) Review or modification of applicable policies and procedures.
- 5) Evaluation of employees involved in the accident for vision defects, stress related problems, or other conditions affecting fitness for duty.

Accident Determination

When determining accident preventability, the County has adopted guidelines established by the National Safety Council (NSC). These standards might appear excessive and stringent; however, they were established by the NSC and recognized nationally. The foundation of these standards is reasonableness; they should be interpreted based on how a reasonable driver would respond to a particular situation. Realizing the numerable accident types, possible scenarios, and ways a driver can prevent an accident; these standards should be used as a guide for determining accident preventability.

A preventable accident is one in which the county driver failed to do everything that *reasonably* could have been done to avoid an accident. In other words, if a driver committed errors and/or failed to react reasonably to the errors of others, an accident is preventable. Therefore, a preventable accident is “any accident involving a county vehicle which results in property damage and/or personal injury, regardless of who was injured, what property was damaged, to what extent, or where it occurred, in which a county driver failed to exercise every reasonable precaution to prevent the accident”.

A non-preventable accident is one in which the driver commits no errors and reacted reasonably to the errors of others, and observed applicable county policies, procedures, and training, including the use of appropriate defensive driving tactics.

Rule of thumb – the driver did everything reasonably possible to prevent/avoid the accident, but due to circumstances beyond their control was involved. If the county driver is speeding, did not see the other vehicle, failed to yield right-of-way, did not signal, etc., then the county driver did not do everything reasonably possible to reduce the likelihood of the accident.

Accident Standard Guidelines

Intersection Accidents:

A defensive driver has the responsibility to approach, enter, and cross intersections prepared to avoid accidents that might occur because of the actions of other drivers. Actions of other drivers includes but is not limited to excessive speeding, crossing a lane when turning, and coming from behind in a blind spot. Complex traffic movement, blind intersections, and failure of the other driver to conform to law or traffic control devices do not automatically discharge an accident as non-preventable.

The use of emergency equipment does not relieve emergency vehicle drivers from operating vehicles or entering and clearing intersections in a safe and prudent manner. Emergency operators should exercise extreme caution when entering intersections, attentive to the fact that not all citizens can see or hear their emergency equipment, and may not be cognizant of the emergency response mode.

Most intersection accidents are preventable even though the defensive driver did not violate traffic regulations. A driver's failure to take precautionary measures is a factor in making a preventable decision. Even though the actions of the other driver indicate possible accident involvement, the decision based on such entrapment should be prevented.

Examples of preventable intersection accidents include but not limited to:

- Driver failed to control speed so that they could stop within available sight distance.
- Driver failed to check cross-traffic and wait for it to clear before entering intersection.
- Driver pulled from side street in front of oncoming traffic.
- Driver collided with person, vehicle, or object while making a turn.
- Driver collided with vehicle making a turn in front of them.
- Driver entered intersection against traffic control device.
- Emergency vehicle driver entered intersection against traffic control device and did not ensure the intersection was clear.

Parking/Parked Accidents:

Most accidents that occur while parking are preventable. A significant percentage of parking accidents occur when drivers misjudge clearance or fail to observe an object.

Accidents involving parked vehicles are generally non-preventable, if the vehicle is legally parked. Factors that indicate preventability include but not limited to: unconventional parking location, illegal parking, and failure to put out warning devices.

Under special conditions, emergency vehicles are authorized to park illegally or irregularly; however, reasonable judgement must be used to ensure public safety.

Examples of non-preventable parked/parking accidents include, but are not limited to:

- Vehicle parked in a legal location.
- Emergency vehicle using emergency warning devices, flares, triangles, etc. to secure public safety at a scene.

Backing Accidents:

Backing accidents account for a significant portion of County accidents, yet practically all backing accidents are preventable. Realizing backing large vehicles or vehicles with limited visibility is difficult; driver should utilize a guide or frequently physically check behind and around the vehicle during a backing maneuver.

