

Email: oteroadm@co.otero.nm.us  
COMMISSION / ADMINISTRATION  
(575) 437-7427  
FAX (575) 443-2904  
886-986-8376



1101 NEW YORK AVE.  
ALAMOGORDO, NM 88310-8935

State of New Mexico  
County of Otero

STANDARD OPERATING PROCEDURE  
2007-03  
VEHICLE ACCIDENT PREVENTION PROGRAM  
Revised

**SECTION I: PURPOSE**

Vehicle operations are the county's greatest liability exposure and one of the leading causes of employee injury. The intent of this policy is to protect the county's human, capital, and financial resources from accidental and intentional loss. This program will save lives, decrease injuries, minimize county costs and potential liabilities, and increase productivity and efficiency.

**SECTION II: POLICY**

1. The county will see that drivers are qualified and competent to operate assigned vehicles and equipment (the fleet), as set forth in this policy and that the fleet is appropriate for assigned tasks. The county will provide a safe fleet and maintain the fleet in an acceptable state of readiness. Employees are expected to operate the fleet safely and promptly report deficient equipment or hazardous conditions.
2. When engaged in fleet operations, no task is more important than the safe operation of the fleet. Accidents involving the fleet will be reviewed for root cause identification and a preventability determination. Drivers involved in preventable accidents will be disciplined in accordance with county policies and procedures.

**SECTION III: DEFINITIONS**

1. **Driver:** Is a County employee and/or volunteer firefighter, in actual physical control of a county-owned, rented or leased vehicle and/or equipment.
2. **County Vehicle:** A county-owned vehicle used primarily for the transportation of person or property, which is operated or moved on the roadway. This would include personal, rented, or leased vehicles used for County business.

## **SECTION IV: THE DRIVER**

### **1. IDENTIFY DRIVERS**

Since not all employees operate the fleet, the county will determine which employees are classified as county drivers. The county will evaluate employees and/or positions based on their driving potential. Employees or positions will be classified as either:

- 1.1. **Regular drivers** (daily essential function)
- 1.2. **Frequent drivers** (weekly essential function)
- 1.3. **Limited drivers** (drive no more than three times per month)
- 1.4. **Non-drivers** (employees that will not drive)

"Regular and frequent drivers" shall meet all elements of this policy. "Limited drivers" shall meet minimal driving and licensing requirements, e.g., comply with all traffic laws and county policies, possess a current and valid license, and meet MVR review criterion and driving training requirements.

### **2. DRIVER SELECTION/QUALIFICATIONS**

Reasonable efforts will be made to select the most qualified and competent person for each job. The county will not make driver selections based on subjective qualifications or experience alone; the process will be systematic and objective. Driver selection and qualification will be analyzed during the hiring process. The county's goal is to hire competent qualified employees and, if they drive for the county that means competent qualified drivers.

### **3. VALID LICENSE**

All drivers (current and prospective) shall have a valid license for the type of vehicle(s) operated on the job. The county will retain a photocopy of all licenses in the Human Resources Department.

A Commercial Drivers License (CDL) is a legal requirement for certain vehicles. If a CDL or other license type is not required at hiring, the individual shall obtain proper licensing prior to operating such vehicles or equipment. The Department Head/Elected Official is responsible for timely reporting of license classification changes to the Human Resources Department.

### **4. INFORMATION RELEASE & BACKGROUND INVESTIGATION**

All job applicants shall sign an information release. The release authorizes the county to conduct a background investigation on the applicant's driving history. The Release form is attached as Appendix 1. Once a release is obtained, the county's Department Head/Elected Official will contact references and previous/current employers. The background investigations shall be completed prior to a final job offer being extended. The county will solicit information about the applicant's driving history,

such as license status, citation history, possible restrictions, driving records, type(s) of vehicles driven, how frequently driver drove, and past accidents.

## **5. MOTOR VEHICLE RECORD (MVR) REVIEWS**

MVR reviews shall be conducted on new hires applying for any position involving fleet operations prior to a final job offer being extended. New and existing employees' MVR will be reviewed monthly through SAMBA Fleet Watch. The MVR Review form is attached as Appendix 2.

Applicants with an acceptable record will be considered for employment; however, applicants with an unacceptable record will not be considered.

