



Cumberland County Sheriff's Office

Policy Manual

Ennis W. Wright, Sheriff



POLICY: 03-04	DATE: 07-01-1998	REVISION DATE: 06-14-2022
TITLE PAGE: Accident and Damage Reporting for Sheriff's Office Vehicles		PAGE: 1 of 6
RESPONSIBLE AUTHORITY: Services Commander		
REFERENCES: Cumberland County Safe Driving Policy		

GENERAL PURPOSE: To establish employee guidelines for proper standards for the operation of Sheriff's Office vehicles and the reporting and reviewing of accidents involving Sheriff's Office motor vehicles.

POLICY: The Cumberland County Sheriff's Office policy is to have its members drive safely and comply with appropriate standards for the operation of Sheriff's Office vehicles and, particularly, compliance with the provisions of Chapter 20 of the North Carolina General Statutes. Deputies shall have the duty to drive with due regard for the safety of all persons. Emergency driving and pursuit driving, obviously present risks to deputies and to the public. The Sheriff's Office recognizes the risks arising from the operation of motor vehicles and requires the instruction and training of members of the Sheriff's Office and to balance the need to respond to public safety situations expeditiously against the potential risks of both normal operation and emergency driving. No one can dictate in advance exactly how a deputy should appropriately respond due to the great diversity of situations which may present themselves. Therefore, deputies must carefully consider the circumstances confronting them and be prepared to weigh the risks of a situation against the nature and urgency of the law enforcement situation being confronted.

All damage (whether arising from a vehicle collision or otherwise) incurred by a Sheriff's Office vehicle and/or accidents involving a vehicle of the Cumberland County Sheriff's Office, whether occurring on private property or on a public vehicular area, will be investigated by the appropriate agency having jurisdiction. The supervisor of the employee involved in an accident will and, as appropriate, the Assistant Services Commander may also, conduct an administrative investigation in anticipation of litigation and for purposes of reporting through the chain of command, and for the Office of Professional Standards and Legal Counsel to evaluate root cause analysis and provide advice and counsel to the Sheriff and Chief Deputy and their designees, including, but not limited to the Division Commander or Assistant Commander of the Services Division or the Commander of the Division to which the employee involved in the accident was assigned at the time of the accident. Additionally, in the event of a significant collision in which bodily injury or death occurs the Office of Professional Standards will conduct an investigation and make a report to Legal Counsel, the Chief Deputy, and the Sheriff.

Employees shall not give any opinions or statements concerning the fault of the accident. All inquiries concerning liability will be referred to the Sheriff's Office Legal Counsel, the County Attorney, or the County Risk Manager. Copies of all accident reports and records will be maintained in the Services Division and under the direction of the Services Division Commander and Assistant Services Division Commander. These reports and records are prepared in anticipation of litigation for the attorney for the Sheriff's Office,

and shall be attorney-client privileged and work-product, and entitled to such evidentiary privileges and protections.

SPECIFIC PROCEDURES:

