

	<b>LANE COUNTY SHERIFF'S OFFICE POLICY</b>	Number: <b>G.O. 5.12</b>
		Issue Date: March 21, 2005
		Revision Date: November 2, 2005; October 20, 2010; September 28, 2017; September 26, 2018; September 21, 2021
<b>CHAPTER:</b> Fiscal Management and Agency-owned Property		Related Policy G.O. 5.11 (Use of Sheriff's Office Vehicles), G.O. 9.10 (Traffic Collision Investigation and Reporting)
<b>SUBJECT:</b> Damage to Sheriff's Office Vehicle		Related Laws: ORS 811.720, 802.200 (10) (D) and 802.220 (4)

**POLICY:** It is the policy of this Sheriff's Office that the On-Duty Supervisor will initially review all incidents of damage to Sheriff's Office vehicles. This includes all incidents that involve damage to a Sheriff's Office vehicle, other property, or injury to any person during the operation of a Sheriff's Office vehicle or a vehicle under control of a Sheriff's Office employee in the course of their duties. The employee's Immediate Supervisor will conduct an internal review to ensure compliance with policy and procedure, as well as for the recommendation as to whether the incident was "Avoidable" or "Unavoidable".

**RULE(s):**

1. Incidents involving structured training exercises (i.e. In-service, Academy, etc.) through the Training Section are not classified as crashes.
2. Incidents involving an authorized use of force such as a PIT, Road Spikes, Ramming or Roadblock are not classified as crashes. They will be documented on an Use of Force After-Action Report and the 3<sup>rd</sup> party damage report from the county. These authorized uses of force do not require reporting to the DMV per ORS 811.720.

**DEFINITIONS:**

1. **AGGRAVATING FACTORS** – considerations to make or become more severe or intense. Aggravating factors in a crash investigation may or may not include, but are not limited to: employee disregard of a traffic control device; employee violation/disregard of LCSO policy or procedure; employee violation/disregard of an ORS; employee disregard for due care and caution.
2. **AVOIDABLE** – as it pertains to Sheriff's Office vehicle operations, damage to the Sheriff's Office vehicle, any other property, or injury to any person that could have been prevented, if the Sheriff's Office vehicle operator had used due care and caution while driving. This includes operating a Sheriff's Office vehicle in violation of policy and training

3. COLLISION – the coming together of two objects that results in an abrupt change in the motion of at least one of the objects which may or may not cause damage.
4. CRASH – a collision, typically of one vehicle with another or with an obstacle, resulting in damage or injury. For the purpose of this policy, at least one of the vehicles must be under control of a Sheriff’s Office employee.
5. DAMAGE – any permanent deformation requiring more than simple hand pressure to repair.
6. INJURY – impairment of physical condition or substantial pain.
7. MITIGATING FACTORS – considerations to make or become less severe or intense. Mitigating factors in a crash investigation may or may not include, but are not limited to: road hazards such as ice, gravel, standing water; heavy traffic (vehicular or pedestrian); severe weather conditions such as dense fog, heavy rain or snow; limited visibility such as darkness or bright sunlight; or justified, intentional use of the vehicle to stop a dangerous fleeing felon.
8. NORMAL WEAR AND TEAR – any damage to a Sheriff’s Office vehicle that is caused by a typical or usual standard, pattern level or type functioning operation of a Sheriff’s Office vehicle. This may include, but is not limited to: damage caused by a broken tire chain, faulty transmission, brake abrasion, etc.
9. UNAVOIDABLE – while operating a Sheriff’s Office vehicle and damage is sustained to the Sheriff’s Office vehicle, any other property, or injury to any person, it is determined that the Sheriff’s Office operator was not at fault, or said damage or injury is caused by a third party or circumstances beyond the operators control. The finding/determination further concludes that the vehicle was being driven according to policy and training, and the driver was using due care and caution.
10. JUSTIFIABLE- while operating a Sheriff’s Office vehicle and damage is sustained to the Sheriff’s Office vehicle, any other property, or any person is injured; the Division Commander may, in addition to the findings of “Avoidable” or “Unavoidable” find an incident “Justifiable”. A finding of “Justifiable” concludes that, when examined in the totality of the circumstances, the actions of the Sheriff’s Office operator were a reasonable response to the situation. A finding of “Justifiable” may be made by the Division Commander unilaterally or by the Executive Team as a group.

**PROCEDURE:**

- I. General: All Crashes and/or Damage Incidents to Sheriff’s Office Vehicles

- A. Any damage to a Sheriff's Office Vehicle that does not meet the definition of a crash or any minor damage in the form of a "rock chip" in the paint or windshield caused by roadway or highway debris shall be classified as property damage.
  