Examples of preventable backing accidents include, but are not limited to:

- Driver backed into traffic stream when such backing could have been avoided.
- Driver failed to observe a person or object positioned behind or to the side of the vehicle.
- Driver failed to exit vehicle and check proposed path of travel.
- Driver failed to recheck conditions when backing long distances.
- Driver depended on mirrors when it was more practical to look back or utilize a guide.
- Driver failed to check behind parked vehicle before attempting to leave parking space.
- Driver backed when backing could have been avoided by better planning of travel route.
- Driver relied solely on guide to help back vehicle.
- Large vehicular driver did not sound horn to signal backing activity.

Front-End Accidents

Regardless of the abrupt or unexpected stop of a vehicle or vehicles ahead, a defensive driver can prevent front-end accidents by maintaining a safe following distance at all times. This includes being prepared for possible obstructions on the road, in plain view or hidden by hill, curve or congestion.

Examples of preventable front-end accidents include, but are not limited to:

- Driver failed to maintain safe following distance and have vehicle under control.
- Driver failed to keep alert to traffic conditions and slow down.
- Driver failed to ascertain whether vehicle ahead was moving slowly, stopped, or slowing down for any reason.
- Driver misjudged rate of overtaking.
- Driver came too close to vehicle ahead before pulling out to pass.
- Driver failed to wait for vehicle ahead to move into the clear before starting up.
- Driver failed to leave sufficient room for passing vehicle to get safely back in the lane.

Rear-End Accidents:

Investigation often discloses that driver's risk being struck from behind by failing to maintain a safe following distance. Rear-end accidents preceded by a roll-back, an abrupt stop, traffic signal changes, or when a driver fails to use turn signals, should be classified as *preventable*.

Examples of non-preventable rear-end accidents include, but are not limited to:

- Driver's vehicle was legally and properly parked.
- Driver was proceeding in own lane of traffic at a safe and lawful speed.
- Driver was stopped in traffic due to existing conditions or was stopped in compliance with traffic sign, signal, or at the direction of a police officer.
- Driver was in proper lane waiting to make a legal turn.

Examples of preventable rear-end accidents include, but are not limited to:

- Driver was passing slower traffic and had to make a sudden stop.
- Driver made a sudden stop to park, load, or unload.
- Vehicle was improperly parked.
- Driver rolled back into vehicle behind while starting or while stopped.

Passing Accidents:

Failure to pass safely indicated faulty judgement and the possible failure to consider one or more of the important factors a driver must observe before attempting this maneuver. Unusual actions of the driver being passed or of oncoming traffic might appear to exonerate a driver involved in a passing accident; however, the entire passing maneuver is voluntary and is the passing driver's responsibility.

Examples of preventable passing accidents include, but are not limited to:

- Driver passed where view was obstructed by hill, curve, vegetation, traffic, adverse weather conditions, etc.
- Driver attempted to pass in the face of closely approaching traffic.
- Driver failed to signal lane change when passing.
- Driver pulled out in front of other traffic overtaking from the rear.
- Driver cut-in short returning to lane.
- Driver attempted to pass illegally, e.g., no passing zone, on a shoulder, etc.

Accidents while being Passed:

Sideswipes and cut-offs are preventable when the defensive driver fails to yield to the passing vehicle. If the defensive driver fails to move to the right when possible, the accident is preventable.

Examples of preventable accidents while being passed include, but are not limited to:

- Driver failed to stay in lane and hold speed or reduce it to permit safe passing.

Lane Encroachment Accidents:

Drivers frequently feel they have been a victim of encroachment when an accident occurs as another driver changes lanes. However, a defensive driver is rarely a victim of entrapment. Generally, in accidents involving lane encroachment, the driver failed to yield to the other driver.