Employees having an unacceptable driving record shall automatically lose county driving privileges. These employees will be terminated or, at the County Manager's discretion, reclassified or reassigned to a non-driving position if available. Unacceptable driving records will be evaluated on a case-by-case basis.

The following guidelines will be used:

### **5.1. Unacceptable Driver Record:**

- Three or more moving violation convictions in the past three years;
- Two or more moving violation convictions in the past year;
- Conviction or a major violation within the past three years;
- A suspended, revoked, or restricted license for moving violations or conviction of a major violation within the past three years; or
- Any other serious traffic violation (i.e. Negligent driving, any one moving violations with over six (6) points assigned ....).

### **5.2. Major Violations:**

- Reckless Driving
- Speed Contest (Racing)
- Leaving the scene of an accident
- Failure to report an accident
- DWI (alcohol or drugs) and or refusal to take a blood alcohol content test
- Fleeing or attempting to elude police in a motor vehicle
- Homicide, manslaughter, or assault arising out of use of a vehicle
- License suspended, revoked, or restricted due to moving violation convictions

All drivers are required to immediately report any moving violation citation, major violation arrest or convictions, or license suspensions, revocations, or restrictions, to their immediate supervisor, Department Head/Elected Official, County Manager, and the Human Resource Department in writing.

## 6. MEDICAL EXAMINATION

Employees shall be medically qualified to operate vehicles in accordance with job requirements prior to commencing work. The offer of employment shall be contingent upon successfully completing the pre-employment physical examination. This examination shall screen for vision impairments and other illnesses detrimental to operating the fleet. CDL operators shall comply with Federal DOT regulations, which required physicals every two years.

## 7. "PRACTICAL EXAMINATION" PROFICIENCY TEST

Drivers shall demonstrate their proficiency by driving a vehicle or equipment similar to the one used on-the-job while being observed by their Department Head/Elected Official.

Applicants/employees engaged in more difficult driving or who operate specialized vehicles or equipment shall be tested in a manner consistent with their duties and vehicle type. Specialized vehicles and equipment include, but are not limited to law enforcement vehicles, fire trucks, ambulances, rescue units, snowplows, backhoes, dozers, graders, and dump trucks. Proficiency Test forms are attached as Appendix 3.

"Regular, frequent and limited drivers" hired before this policy is adopted are not required to demonstrate their proficiency, unless their vehicle/equipment changes significantly or when the operator will be operating significantly different vehicles/equipment, or when the county has a reasonable basis to check the proficiency of an operator, such as poor driving record or involvement in fleet accidents or property damage.

Upon completion of this test, the monitor will sign a certification indicating that the applicant/employee either "possesses" or "does not possess" the skills necessary to safely operate the vehicle or equipment used during the test. Applicants/employees need only pass a proficiency test once, unless their vehicle(s) or equipment changes significantly, or if the county has a reasonable basis to check the proficiency of an operator, such as poor driving record or involvement in fleet accidents or property damage. The Proficiency Certification form is attached as Appendix 3 and will be filed in the Employees Personnel file.

Applicants failing to satisfactorily pass a test will be disqualified from the employment process. Existing employees may be given refresher or remedial training, and then retested. If an employee failed a second test, the county may elect: reassignment, driving restrictions, or termination. **(Note: The Department Head/Elected Official may initiate disciplinary action against an employee consistent with this Personnel Policy Manual. Copies of any documented disciplinary action must be furnished to the County Manager and Human Resource Director prior to any contact with the employee. Dismissal, demotion, and suspension require consultation with the County Manager and County Attorney before implementation.)**



## **SECTION V:     THE VEHICLE**

### **1. MOTOR VEHICLE & EQUIPMENT**

Proper vehicle selection is often overlooked, yet can have catastrophic implications: therefore, Department Head/Elected Official shall select the proper vehicle for the tasks involved. It is important to ensure that the county selects a safe and appropriate vehicle for the task.

### **2. MAINTENANCE & REPAIRS**

Routine maintenance and repairs shall be conducted in a regular and timely fashion. The county shall develop and implement a system of checks and a schedule for vehicle maintenance. Fleet vehicles will be maintained in accordance with the manufacturer's recommendations at a minimum.

The County Senior Mechanic shall oversee and be responsible for fleet maintenance. If sufficient staff is not available, the county will assign an individual for each department to be responsible for vehicles under his or her charge.