- B. Employee Responsibility
  - 1. When any damage involving a Sheriff's Office (or county) vehicle occurs, the on-duty Shift Supervisor will be immediately notified.
  - 2. The employee, if capable and as required, will provide traffic safety measures to prevent further incidents at the scene.
  - 3. The employee, if capable and as required, will render first aid.
  - 4. The employee, if capable or unless directed otherwise, will remain on-scene to provide the on-duty Shift Supervisor or designee scene and initial information such as exact location of the incident, location of evidence, and/or location of witnesses and suspects.
  - 5. The involved employee will complete a memorandum addressed to the on-duty Shift Supervisor stating the events that led to the damage sustained by the Sheriff's Office (or county) vehicle.
  - 6. An employee will complete the citizen DMV Oregon Traffic Accident and Insurance Report if the reporting requirements are met.
  
- C. Shift Supervisor Responsibility
  - 1. A Shift Supervisor shall respond to incidents involving damage to civilian property.
  - 2. A shift supervisor should respond to any incident involving damage solely to county or Sheriff's Office property if feasible.
  - 3. The Shift Supervisor will direct the involved employee to document the incident in a memorandum.
  - 4. The Shift Supervisor will direct any other involved employees to document the incident in a memorandum, to include if they were a passenger and/or witness.
  - 5. The Shift Supervisor may obtain initial information from the involved employee and interview any witnesses.

6. The Shift Supervisor will ensure that photographs of the incident are taken. These are not to be put into evidence, but attached to the employee's incident memorandum.
7. The Shift Supervisor will ensure contact with the Sheriff's Office Fleet Services Coordinator for estimates on the repair costs on the vehicles involved and coordinate, as required, for repairs and a replacement vehicle.

D. Chief Deputy Responsibility

1. Control Numbers:
  - a. Upon notification, the Chief Deputy shall issue a control number when any damage involving a Sheriff's Office (or county) vehicle occurs.
  - b. Maintain central file of all reports of damage involving Sheriff's Office vehicle.

E. DMV Crash Reports

1. Crash Reports sent to DMV: Crashes that meet the reporting requirements of ORS 811.720 (1) occurred on a highway or premises open to the public (2) resulting in injury, death, or damage to property of any one person in excess of \$2,500. The crashes that meet these requirements will be investigated. The employee will also have to fill out their own DMV Crash Report. These crashes should be clearly flagged as occurring during employment, so that per ORS 802.200(10) (D) and 802.220 (4); the crash does not show up on the employees driving record and can only be accessed as described in that statute.
2. Crash Reports **not sent** to DMV: The following crashes should be investigated for internal purposes only and not sent to DMV if the crash is not reportable under ORS 811.720. If a crash report is done, it should clearly be marked on the face page "DO NOT ROUTE TO DMV. In most cases, a memorandum written by the employee will be sufficient documentation for the following crashes:
  - a. The crash involves two County vehicles and there are no injuries.
  - b. The crash involves a single County vehicle and there is no citizen property damage.
  - c. Injury to a suspect or damage to a suspect's property as a result of a pursuit.
  - d. Any other crash that is not reportable under ORS 811.720.

II. Sheriff's Office Vehicle Damage-Crash

A. Shift Supervisor Responsibilities

1. The Section Lieutenant and/or the Division Commander will be immediately notified by the Shift Supervisor.
2. The Shift Supervisor will ensure scene safety and security procedures are in place.
  - a. The Shift Supervisor will ensure emergency medical and non-emergency medical efforts are being attended to or coordinate for their response if needed.
3. The Shift Supervisor will ensure that the names of all parties, witnesses, and involved vehicle information has been collected and exchanged.
4. In those cases where an Accident Report is required per G.O. 9.10, the Shift Supervisor will assign that duty to the appropriate individual or agency.
5. The Shift Supervisor will direct the involved employee to complete the following:
  - a. A memo documenting the incident.
  - b. LCSO vehicle crash survey. This form simply notes such items as day of the week, day of the employee's shift, time of the day, time of the shift, etc., and will be used in tracking conditions for risk analysis, future training considerations and potential policy/procedure changes.
  - c. Citizen DMV Oregon Traffic Accident and Insurance Report if reporting requirements are met.
6. The Shift Supervisor will prepare a brief memorandum summarizing the information surrounding the incident. This memo; along with the involved employee's memo, photos, vehicle accident report (as required per G.O. 9.10) and any other pertinent information will be forward to the employee's Immediate Supervisor by the end of shift or as directed.
7. The Shift Supervisor will ensure incident information is forwarded to the Section Lieutenant to be coordinated with risk management for potential liability issues. If warranted, the Shift Supervisor will fill out the Lane County Supervisors' Third Party Investigation Report and include it with the incident information sent to the Section Lieutenant.
8. The Shift Supervisor will draw a vehicle crash number from the Chief Deputy's Office or coordinate with the Immediate Supervisor to do so the

following duty day, if the incident occurs during non-business hours or on a weekend.

9. The Immediate Supervisor will review all of the documents and complete a cover memorandum with their recommendation as directed in Section B below.