Similarly, entrapment in merging traffic is indication of willingness to yield to other vehicles or to wait for a break in traffic. Drivers must avoid squeeze plays causing accidents with parked vehicles, pillars, and other road structures. The driver can prevent such accidents by dropping back when another driver forces the issue or contests a common portion of the road.

A blind spot is never a valid excuse for lane-encroachment accidents. Drivers must make extra allowances to protect themselves in areas of limited sight distances.

Examples of preventable lane encroachment accidents include, but are not limited to:

- Driver failed to yield right-of-way when necessary to avoid an accident.
- Driver was not entirely in own lane of travel.
- Driver did not pull to the right and/or slow down or stop for vehicle encroaching on the lane of travel, when such action could have been taken without additional danger.

Grade-Crossing Accidents:

Drivers are always responsible for preventing collisions with trains. The driver should be especially alert at grade crossings, rail yards and switching areas, as well as on private property. Drivers should never rely on traffic control devices, such as crossing signs, lights or arms (cross-bucks) to warn of an approaching train. Drivers should never cross train tracks without first ensuring the maneuver can be made safely.

Examples of preventable accidents at grade-crossings include, but are not limited to:

- Driver failed to check for trains before crossing tracks.
- Driver attempted to cross tracks directly ahead of a train.
- Driver ran into side of train.
- Driver stopped or parked on or too close to tracks.

Opposing Vehicle Accidents:

Even though an opposing vehicle enters the driver's traffic lane, it may be possible for the driver to avoid the collision. A defensive driver observes the driver's action actions in advance and takes appropriate countermeasures. In some cases, the accident is preventable when the opposing vehicle is in a passing maneuver, and the county driver failed to observe the maneuver and slow down, stop, or move to the right to allow the vehicle to re-enter its lane. Failure to signal the opposing driver by flicking the headlights or sounding the horn should also be taken into consideration.

Examples of preventable accidents involving opposing vehicles include, but are not limited to:

- Driver was not entirely in own lane of travel.

- Driver did not pull to the right and/or slow down or stop for vehicle encroaching on the lane of travel, when such action could have been taken without additional danger.
- Driver failed to observe other driver's maneuvers in advance.

Turning Accidents:

Turning movements like passing maneuvers require care on the part of a county driver. The driver making the turn is responsible for preventing squeeze plays on both left and right turns. The driver may be responsible regardless of whether the accident involved other vehicles, scooters, motorcycles, bicycles, or pedestrians. A U-turn that results in a collision is a preventable accident. Failure to properly position a vehicle for a turn, check the rearview mirror, or check pedestrian and traffic lanes is a sign of error.

Drivers sometimes feel that accidents caused by sudden turns by other drivers are not preventable. However, extra precaution must be taken based on information received from the driver of the other vehicle immediately preceding the incident. At the first sign of a sudden turn, county drivers should take immediate defensive action. Failure to take all appropriate defensive action indicates preventability.

Pedestrian Accidents:

Most court decisions generally rule in favor of any pedestrian hit by a moving vehicle. An unusual route of a pedestrian at mid-block or from between parked vehicles does not relieve a driver from taking precautions to prevent such accidents. Defensive drivers are always taking precautions in every driving situation. People using bikes, trikes, scooters, skateboards, etc., are often the young, the elderly, or the inexperienced. The driver who fails to reduce the speed when this type of equipment is operated within sight-distance has failed to take the necessary precautions to prevent an accident. Keeping within posted speed limits is not taking the proper precaution when unusual conditions call for a voluntary reduction of speed.

Examples of preventable pedestrian accidents include, but are not limited to:

- Driver did not reduce speed in area of heavy pedestrian traffic.
- Driver was not prepared to stop.
- Driver failed to yield right-of-way to pedestrian(s).

Inclement Weather Accidents:

Adverse weather conditions are not an excuse for involvement in an accident. Rain, snow, fog, sleet, and ice do not cause accidents. These conditions merely increase the hazards of driving. Failure to adjust driving to the prevailing weather conditions should result in a ruling of preventable.