A. Reporting Accidents

1. Whenever a Cumberland County Sheriff's Office vehicle is damaged by any person or means or is involved in an accident, whether on private property or on a public vehicular area, the operator of the vehicle will immediately notify the telecommunicator, giving the location and whether there is property damage or personal injury.
 - a. Regardless of the nature or extent of damage, the operator of the vehicle will report to and request that a Supervisor respond.
 - b. Upon receiving the notification, the Supervisor will respond to the scene.
 - c. The appropriate agency, having jurisdiction to investigate the accident, will conduct an investigation of the crash, although the Supervisor will, as provided in this policy, conduct an administrative inquiry.
 - d. In the event of any personal injury or in the event of property damage which appears to be in excess of \$1,000.00 then the person involved in the collision (or the supervisor or other person in the chain of command learning of the collision) shall notify and request the assistance of CSI and EMS (if there is anyone with any injury), and in the event of serious personal injury or death, the commander of the Office of Professional Standards and Legal Counsel shall be contacted as soon as is feasible.
2. The telecommunicator will notify the appropriate response agency or agencies to conduct the accident investigation.
3. Once the operator's immediate supervisor or other appropriate on-duty supervisor has been dispatched to the scene, upon arrival there, the supervisor will conduct an administrative inquiry (such "investigation" to be conducted in anticipation of litigation and for purposes of enabling legal counsel to advise the Sheriff and any designee of the Sheriff as to the events, transactions or occurrences), and the following shall take place:
 - a. After-accident drug testing is required and will take place if an employee driving a Cumberland County Sheriff's Office vehicle is involved in an accident where:
 - (1) There is injury to any person requiring medical treatment more than first-aid, or
 - (2) The employee's vehicle must be towed because of damage, or
 - (3) The employee driving the vehicle is alleged to or the investigating law enforcement officer has reasonable suspicion that the employee has committed any moving violation or other violation of the law in connection with the accident.

- b. The investigating supervisor, prior to ending his or her tour of duty, will prepare and complete the following:
 - (1) An Incident/Investigative Report (DCI-600F)
 - (2) A Supervisor's Investigative Report.
 - (3) An entry of the report of the incident in the Blue Teams database, making a "cc" notification of that entry, which is electronically provided to the Assistant Services Commander as well as the Administrative Assistant for the Services Division, and to such other persons as the chain of command may require.
- c. The investigating supervisor will require the involved driver to write a statement explaining the collision circumstances, which will be included as a part of the investigative report. If there are witnesses, the investigating supervisor should obtain the identity and contact information for as well as written statements from each witness.
 - (a) The supervisor shall assemble this investigative material for reporting.
 - (b) The supervisor shall make a determination and a recommendation in the Supervisor's Investigative Report as to whether the employee caused or contributed to the cause of the collision.
- d. A copy of the Incident or Investigative Report (DCI-600F), the Supervisor's Investigative Report, including the involved member's written statement, and any witness statements will be forwarded to Legal Counsel and Records Management as well as to the Assistant Services Commander, and the appropriate Division Commander.

B. At Fault Accidents

Within 10 days following the accident, the Assistant Services Commander shall, after reviewing and analyzing the materials contained in the report prepared in anticipation of litigation, make a recommendation through the employee's Chain of Command for the use of Legal Counsel, the Chief Deputy and the Sheriff as to whether the employee appears to have caused or contributed to the cause of the collision, and is at fault.

Upon a determination that an employee is at fault in a collision, the employee's Division Commander or the Division Commander's designee may recommend and the Chief Deputy or the Sheriff may impose the following consequences:

- 1. If an employee is found to be at fault in a first accident with personal injury or property damage greater than \$1,000.00, the employee may be placed on restricted driving status for up to 30 days.

- a. This restricted driving period shall be upon, and may be subject to, such conditions as the Sheriff and Chief Deputy may determine, including the following conditions:
 - (1) During the period of restriction, the employee will not be authorized to operate his or her assigned vehicle or any other Sheriff's Office vehicle to and from work, or to use a Sheriff's Office vehicle, to work special off-duty secondary employment even if otherwise authorized pursuant to the policy governing secondary employment.
 - (2) During such period of restriction, the vehicle will be parked at a designated parking area and the employee will only use the vehicle for official Sheriff's Office duties, during the employee's normal duty hours.
 - (3) The employee's Division Commander or the Chief Deputy may impose any other conditions which the Division Commander, Chief Deputy and the Sheriff may deem to be reasonably appropriate.
 - b. The employee will be in a probationary status for the succeeding six months. Should the employee have another accident during the period of probation, the employee will be placed in a non-driving status for a period of time to be determined by the employee's Division Commander, the Chief Deputy or the Sheriff. Remedial Driver's training will be organized and completed through the Training Section.
 - c. The imposition of such restriction or conditions does not preclude the Sheriff's Office from administering other disciplinary sanctions or taking further disciplinary action.
2. If a second at fault accident occurs within three years of the first with personal injury or property damage over \$1,000.00, the employee may be placed on a 60 day restricted driving status:
- a. This restricted driving period of up to 60 days may be upon and subject to such conditions as the Sheriff and Chief Deputy may impose, and may include the following conditions:
 - (1) During the period of restriction, the employee will not be authorized to operate his or her assigned vehicle or any other Sheriff's Office vehicle to and from work, or to use a Sheriff's Office vehicle, to work special off-duty secondary employment even if otherwise authorized pursuant to the policy governing secondary employment.
 - (2) During such period of restriction, the vehicle will be parked at a designated parking area and the employee will only use the vehicle for official Sheriff's Office duties, during the employee's normal duty hours.
 - (3) Remedial driving training will also be required (conducted or arranged through the Training Office). The Assistant Services Commander, the employee's Division Commander or Chief Deputy will review the employee's driving history and will make recommendations concerning such