Drivers are encouraged to take personal responsibility for and pride in the condition of their vehicles and equipment. The county shall develop a reporting process, where drivers can report vehicle problems and needs. Employees are required to immediately report vehicle problems or maintenance needs to their Department Head/Elected Official. Their Department Head/Elected Official will review and forward to the County Senior Mechanic.

All maintenance and repair records, including maintenance or repair requests, will be retained by the County Senior Mechanic for a minimum of three (3) years after the vehicle is no longer in service.

### **3. VEHICLE INSPECTIONS**

A daily or pre-trip inspection shall be made on vehicles before operation to detect any obvious safety hazards or fleet deficiencies. Employees are required to conduct these inspections prior to driving. When approaching vehicles, for example, drivers should take time to notice the area around the vehicle. Look for damage, debris, fluid leaks, and hazards around the vehicle, and inspect the tires. It is the driver's responsibility to make sure the vehicle is in proper operating condition. Once inside the vehicle, the driver shall check for damaged or missing equipment, shall check all gauges, and shall adjust the seat and mirrors. The DOT has more stringent daily inspection regulations for vehicles weighing over 10,000 pounds. Vehicle damage or deficiencies will be immediately reported to the appropriate Department Head/Elected Official in writing.

Department Head/Elected Officials are responsible for ensuring that the fleet is in an acceptable state of readiness. County Senior Mechanic shall inspect vehicles at least quarterly for compliance with county policies and maintenance schedules,

and shall identify employee omissions or abuse to the County Manager and Human Resource Director within thirty (30) days of completing the inspection. If disciplinary action is warranted, the County Manager/Human Resource Director will meet with the employee's Department Head/Elected Official.

#### **4. VEHICLE REPLACEMENT CYCLE**

The county's decision on vehicle replacement is based on the economic impact of continued use and the degree of liability the county is willing to assume. Every department should identify the maximum usage parameters (economic life) of their fleet and replace the fleet cyclically. Once vehicle operational costs reach a certain point (economic life) it is no longer cost effective to keep these vehicles in service.

To prevent large budget shortfalls and unmanageable predicaments, once vehicle replacement cycles are determined for each department, the Department Head/Elected Official shall incorporate the appropriate percentage in his or her annual budget.

Priority should be given to replacement of emergency service vehicles.

### **SECTION VI: PROGRAM MANAGEMENT**

#### **1. ACCIDENT REVIEW PROCESS**

The county shall review all fleet accidents to identify root cause(s) and to determine the preventability of each accident. This review process shall result in corrective measure recommendations to management such as, but not limited to:

- 1.1. Remedial or refresher training of operator;
- 1.2. Review and/or modification of driver training and tactics;
- 1.3. Modification or re-evaluation of fleet selection;
- 1.4. Review or modification of applicable policies and procedures; or
- 1.5. Evaluation of employees involved in the accident for vision defects, stress-related problems, or other conditions affective fitness for duty.

All fleets accidents, regardless of how minor, are to be reported, investigated, and reviewed. Accident reviews should include associated police reports, Department Head/Elected Official's investigative reports, and any other pertinent information. The review committee shall make a preventability determination. Fleet accident classification criterion is attached as Appendix 6.

#### **2. CORRECTIVE ACTION**

Violations of this policy shall be met with prescribed, announced disciplinary procedures ranging from re-training, counseling, suspension, temporary or permanent suspension of driving privileges, up to and including termination. In

accordance with personnel regulation, major or repeated violations may result in termination.

Safety policies and discipline for noncompliance will be clearly outlined and uniformly and completely enforced. Violations shall be dealt with sternly, fairly, and consistently. Thus, the County Manager, Human Resource Director and/or County Attorney should be involved in the disciplinary process.

### **3. DRIVER TRAINING**

New drivers shall receive an orientation on organizational requirements before they operate the fleet, e.g., driving rules and procedures, and county expectations. Employees who negligently operate the fleet will be subject to disciplinary action.

Drivers shall successfully complete the county's defensive driver's training program within six months of hire. Refresher training will be provided to all drivers at least every three years.

Remedial training will be available for drivers involved in preventable accidents, drivers receiving moving traffic violation convictions, and drivers whose Department Head/Elected Official determines are in need in additional drivers training. Remedial training will be provided within thirty (30) days of preventability or Department Head/Elected Official's determination, or traffic violation conviction notification.