B. Immediate Supervisor Responsibilities

1. The Immediate Supervisor will complete a cover memorandum with their recommendation and forward it with the packet through their Section Lieutenant to the Division Commander by the end of the following duty day or as directed. The memo should address:

- a. Overview/summary of the incident
- b. Vehicle damage (description of and cost estimate for repairs)
- c. Training (EVO current, last training, successful completion)
- d. History (previous incidents, findings, discipline)
- e. Finding (avoidable, unavoidable; brief statement of reasoning)
- f. Recommendation (e.g. No action, training, referral to Office of Professional Standards, etc.)

2. Findings:

- a. Should a finding of “**Avoidable**” be recommended, the Immediate Supervisor should include a further analysis of potential “Criminal” and/or “Civil” liabilities. If either or both liabilities are perceived the Section Lieutenant will be advised immediately. Follow-up contact with Lane County Risk Management will be accomplished at the earliest opportunity and not later than the morning of the following County workday.

- i. A recommendation of “Justifiable” may be included if when examined in the totality of the circumstances, the actions of the Sheriff’s Office operator were a reasonable response to the situation.
- ii. A finding of “Avoidable” will result in referral to Office of Professional Standards.

- b. If an “**Unavoidable**” finding is recommended, the Immediate Supervisor may elect to recommend no further action taken. Remediation training could additionally be considered an appropriate recommendation based on circumstances.

3. All documentation received regarding the incident will be included in the packet and forwarded to the Section Lieutenant.

C. Section Lieutenant Responsibilities

1. If, after review of the packet, the Section Lieutenant concurs with a finding of “**Unavoidable**”, the packet will be forwarded to the Division Commander. Remedial training could remain a consideration option.
2. If, after review, the Section Lieutenant concurs that the crash was “**Avoidable**”, the Section Lieutenant will endorse the referral to Office of Professional Standards.
3. Should the Section Lieutenant disagree with either finding of “**Unavoidable**” or “**Avoidable**”, the Section Lieutenant will address the reasons for the disagreement in a Memorandum.
4. The Section Lieutenant, upon completion of the packet review, shall ensure that:
  - a. Copies of all reports, memorandums, photos, repair estimates, and Immediate Supervisor recommendations of the incident are included.
  - b. Forward the packet to the Division Commander.

D. Division Commander Responsibilities

1. The Division Commander will review all packets to ensure completeness.
2. The Division Commander will ensure distribution of necessary reports to the Sheriff’s Office Fleet Services Coordinator and Risk Management.
3. The Division Commander will ensure any recommendations are in accordance with the Sheriff’s Office Policy and consistent with previous comparable incidents. In instances of a finding of “Avoidable” the packet will be forwarded to the Chief Deputy for consideration of assignment to the Office of Professional Standards.
4. The Division Commander may, at his/her discretion, present the incident packet for “Executive Team Review” as described under Definitions, #9 of this policy. This option, if exercised, expands the possible range of findings to include “Justifiable”. A “Justifiable” finding will result in no discipline to the involved employee.
5. The Division Commander will ensure case closure.
6. Following the packet review and closure, the Division Commander will forward the packet to the Chief Deputy.

### III. Sheriff's Office Vehicle Damage

- A. The Section Lieutenant and/or the Division Commander will be notified by the Shift Supervisor prior to the shift ending.
- B. The Shift Supervisor may obtain initial information from the involved employee and interview any witnesses.
- C. The Shift Supervisor will direct the involved employee to document the incident in a memorandum.
- D. The Shift Supervisor will direct any other involved employees to document the incident in a memorandum.
- E. The Shift Supervisor will draw a property damage number from the Chief Deputy's Office.
- F. The Shift Supervisor will prepare a memorandum and forward it with the involved employee's memo, photos, and any other pertinent information through their Section Lieutenant to the Division Commander by the end of the following duty day or as directed. The memo should address:
  - 1. Overview/summary of the incident
  - 2. Vehicle damage (description of and cost estimate for repairs)
  - 3. Recommendation (e.g. No action, training, referral to Office of Professional Standards, etc.)
- G. The Section Lieutenant will review all the information provided to ensure completeness and forward the packet to the Division Commander.
  - 1. Should the Section Lieutenant disagree with the recommendation, the Section Lieutenant will address the reasons for the disagreement in a Memorandum.
- H. The Division Commander will review the packet to ensure completeness and distribution of necessary reports to the Sheriff's Office Fleet Services Coordinator and Risk Management.
  - 1. The Division Commander will ensure any recommendations are in accordance with the Sheriff's Office Policy and consistent with previous comparable incidents. If formal discipline appears warranted, the packet will be forwarded to the Chief Deputy for consideration of assignment to the Office of Professional Standards.



2. The Division Commander will forward the packet to the Chief Deputy for retention purposes.

IV. County Counsel Notification

- A. When a death or potential death occurs, County Counsel shall be notified.
- B. If a Civil Liability Investigation is assigned, it shall be conducted in accordance with G.O. 3.13 (Internal Investigations).