


<p>RABUN COUNTY SHERIFF'S OFFICE</p>  <p>General Order Number: 4.03</p>	<p>Date of Issue</p> <p>2/23/2016</p>	<p>Effective Date</p> <p>2/23/2016</p>	<p>Revision Date</p>
<p>Subject: ACCIDENT REVIEW BOARD</p>	<p>Amends:</p>	<p>Rescinds:</p>	
<p>Index as:</p> <ul style="list-style-type: none"> Accident Review Board Chargeable Accident Non-Chargeable Accident 	<p>State Certification Standards:</p>		

PURPOSE

The purpose of this General Order is to prescribe the policy and procedures of the Rabun County Sheriff's Office in regards to Accident Review Boards and their role in departmental procedures.

STATEMENT OF POLICY

It shall be the policy of the Rabun County Sheriff's Office to promote safe work practices and conditions for its employees through the development of policies and procedures concerning departmental activities, the conduct of training, the analysis of traffic accident reports, and the initiation of appropriate remedial action and incentives.

DISCUSSION

It is the obligation of every employee to be vigilant for unsafe employment practices and to take decisive measures to stop any act that might result in the injury or death of another person or that might lead to the damage to county or private property.

It is also the obligation of the Rabun County Sheriff's Office to review all motor vehicle accidents involving sheriff's office personnel and to determine the facts, cause, and responsibility for those accidents and to recommend policy changes or suggestions to prevent and reduce accidents and related injuries to persons and county property.

DEFINITIONS

ACCIDENT — An event, occurrence or happening which is unexpected or unintended, that has an element of chance or probability, usually producing measurable injury, death or property damage/loss.

ACCIDENT REVIEW BOARD — An appointed group of employees, selected by the Sheriff, who shall review the circumstances of every departmental accident and personal injury to determine the facts, cause and responsibility.

CHARGEABLE ACCIDENT — An accident or injury involving or sustained by a sheriff's office employee that was determined to have been the fault of the employee due to his/her negligence.

EXTENUATING CIRCUMSTANCES — Information offered to the Review Board that supports the employee's claim that the accident/injury was unavoidable or that unusual circumstances were involved.

MITIGATING CIRCUMSTANCES — Information presented by the employee that could result in a lesser corrective action being recommended by the Review Board.

NEGLIGENCE — A failure to do what is required, failure to use reasonable care when such failure results in injury or damage to another, carelessness or indifference.

NON-CHARGEABLE ACCIDENT — An accident or injury involving or sustained by an employee that was determined not to have been the fault of the employee.

VEHICULAR ACCIDENT — An event that results in physical harm to a person or damage to property, relating to an employee's operation of a county vehicle.

I. ACCIDENT REPORTING AND INVESTIGATION PROCEDURES

A. Accident Reporting

1. Employees involved in a motor vehicle accident or personal injury, whether or not there is injury or property damage/loss, will notify their immediate supervisor of the facts and circumstances, as soon as is reasonably practical.
2. Employees will complete the needed forms for Rabun County Injury/Accident Report for Worker's Compensation and for the Rabun County Risk Manager.
3. The immediate supervisor will review these forms for completeness and initial the First Report of Injury Checklist form. The supervisor will forward all accident forms through the chain of command to the Sheriff's Office before the end of the shift.

B. Accident Investigation

1. Motor vehicle accidents involving employees of the Rabun County Sheriff's Office while in the performance of their duties will be investigated and analyzed to determine the cause for the accident and the appropriate measures needed to prevent a reoccurrence. To accomplish this:
 - A. Accidents involving Rabun County Sheriff's Office vehicles should be investigated by the Georgia State Patrol. If the Georgia State Patrol is not available, the Patrol Commander will be responsible for completing the proper accident reporting.

- B. All motor vehicle accidents will be analyzed by the Accident Review Board in accordance with the procedures outlined in this general order; and
- C. Accidents involving allegations of misconduct may require investigation by Internal Affairs when directed by the Chief Deputy or Division Commander. When required, such investigations will be in addition to the proceedings outlined below.

II. RESPONSIBILITIES OF THE OFFICE OF PROFESSIONAL STANDARDS OR DESIGNEE (S)

- A. Notify each member of the Board and all interested parties (if needed), in writing, of the time, date and location of the Accident Review Board. Such notification will be given no less than five (5) working days prior to the date of the Board.
- B. Obtain a copy of the accident report and all related documents for each accident to be considered by the Board.
- C. If available, provide photographs of damaged sheriff's office vehicles and/or property at the Board meeting.
- D. Identify any potential witnesses for each accident to be reviewed and make arrangements for their attendance before the Board (if needed).
- E. The Chairperson will submit the Board's written report for each accident to the Office of Professional Standards or designee(s).
- F. The Office of Professional Standards or designee(s) shall review the report for all required documentation.
- G. The Office of Professional Standards or designee(s) will submit the findings on all accidents by the board to the Chief Deputy for further actions based on the findings.

III. ACCIDENT REVIEW BOARD PROCEDURES

- A. The Accident Review Board will review all motor vehicle accidents involving sheriff's office personnel. The Board will convene on a quarterly basis and will consist of members as outlined below.
- B. The purpose of the Board is to analyze all reports of motor vehicle accidents and related documents, and to interview individuals (if needed) having knowledge of the accident to determine:
 - 1. Whether related Rabun County Sheriff's Office Policies and Procedures are understandable, complete and effective;
 - 2. Whether appropriate training is available or used by the employee;
 - 3. Whether Rabun County Sheriff's Office Policies and Procedures were violated;
 - 4. Whether Rabun County Government Policies and Procedures were violated;
 - 5. Whether state laws or county ordinances were violated; and

6. Appropriate corrective measures to prevent a reoccurrence.

C. Accident Review Board Membership

1. The Board shall be comprised of five members, one representing each of the department's five divisions. The Division Commander will be responsible for selection of a representative from their division.
2. The Office of Professional Standards or designee(s) shall appoint one member to serve as the Chairperson.
3. Board members shall serve a minimum of twelve (12) months.
4. A quorum of three members and the Chairperson is necessary to convene the Board.
5. A board member will be replaced or substituted if he/she is personally involved in a motor vehicle accident that is presented to the Accident Review Board.