From time to time, specialized professions such as law enforcement, public works, fire, and EMS may choose to use approved specialized courses to complement or in lieu of defensive driver's training. The New Mexico Association of Counties may approve specialized courses with the approval of the County Manager, Human Resource Director, Emergency Services Officer, Department Heads/Elected Officials, Volunteer Chief/EMS Director, and/or Safety Officer.

### **4. FITNESS TO OPERATE VEHICLES**

Department Head/Elected Officials should be vigilant for signs or conditions that adversely affect an employee's ability to safely operate the fleet or perform the essential functions of a particular job. If it is suspected that an employee may not be able to safely operate a vehicle, the Department Head/Elected Official shall immediately report concerns to County Manager and Human Resource Director for follow up.

State law requires timely reporting of several medical and psychological conditions to the Motor Vehicle Division (MVD), e.g., neurological, psychological, epilepsy, loss of consciousness, dementia, cardiovascular, stroke, deafness, eye disorder, addictions(s), diabetes with insulin prescription, hypoglycemia, orthopedic/prosthetic, ESRD (renal dialysis), and sleep disorder. Employees experiencing any of these conditions shall comply with State law and report them to the MVD. Employees experiencing a medical condition that is

affecting their ability to safely operate a fleet vehicle will be evaluated on a case-by-case basis.

The employee shall provide a doctor's statement to their immediate supervisor, Department Head/Elected Official, and the County Manager/Human Resource Department the use of any medications/condition that may impair their ability to safely drive.

Employee drivers will sign an agreement understanding they will not drive a county vehicle while impaired.

## **5. SUBSTANCE ABUSE TESTING**

The county has a vital interest in maintaining safe and efficient work condition for its employees and citizens. Employees under the influence of alcohol or drugs pose serious safety and health risks not only to the user but also to all those in contact with the user. Therefore, the county shall institute post-accident substance abuse testing.

Drivers shall be tested when an accident has serious consequences for the employee or county. Drivers involved in the following types of fleet accidents shall be tested:

- 5.1. An individual dies;
- 5.2. An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident;
- 5.3. One or more vehicles incur disabling damage because of the accident and are transported away from the scene by a tow truck or other vehicle; or
- 5.4. The driver is involved in a citable accident.

For the purposes of this policy, an "*Accident*" shall mean an occurrence associated with the operation of a county vehicle or other heavy equipment or machinery such as backhoes, loaders, and graders.

"Citation accident" shall mean an accident in which the county driver received or could have received a traffic citation for causing the accident.

(Note: Prior to implementing a substance abuse program consult with the County Manager/Human Resource Director and the County Attorney.)

## **6. PERFORMANCE EVALUATIONS**

To be effective, employees at all levels of the county shall be held accountable for their loss prevention results. Every employee will be measured and evaluated based on their fleet accident prevention results and performance. Preventable accidents, traffic citations received in a fleet vehicle, and unsafe driving practices shall be considered in the evaluation process; conversely, good driving records shall also be considered.

Department Head/Elected Officials and managers will also be evaluated on their driving/operation performance as well as in other areas, e.g., their preventative efforts, areas of accountability and responsibility, for ensuring work is performed in a safe manner, for ensuring controls are in place and used, and for timely and accurate fleet inspections.

## **7. VEHICLE PURSUIT; POST INCIDENT REVIEW**

The county's pursuit policy shall comply with New Mexico state law and nationally recognized standards, such as the International Association of Chiefs of Police (IACP) model policy, and the Commission for Accrediting Law Enforcement Agencies (CALEA) standards. These professional organizations recommended objective and timely review of all pursuits. Therefore, the Sheriff will review each pursuit for compliance with department policy as well as with national standards. The Post-Pursuit Review form is attached as Appendix 4.

## **8. USE OF PERSONAL VEHICLE**

Use of personal vehicles for county business is discouraged at all times. In rare instances, where a county vehicle is not available, the employee's immediate supervisor must pre-authorize use of a personal vehicle. In every case, employees using personal vehicles for county business have to be insured in accordance with state law and need to provide proof of insurance to their immediate supervisor. Under no circumstances is an employee authorized to use an uninsured vehicle for county business.

If an employee uses his or her personal vehicle for county business, that employee's personal insurance is considered the primary coverage and the employee's personal insurance is responsible for liability coverage.

