

CITY OF ANDERSON POLICE DEPARTMENT

Anderson, South Carolina

DIRECTIVE TYPE General Order	EFFECTIVE DATE January 1, 2013	NUMBER 1512.2
SUBJECT Driver Improvement	REVISED January 8, 2021	
This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this agency for non-judicial administrative action in accordance with the laws governing employee discipline		
REFERENCE 1503	AMENDS/SUPERSEDES All Others	
DISTRIBUTION All Personnel	RE-EVALUATION DATE Annual	NO. PAGES 7

A. Purpose

1. This general order is to reduce injury exposure the City of Anderson **police department** employees as well as the public and to minimize the loss of city resources due to an employee's involvement in a preventable vehicle accident. These resources include loss of man-hours, equipment, and revenue. This policy contains provisions for the following:
 - a. To ensure all city vehicle operators are properly licensed and trained regarding safe driving procedures for the specific type(s) of equipment being operated while on the job.
 - b. That only properly qualified drivers can operate city-owned equipment.
 - c. That an employee's behavior which would adversely affect the safe operation of equipment is either modified or appropriately penalized.
 - d. That an accident-free driver is recognized and rewarded accordingly for safe and correct operation of city vehicles.

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2. The definitions of terms used in this administrative policy are defined as follows.

- a. *Motor Vehicle:* For the purposes of this policy, “motor vehicle” is defined as any motorized self-propelled equipment where the operator rides in or on the equipment while the vehicle is in operation.
- b. *Collision:* Contact of a motor vehicle with another motor vehicle, person, animal, structure, or other object which may cause injury or property damage or has the potential to do so.
- c. *Preventable Collision:* A collision in which the actions of the driver of a city-owned vehicle may not be the primary cause of the collision but which did contribute to the occurrence by failure to use appropriate defensive driving techniques; or, in the case of non-operators, negligence or misconduct caused or contributed to the collision of a city-owned vehicle.
- d. *Non-Preventable Collision:* A collision in which the driver has little or no control over circumstances resulting in the accident.
- e. *Damage Incident:* An incident where damage or injury involves a city-owned vehicle but is not the result of a collision. Examples include vandalism, theft, vehicle abuse, or objects thrown by or out of a city-owned vehicle.
- f. *Chargeable Damage Incident:* A damage incident (as defined above) where a city employee is responsible for damage to a city-owned vehicle, injury to another person, or damage to private property.
- g. *Non-Preventable Damage Incident:* Damage incident where the assigned operator of a city-owned vehicle or other employee had little or no control to prevent the resulting damage or injury.
- h. *Driving Violation:* A reported and confirmed incident of a city-owned vehicle not being operated in accordance with traffic laws or proper defensive driving principles. These driving violations may result from a complaint from private citizens or fellow employees, which will be validated through investigations by the affected Command Staff or from a citation or warning issued by a law enforcement agency. The employee may successfully challenge the citation in court to contest the driving violation.

B. Policy

1. A police department staff member will not operate a city vehicle until operator has been screened by the **Special Operations Division** Training Unit. Such screening shall ensure:
 - a. Applicants for police department staff member positions may include driving and each applicant must provide a valid South Carolina Driver's License. **All** employees will be required to attend the police department sponsored Defensive Driving Course **yearly**. The Administrative Services Division will be responsible for screening all **police department** staff member positions **yearly** for the verification of driver's license.
 - b. The employee must be able to demonstrate familiarity with the vehicle to be operated. This will be performed by the academy certified driving instructor through the **Special Operations Division**.
 - c. The employee must have a complete understanding of the city's Vehicle Collision Review Board Policy, the implications, and other departmental policies or operating procedures regarding vehicle operations.
 - d. Appropriate documentation of the above screening will be placed in each employee's personnel file. When and if an employee loses possession of a valid South Carolina Driver's license, all driving privileges of city vehicles will be revoked. **For an employee whose duties require possession of a driver's license, immediate termination of employment may result; however, Command Staff upon approval from the Chief or his designee may consider reassignment or other alternatives in lieu of termination of employees.**
2. When an individual is involved in a collision with a city owned vehicle.
 - a. It will be reported, and the City of Anderson Police Department will **not** investigate the collision. **The supervisor shall complete necessary workman's compensation and claims investigation forms.**
 - b. All Police Department collisions will be reported and investigated by the South Carolina Highway Patrol or another independent agency.
 - c. **If injury results, the appropriate reports will be forwarded to the employee's department. Reports are to be made and forwarded to the Safety Officer will be listed but not limited to: The South Carolina Highway Patrol Collision Report, as completed by South Carolina Highway Patrol. A descriptive written statement by the involved police department employee as to the circumstance of the accident. A statement by all city employees who were in the city vehicle or witnessed the accident and statements that any other observer may have given eyewitness. Photographs and/or video will be taken of damage to vehicles. Any other supportive material that may have a bearing on the**

accident such as dash camera or body worn camera.

