

**COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK**

GENERAL ORDER MULTI-BUREAU	DATE OF ISSUE November 6, 2024	EFFECTIVE DATE November 6, 2024	NO. 038-24
SUBJECT: GENERAL ORDER Accident Review Process & Hearing Board		DISTRIBUTION All Personnel	AMENDS
REFERENCE:			RESCINDS 038-06

Purpose: To familiarize members and employees regarding procedures to be followed when reporting, investigating and documenting an incident involving damage to a Monroe County Sheriff's Office (MCSO) vehicle.

Policy: The MCSO will conduct inquiries into all accidents and incidents where damage to a department vehicle is sustained and shall render determinations as to employee culpability.

Definitions: Avoidable - Operator's actions are the sole cause of the accident or incident.

Contributory - Acts of commission or omission, intentional or unintentional by the operator, and/or other factors (i.e., environmental), that may have partially contributed to the occurrence.

Non-avoidable - Operator is absolved of any fault in the accident or incident.

Parked/No-Fault - The vehicle was properly parked, the operator was either in the vehicle during the event, or not, but did not play a role in the damage occurring.

I. Procedure

A. All reports shall be forwarded through the chain-of-command to Staff Services. The investigative package shall include:

- * 1. A MV-104A form generated via TRACS.
- * Note: In TraCS when you select "Yes" for Police Involved, the MV104L (Police Line-of-Duty Accident Form) is automatically completed.
- * 2. A MB-041 Fleet Damage Report, Fleet Control Ticket, if appropriate, and a MB-003 Intra-Departmental Correspondence from the operator of the Sheriff's vehicle or, if parked, the person assigned to the vehicle.
- * 3. A MB-041 Fleet Damage Report from a responding command officer, to include a preliminary determination of avoidable, contributory, or non-avoidable.
- 4. A Technician's Report and photographs.
- * 5. TraCS will be used for police involved motor vehicle accidents, Fleet Damage packages will continue to be submitted according to current procedure. Handwritten MV-104A reports will no longer be accepted.
- * Note: Generally, motor vehicle accidents, as defined by Article 22 of the Vehicle and Traffic Law, will be recorded on a MV-104A form. Other mishaps and minor accidents / incidents involving ONLY Sheriff's vehicle(s) in which the damage

is clearly less than \$1,000 and where there are no injuries, will require that only the MB-041 Fleet Damage Report and a MB-003 Intra-Departmental Correspondence from the member/employee involved be submitted. Incidents with civilian involvement, injuries and/or other reportable damage will continue to follow the procedure delineated above Section I.A (1-5).

- B. The Commander of Staff Services shall review such reports and, based upon the documented material, will advise the member/employee of the final determination in writing. The review is an independent examination and there is no requirement that this determination concur with the preliminary finding of the responding command officer.
- * C. Copies of letters of determination shall be forwarded to the member and the member's commanding officer. The entire packet will be forwarded to the EVOG Coordinator and the Undersheriff's Office and be made a part of the employee's personnel file.
- * D. All accidents and incidents of department fleet damage will be entered into the Fleet Damage database by Staff Services. The following information will be entered, but not limited to: Accident Date, Platoon, Fleet #, CR#, IBM# of employee, Bureau, Division, Cost (if known), Determination by the Commander of Staff Services, if it's an Incident or MVA, if there were any injuries, if the employee was probationary, did a copy go to Legal and DMV.
- * E. Safe Driving Awards will be presented to any member of the Road Patrol (except persons assigned to administrative duties not requiring a significant amount of driving) who has operated a fleet vehicle within the normal course of duties without a prevalent accident. There are four (4) levels in this award category. An award will be presented for five (5), ten (10), fifteen (15) and twenty (20) years of avoidable accident-free driving. The member's immediate supervisor will contact Staff Services to determine eligibility for an award.
- F. The employee may choose to contest the finding and request permission to appear before the Accident Review Board. Such request must be made in writing to the Commander of Staff Services within ten (10) days of receipt of Staff Services findings.
- G. Based upon need, the Commander of Staff Services shall periodically order that the Accident Review Board convene to hear such appeals. By virtue of a particular accident or incident, it may be necessary for the entire board to convene immediately in order to review and resolve a matter.

II. Board Composition

- A. The Accident Review Board shall be comprised of the following personnel:
 - 1. Chairperson: Commander of Staff Services
 - 2. Command Officer/Supervisor: Zone Commander, Jail Command Officer, Court Security Command Officer or Civil Bureau Command Officer.
 - 3. Employee union representative: MCSPBA, MCDSA, MCSLEA, and CSEA.
 - 4. Sergeant: Sergeant assigned to the Training Unit.
 - 5. Deputy Sheriff Road Patrol: With advanced training in driving instruction (Certified EVOG Instructor).
 - 6. Deputy Sheriff with advanced training in accident investigation (Crash Management Technician).

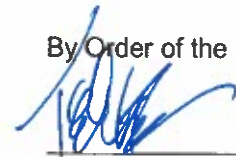
III. Determinations and Recommendations

- A. After reviewing and considering all pertinent material such as reports, photos, testimony, etc., the board will render a determination regarding employee culpability. The determination will be based upon a majority vote of the board, excluding the chairperson.
- B. The Board shall review records of the previous driving history of the individual involved and make recommendations to the Undersheriff for review and implementation. Recommendations may include:
1. Referral to Internal Affairs, or the appropriate Bureau Chief.
 2. Recommendation for the reassignment of the member/employee depending on current assignment.
 3. Attendance of operator at a department sanctioned driver improvement school.
 4. Participation in an EVOC one-on-one individualized instruction session(s).
 5. Modification of original determination.
 6. Maintenance of original determination.
 7. Any other recommendation deemed appropriate by the board, including coaching and counseling (**MBGO-23 Coaching and Counseling**).
- C. Minutes of board hearings shall be recorded and maintained by Staff Services. Copies shall be provided to the Undersheriff and the appropriate Bureau Chief at the completion of each hearing.
- D. Any changes in determination as a result of the appeals process shall be reduced to writing and forwarded to such employee's file, with a copy to the employee and the employee's commanding officer.

* **IV. Agency Accident Review**

The Commander of Staff Services shall meet quarterly with a panel of EVOC instructors and the Training Unit Sergeant to evaluate driving issues, patterns and/or problems that are noted in the accident summaries.

By Order of the Sheriff,



Todd K. Baxter

- * Indicates a significant change from the previous order