## **9. ASSIGNED TAKE HOME VEHICLE PROGRAM**

To improve services, county government has a bona fide need to assign take home vehicles to certain county employees, e.g., law enforcement personnel and on-call staff. See Appendix 5.

## **10. GENERAL VEHICLE POLICIES**

- 10.1. Use of the fleet is restricted to official county business only, unless otherwise stated by a County Commissioner or the County Manager.
- 10.2. Only county employees, volunteers, or other authorized through Joint Power Agreements (JPA) or Memorandum of Understanding (MOU) may operate any vehicle in the fleet. Only county employees and authorized persons will be transported as passengers. Operating or being transported as a passenger in a county vehicle will be in the furtherance of county business. Authorization of non-employee passengers must be obtained by the County Manager, Elected Officials, or Department Heads.



- 10.3. Employees shall operate vehicles in the fleet in compliance with New Mexico traffic laws, operator licensing requirements, vehicle dimension and weight limits, county policies, and vehicle and equipment requirements.
- 10.4. No county employee shall make use of a hand-held cell phone while the employee is driving a vehicle, without the use of a hands-free or voice activated system, or while in the act of executing duties arising from work on behalf of the county. The primary responsibility of employees engaged in fleet operations is the safe operation of the vehicle. Employees are encouraged to park the vehicle safely out of traffic prior to engaging in a cellular telephone conversation. If **NO** hands-free or voice activated system is used employees will park the vehicle safely out of traffic prior to engaging in their use.
- 10.5. County employees are never to have cell phones on or in use while fueling vehicles.
- 10.6. No county employee shall make use of other electronic devices (i.e. PDA, Text messaging, Computers, GPS...) while the employee is driving a vehicles, without the use of a hands-free or voice activated system, or while in the act of executing duties arising from work on behalf of the county. The primary responsibility of employees engaged in fleet operation is the safe operation of the vehicle. If **NO** hands-free or voice activated system is used employees will park the vehicle safely out of traffic prior to engaging in their use.
- 10.7. Employees are responsible for reporting any vehicle or equipment mechanical problems, damage, or accidents to their immediate supervisor as soon as possible.
- 10.8. County employees shall sign an agreement to observe the above rules regarding county fleet operations and shall be subject to disciplinary action and loss of electronic device privileges for breach of said agreement.
- 10.9. County employees receiving any citation while operating county vehicles shall be subject to disciplinary action.



**SECTION VII: APPENDIXES**

1. AUTHORIZATION FOR RELEASE OF INFORMATION
2. OTERO COUNTY MVR REVIEW
3. PROFICIENCY EQUIPMENT/VEHICLE ROAD TEST
4. VEHICLE PURSUIT – POST INCIDENT REVIEW
5. OTERO COUNTY ASSIGNED TAKE HOME VEHICLE PROGRAM  
POLICY
6. FLEET ACCIDENT CLASSIFICATIONS
7. COUNTY EMPLOYEE AGREEMENT REGARDING DRIVING AND  
USE OF ELECTRONIC DEVICE WHILE DRIVING/OPERATION  
COUNTY EQUIPMENT



Pamela S Heffner  
Otero County Manager

Adopted this 23<sup>rd</sup> day of May, 2013

# APPENDIX 1

Email: oteroadm@co.otero.nm.us  
COMMISSION / ADMINISTRATION  
(505) 437-7427  
FAX (505) 443-2904



1000 NEW YORK AVE., RM 101  
ALAMOGORDO, NM 88310-6935

State of New Mexico  
County of Otero

**AUTHORIZATION FOR RELEASE OF INFORMATION**

As a condition for new employment, it is required that any applicant for employment shall consent to and authorize a verification of background information submitted on their application and/or resume.

In addition, this release allows for a verification of my education, previous employment, and work history. It also authorizes contact of my personal references, reviews of my motor vehicle records, worker's compensation history, criminal history records information, and credit bureau reports.

The signing of this instrument acknowledges a reading and understanding of this instrument. It also acknowledges that it is authorizing the release of information from persons, schools, current and former employers, and other organizations and agencies to Otero County Government with all information requested except as prohibited by law. The signing of this instrument further releases all of the persons and entities providing information from any and all claims and damages connected with their release of any requested information. Moreover, it is authorized by applicant that a copy of this instrument may suffice for the original when requesting background checks.