3. The Chief will appoint the safety officer. The safety officer will serve as the moderator. The safety officer and the Driver Improvement Program Committee will hear the following types of accidents:
 - a. Involves any employee who has an accident involving a City of Anderson Police Department vehicle, fault, or no fault, regardless of the amount of damage).
 - b. All collisions that result in injury and / or property damage, either to city property or property of a private citizen, believed caused by a preventable act on the part of the driver of a city vehicle will be heard by the drivers review board. These determinations will be made by the drivers review board after a review of the incident.
 - c. Command Staff should be aware the goal and role of the Driver Improvement Committee is to enhance vehicle safety. It is a source of review of personnel policies and departmental standard operating procedures. The decision of the Driver Improvement Committee recommendation will be forwarded to the appropriate Division Captain. The Division Captain will coordinate with the Chief of Police and/or his designee and take necessary and appropriate action and then forward a copy of the action to Internal Affairs for consistency. Communication among all departments is crucial to the success of the program. The Driver Improvement Committee will review such actions to ensure that this practice is followed.
4. There will be a driver improvement committee put into place. The primary goal of the driver improvement committee is to promote safe driving and to reduce the number of collisions involving City vehicles.
 - a. The composition of the VCRB will consist of the following membership:
 1. Administrative Division: one employee
 2. Detention Division: one employee
 3. Special Operations Division: one employee (preferably an academy approved driving instructor when available)
 4. Investigations: one employee
 5. Patrol: one employee
 - b. A committee member serving on the board shall not participate in the review of an accident in which the member is involved. The purpose of the alternate is to hear cases in which, due to the department involved, have temporarily disqualified a standing member of the committee. The alternate will be present at all hearings but will only be a voting member in the above instance.

- c. The committee membership will be for a two-year term with staggered appointments. No hearing will be held without a quorum. A quorum will consist of three members. A majority of the members present will determine the vote.
- d. **The Safety Officer shall vote only in the case of a tie.** The safety officer shall serve only as Board Recorder and will perform support functions, as necessary. The Board Recorder shall contact board members of scheduled meetings.

C. Procedures

1. Duties of the driver improvement committee board are to:

- a. To review all City of Anderson Police Department vehicle collisions referred to them. **Officers involved in vehicle related collisions at fault or not at fault will be notified (2) weeks prior of their hearing date.**
- b. To establish the responsibility for each collision reviewed and assign one of the following classifications to each collision: Non-preventable, Questionable or Preventable. Preventable being a collision could have been prevented by the driver through normal alertness and attention to driving to include the actions of others or the presence of adverse driving conditions. **A preventable accident could occur through violation of state laws pertaining to standard operation of motor vehicles, departmental or South Carolina Vehicle Code regarding emergency operation of vehicles.**
- d. To inform the **Chief of Police** and the Risk Manager of the disposition of each case. The **Safety Officer** shall maintain a record of the actions of the driver improvement committee.
- e. The Driver Improvement Committee will meet monthly to review collisions unless the need or lack thereof dictates otherwise.

2. The Driver Review Board's investigation of accidents will be considered a personnel action. Thus, the privacy of employee personnel records will be followed:

- a. The committee shall consider all accidents being reviewed, to determine whether the accident was preventable, considering whether there were any violations of established safety rules and regulations or violations of South Carolina traffic laws, and the employee's accident history within the past **three years in** making its determination.
- b. The point system shall be applied as follows:

- (1) If an accident is found to be non-preventable, no points will be assigned.

- (2) The Driver Review Board shall assign points based on the point system point range. The value of points will be determined based on categories regarding an accident regardless of whether there is a filed police report and whether an employee is charged. Therefore, each employee should be aware that an accident may result in the assignment of points.

c. Accident Review Point System Point Range

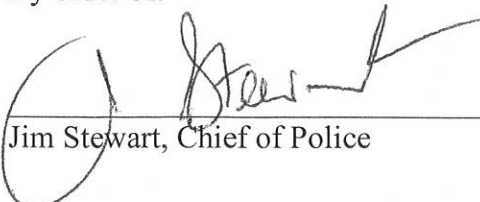
Category	0 points	0-5 points	6-10 points	11-20 points
Fault *	None	Simple Fault	Gross Fault	Willful Misconduct
Policy Violations	No Violations of Policy or Procedure	Unintentional Violation	Willful Violation	Willful and Malicious Violation
Laws and Ordinances	No Violation of Law or Ordinance	Infraction	Misdemeanor	Felony (50 points)
Accident History	No History	One Chargeable Incident	Two Chargeable Incidents	Three or More Chargeable Incidents

*A driver may not be "at fault" legally, but still may have been able to prevent the accident.

Points	Driver Review Board Recommended Action
0	No Action
0	Possible policy or procedure revision. See below for specific recommendation.
0	Environmental issue needs change-specifics below.
0	Safety Equipment issue-see below
0	Training Issue-see below
5	Documented Notice. Provide information, training, and counseling to employee
6-10	Written reprimand / 30 workdays loss of take-home vehicle.
11-14	One day suspension / 30 workdays loss of take-home vehicle.
15-19	Suspension TBD / 30 workdays loss of take-home vehicle.
20 or greater	Termination

- d. The Driver Review Board will make the determination of the number of points to be assessed on each category the employee has violated **within the parameters of the listed points**. Decisions will be governed by a majority vote, and the points will be totaled. Suspension will be determined for 30 workdays based on hourly schedule. (15) 12 hour shifts days or (30) 8-hour shift days.
 - e. The completed copy of the Driver Review Point Sheet will be attached to the Accident Report and placed on file.
3. Each case will be evaluated on its own merits and in accordance with General Order 1503 Emergency Vehicle Operations. Employees are not required to participate in hearings during non-working or off hours. If an employee chooses not to appear before the board, the case will be tried using written statements. **The decision of the Driver Improvement Committee recommendation will be forwarded to the appropriate Division Captain. The Division Captain will coordinate with the Chief of Police and/or his designee and take necessary and appropriate measures to prevent the recurrence of preventable accidents.**
 4. **The Chief of Police can change, forego, add to, or delete any or all the criteria listed in this policy either permanently or in individual cases.**

By order of:



 Jim Stewart, Chief of Police

1-27-21

 Date

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