remedial training, but at a minimum, the remedial driver's training will consist of viewing driver's training videos for law enforcement, and training on specific matter or areas in which the driver was deficient or at fault.

- (4) The employee's Division Commander or the Chief Deputy may impose any other conditions that the Division Commander with the Sheriff's Chief Deputy's concurrence or the Sheriff or Chief Deputy may deem to be reasonably appropriate.
- b. Upon the occurrence of a second at-fault accident within three years of a first at-fault accident, the employee may be placed on probation for one year. If the employee is still on probation for the first accident, the year probation will begin at the expiration of the six month probation and the end of the 60 day restricted driving status.
 - c. The imposition of such restriction or conditions does not preclude the Sheriff's Office from administering other disciplinary sanctions or taking further disciplinary action; nor does the suggested conditions in this policy restrict the Sheriff's discretion in imposing greater or lesser remedial actions or conditions.
3. If a third at-fault accident occurs within a three year period involving personal injury or property damage over \$1,000.00, the employee may be placed in a status not permitting operation of a Sheriff's Office vehicle for an period of time to be determined by the Sheriff or his designee.
- a. As a result of three at fault accidents in three years, the employee may lose driving privileges until the first "at fault" accident is more than three years old.
 - b. Such restriction does not preclude the Sheriff's Office from imposing other disciplinary sanction.
 - c. The Sheriff or his designee has the authority to suspend employees' driving privileges and/or reassign the employee to a restricted or a non-driving position, if available, within the Sheriff's Office .
 - d. The imposition of such restriction or conditions does not preclude the Sheriff's Office from administering other disciplinary sanctions or taking further disciplinary action; nor does the suggested conditions in this policy restrict the Sheriff's discretion in imposing greater or lesser remedial actions or conditions.
 - e. Upon a determination of and imposition of any sanctions or restrictions, the employee's chain of command shall notify the Assistant Services Commander in order to ensure the issuance or non-issuance of a vehicle or the effectiveness of any restrictions or other sanctions regarding operation of Sheriff's Office vehicles.

C. Responsibility of Personnel Being Reviewed

1. Any employee of the Sheriff's Office who has been involved in an accident and who is under administrative investigation shall cooperate fully and truthfully with the investigation.

- 2. If such an employee wishes to have witnesses interviewed, the affected employee must notify the employee's supervisor or the chain of command within 3 days of the collision.
- 3. Any employee determined to be at-fault shall comply with the conditions or sanctions imposed pursuant to this policy or any other employee discipline.
- 4. The Sheriff's Office grievance policy shall apply to any such conditions or sanctions, notwithstanding any other provisions of the grievance policy, provided, however, no submission or filing nor any step in the grievance procedure shall stay or suspend the effect or terms of such sanction or discipline pending the final determination of the grievance.

Approved: _____

Redacted

Ennis W. Wright, Sheriff

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