Examples of preventable inclement weather accidents include, but are not limited to:

- Driver was not operating at a speed consistent with existing conditions of the road, weather, and/or traffic.

Fixed Object Accidents

Collisions with fixed objects are preventable. Such accidents usually involve failure to check or properly judge clearances.

Many hazards are not, in themselves, reasons for excusing a driver from preventing an accident. These hazards include resurfaced pavement, new routes or patrols, unusual delivery points, and inclined entrances to docks, etc. The driver must constantly be on the lookout for such conditions and make the necessary defensive driving allowances. (If applicable see specific accident type category, i.e. intersections, front-end, rear-end, etc.)

Mechanical Failure Accidents:

Any accident caused by mechanical failure that reasonably could have been detected by the driver, but went unheeded, is preventable.

Examples of preventable mechanical failure accidents include, but are not limited to:

- Defect was of a type which driver should have detected in make a pre-trip inspection or during normal operation of the vehicle.

Single Vehicle Accidents:

Single vehicle accidents such as jackknifing, overturning, or running off the road should be reviewed carefully. Such accidents may result from emergency action taken by the driver to prevent a collision. However, they may also result from speeding or other factors. These accidents require the evaluation of the driver's actions prior to involvement for possible errors or lack of defensive driving.

Examples of preventable single vehicle accidents include, but are not limited to:

- Driver was not operating at a speed consistent with the existing conditions of road, weather, or traffic.
- Driver failed to control speed so that they could stop within assured clear distance.
- Driver misjudged available clearance.
- Driver failed to yield right-of-way to avoid accident.

Other Accidents:

Accidents relating to projecting loads, loose objects falling from the vehicle, losing tarpaulins or chains, or doors swinging open are often preventable. It is the driver's responsibility to secure loose objects and close all doors. The driver must take all reasonable precautions to prevent injuries, damage to the vehicle, cargo, or other property.

(If applicable, see specific accident type category, i.e. intersection, front-end, rear-end, etc.)

VEHICLE PURSUIT-POST INCIDENT REVIEW

*CONFIDENTIAL DOCUMENT
ATTORNEY/CLIENT PRIVILEGED WORK PRODUCT*

Route form through Supervisor to the Undersheriff to the Sheriff.

Pursuit Date: _____ Time: _____

Deputy initiating pursuit: _____

INCIDENT

AM PM

Reason for initiating pursuit (traffic violation, reckless driving, suspected DWI, misdemeanor, felony, suspected felon, violent felony, other)

Explain:

Prior to initiating pursuit, did the offender present a clear and immediate serious threat to the safety of the public or the Deputy(s), or did offender commit/committing a violent felony? YES NO

Explain:

If a pursuit continued, did Deputies continually question whether the seriousness of the crime(s) reasonably warranted continuation of the pursuit? YES NO

Explain:

Number of units involved in pursuit: _____ Units

SUPERVISOR

Was supervisor notified and understood justification for pursuit? YES NO

Did supervisor terminate or authorize continuation of pursuit? TERMINATE CONTINUATION

If terminated, did all Deputies terminate pursuit per supervisor and SOP? YES NO

Explain:

CONSEQUENCES

Number of SO units damaged/wrecked as a result of pursuit: _____

Number of other vehicles damaged/wrecked as a result of pursuit: _____

Did the offender wreck during the pursuit? YES NO

List other property damaged as a result of pursuit: _____

Number of Deputies injured in pursuit or during apprehension: _____

Number of citizens injured as a result of pursuit: _____

Number of offender(s) injured in pursuit or during apprehension: _____

DOCUMENTATION

CAD#: _____

Case #: _____

Tape and log included in packet? YES NO

Report(s) included in packet? YES NO

Accident report(s) included, if applicable? YES NO

Injury report(s) included, if applicable? YES NO

SUPERVISORY REVIEW

Supervisor's determination (was pursuit justified, e.g., authorized and within policy?) YES NO