D. Accident Review Board Proceedings

1. The Chairperson will present the facts of the case as outlined in the accident investigation documents.
2. The involved employee will be called before the Board and asked to explain the facts and circumstances, to present any related documentation, to call any witnesses who have direct knowledge, and to answer any questions asked by members of the Board concerning the incident under review.
3. The employee appearing before the Board may bring a departmental employee to serve as his/her representative during the proceedings. The representative, however, shall have no direct role in the proceedings, to include being called as a witness, but will be present to observe the open session(s) of the Board and to advise the employee as appropriate.
4. The Board may receive information from other persons or witnesses to the accident when appropriate. When such persons are called before the Board, the involved employee will be permitted to observe the proceedings and to cross-examine any witnesses as necessary.
5. Following the questioning of all persons related to the accident, the Board will go into private session to consider the information presented. If the Board determines that additional documents or testimony is needed, the Chairperson will either direct it be immediately obtained or the Board will hold making a decision on this accident pending the receipt of the needed information.

Employees/Witnesses will only be called before the Accident Review Board if requested by the Board Chairperson.

- E. The Accident Review Board may make the following findings or decisions:
 - 1. The individual employee is not at fault (non-chargeable);
 - 2. The individual employee is at fault (chargeable);
 - 3. There is a failure of policy or procedure;
 - 4. There is a failure of training;
 - 5. There is insufficient evidence to make a determination of fault; and/or
 - 6. Other findings as deemed appropriate.
- F. Accident Review Board Follow-up Actions
 - 1. A separate written report on each accident will be prepared by a member of the Accident Review Board as designated by the Chairperson.
 - 2. Each report of the Board will be forwarded to the Office of Professional Standards or designee(s) for review within five (5) days following the Board.
 - 3. The report will be in memorandum format and will consist of:
 - a. The names of all Board members present;
 - b. The names of all witnesses called before the Board, if any;
 - c. The name of the employee's representative, if any;
 - d. A summary of the proceedings; and
 - e. The findings of the Board.
 - 4. Copies of all documents reviewed will be available if necessary.
 - 5. The Chairperson will sign the final report.

IV. RESPONSIBILITIES OF THE DIVISION COMMANDER OR DESIGNEE (S)

- A. The Division Commander or designee(s) will notify the employee(s), in writing, of the final disposition of the case.
- B. Direct the initiation of measures to correct findings of a "failure of policy or procedure" and/or "failure of training;"

- C. In those instances when the Board renders a finding of "a chargeable accident," the Division Commander or designee(s) shall follow the procedures listed in Rabun County Sheriff's Office General Order 2.06 – "Remedial Action" for disciplinary procedures.
- D. In those instances when the finding of the Board is "a non-chargeable accident," no further action against the employee will be taken.
- E. A copy of all notifications will be forwarded to Office of the Sheriff for file in the employee's personnel file and the Office of Professional Standards.

V. DISCIPLINARY ACTION

- A. The Division Commander shall make the final determination as to appropriate disciplinary action in at fault accidents.
- B. The following guidelines may be considered when determining disciplinary action against an employee. These guidelines do not preclude the application of more severe disciplinary action. Within any consecutive twelve (12) month period the following will apply:
 - 1. First Offense: Employee Counseling Form
 - 2. Second Offense: Letter of Reprimand and may include up to ten (10) shifts/working days loss of take home car or driving privileges
 - 3. Third Offense: One (1) day suspension (without pay) and may include up to twenty (20) shifts/working days loss of take home car or driving privileges.
 - 4. Fourth Offense: Two (2) day suspension (without pay) and may include up to sixty (60) shifts/working days loss of take home car or driving privileges.
- C. Severe at-fault accidents, with extenuating circumstances can carry severe disciplinary action up to possible dismissal.
- D. Any employee who fails to report an accident involving a county-owned vehicle is subject to disciplinary action up to and including suspension, demotion and/or dismissal.
- E. Any employee operating a county owned vehicle, who is determined to be in violation of traffic or criminal statues, shall be subject to disciplinary action up to and including suspension, demotion and/or dismissal.

VI. APPEAL

- A. An employee may appeal a finding of "a chargeable accident" within seventy-two (72) hours following receipt of written notification by the Division Commander or designee(s). The appeal will be submitted in writing to the Chief Deputy and shall contain a statement describing what is being appealed and sufficient information to support the reasons for the request.
- B. When such an appeal is initiated, the Division Commander or designee(s) shall not take any adverse disciplinary action until a decision is rendered concerning the appeal.

- C. The Chief Deputy or designee shall review the request and inform the appellant, in writing, of the determination within five (5) working days.
 1. Should the Chief Deputy or designee, determine that the accident was "a non-chargeable accident"; no further action shall be taken against the employee.
 2. Should the Chief Deputy or designee, sustain the original finding that the accident was "a chargeable accident", the Division Commander or designee(s) shall proceed with the appropriate remedial action.



By Order of the Sheriff: **Chad K. Nichols**
Sheriff, Rabun County