Supervisor's Signature: _____ Date: _____

ADMINISTRATIVE REVIEW

Undersheriff's determination (was pursuit justified, e.g., authorized and within policy?) YES NO

Undersheriff Signature: _____ Date: _____

SHERIFF REVIEW/ACTION

Sheriff Review/Action:

_____ Pursuit authorized & in compliance with SOP

_____ Pursuit **NOT** in compliance with SOP

_____ Pursuit **NOT** in compliance with Nationally recognized standards

_____ SOP revisions

_____ Disciplinary action

Sheriff Signature: _____

Date: _____

ASSIGNED TAKE HOME VEHICLE PROGRAM POLICY

I. PROGRAM:

- A. Participation in this program is voluntary; however, the County has the right to deny participation, or suspend, revoke, terminate, or modify this program at any time, for any reason.
- B. This program is reserved for employees having an official need for a County vehicle beyond normal working hours, e.g., sworn law enforcement, on-call status, subject to call-out, etc. Personnel will not operate vehicles during off-duty hours, except when on an on-call status, to and from work, or when on official county business.
- C. This program shall not be construed nor is it intended as a benefit to participating employees, but rather an efficient means of accomplishing County business as certain job duties may necessitate.
- D. Employees volunteering for this program agree to abide by all rules and regulations governing County fleet operations and this program.
- E. This program will be reviewed periodically and may be modified at the discretion of the County. If in the opinion of the County commission, the Assigned Take Home Vehicle Program, as covered by this policy proves unworkable in practice, the County Commission shall have the right to modify or terminate this policy at any time.

II. GENERAL REQUIREMENTS

- A. No one other than the assigned individual is permitted to drive the County vehicle. Personnel will not presume any special privileges with a County vehicle while off-duty.
- B. When off-duty, unattended vehicles must be locked and parked in a safe location.
- C. Personnel will not operate an assigned vehicle while under the influence of alcohol or drugs, and shall not operate the vehicle within eight (8) hours after consuming an alcoholic beverage.
- D. Personnel participating in this program will not transport passengers, except in course and scope of duty or as authorized by their immediate supervisor. The safety of all passengers rests solely with the person issued and operating the County vehicle.
- E. Personnel will not use the county vehicle for personal business or commercial enterprise.
- F. When an individual is out of town off-duty for seven (7) or more days, the County vehicle will be properly secured at the main office. Department heads/elected officials may be more restrictive to prevent unnecessary damage, theft, or vandalism to County property.

- G. Personnel assigned a County vehicle will exercise good judgement when utilizing the vehicle and obey all local and state traffic laws, and County fleet policies. Personnel will not operate the vehicle in a manner that causes unfavorable comment or reflects discredit on the county.
- H. Personnel will not use the vehicle outside the County, except when on official county business.

III. MAINTENANCE REGULATIONS

- A. The individual assigned a County vehicle shall be fully responsible for ensuring that the general maintenance and proper care of the vehicle is performed.
- B. All repairs and work will be accomplished timely, at or through the County's authorized service facility. Individuals assigned a take home vehicle are responsible for having scheduled preventative maintenance performed timely and in accordance with the County's preventative maintenance schedule.
- C. Individuals are responsible for the appearance and cleanliness of their vehicles, both interior and exterior.
- D. The immediate supervisor, or their designee, of the assigned vehicle operator will inspect vehicles quarterly. Departments may have their own vehicle inspection schedule to be conducted more often. The inspection will include, but is not limited to:
 - Cleanliness of the interior and exterior
 - Maintenance is performed at proper intervals
 - Equipment is in good working order
 - Alterations or additions are authorized
- E. Negligence in the care of operate of the vehicle or failure to follow these procedures or County fleet policies by the assigned individual will be cause for removal from this program.
- F. If it becomes necessary for an assigned vehicle to be out of service for extended repairs, the individual may be assigned another vehicle.