I acknowledge that my employment with Otero County Government is contingent upon the background investigation herein authorized being completed with a favorable result. I further acknowledge that I will never be allowed to, nor do I have any right to, review or see my background investigation or material provided in such an investigation, and it will not be released to anyone outside of authorized supervisory personnel of Otero County Government without a court order. In the event that any court should in the future rule that employee possess a right to review or see his background investigation or materials provided in such an investigation, this waiver and release waives any such right.

I also release Otero County Government, and its agents and employees, and the custodian of records provided as a part of my background investigation, from any claim of damage that could ever be brought by me against any of them as a result of this background investigation, and waive any right I might have to bring such claim.

APPLICANT: \_\_\_\_\_ SSN: \_\_\_\_\_

Signature of Applicant \_\_\_\_\_

Date Signed \_\_\_\_\_

Driver's License #: \_\_\_\_\_

State: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Phone #: \_\_\_\_\_

In conformance with Americans for Disabilities Act, I acknowledge by my signature that should I be offered a position, contingent upon a satisfactory background investigation, worker's compensation information obtained from the Department of Labor and/or the Worker's Compensation Commission is hereby authorized. If left blank, the obtaining of worker's compensation information is not authorized. All results will be proprietary and will be kept confidential. The information provided will not be provided to any parties other than to designated county personnel.

Applicant Signature \_\_\_\_\_  
Rev. 11-01, personnel

**OTERO COUNTY  
MVR REVIEW**

Driver Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ SOC #: \_\_\_\_\_

**OR**

DL#: \_\_\_\_\_ State: \_\_\_\_\_ Exp Date: \_\_\_\_\_

On \_\_\_\_\_ date, I certify that I reviewed the listed driver's MVR. The MVR listed the following violations or actions:

(If no violations, list "NONE")

Date: \_\_\_\_\_ Offense: \_\_\_\_\_

Date: \_\_\_\_\_ Offense: \_\_\_\_\_

Date: \_\_\_\_\_ Offense: \_\_\_\_\_

Date: \_\_\_\_\_ Offense: \_\_\_\_\_

Date: \_\_\_\_\_ Offense: \_\_\_\_\_

Date: \_\_\_\_\_ Offense: \_\_\_\_\_

Driver's license current and valid? YES NO

How many moving violation convictions did driver receive in past 3 years? \_\_\_\_\_

How many moving violation convictions did driver receive in past year? \_\_\_\_\_

Driver convicted of DWI or a major violation within past 3 years YES NO

License suspended, revoked, or restricted in past 3 years? YES NO

**Action Taken:**

- ☐ **Applicant/employee meets minimal qualifications to drive**
- ☐ Applicant not considered for employment
- ☐ Remedial drive training
- ☐ Administrative action, (explain) \_\_\_\_\_

Reviewed By: Signature \_\_\_\_\_

Title: \_\_\_\_\_

## PROFICIENCY EQUIPMENT/VEHICLE ROAD TEST

Drivers Name: \_\_\_\_\_ Date: \_\_\_\_\_

Emp. Assignment: \_\_\_\_\_ Veh. Type: \_\_\_\_\_

The purpose of this road test is to ensure the driver knows how to safely operate the vehicle/equipment, & understands safe work practices. The equipment/vehicle selected for this test is a typical sample of the equipment/vehicle employee will operate as an employee.

Please circle the appropriate response based on your observation of the drivers' operating habits. If the driver completed the task or maneuver in a safe and proper manner circle "YES". If the driver failed to complete the task/maneuver safely or operated the equipment/vehicle improperly circle "NO" and explain the deficiency, e.g., failed to operate or manipulate equipment/vehicle properly, etc.

				Explain
Vehicle Set-Up	Adjust seat, mirrors, Vehicle/equipment, got generally acquainted with vehicle prior to operation?	YES	NO	
Seat Belts	Used seatbelt properly?	YES	NO	
Steering	Steered vehicle smoothly when driving straight ahead, turning, and backing?	YES	NO	
Speed	Obedied posted speed laws and adjusted speed for activity, road and traffic conditions?	YES	NO	
Equipment Manipulation	Manipulated equipment in designed and intended manner?	YES	NO	
Parking	Parked equipment in a safe location and in an appropriate manner?	YES	NO	
Regulations	When using equipment, complied with all applicable government regulations?	YES	NO	
Safety	Understands safety features and procedures for equipment	YES	NO	
Limitations	Understand equipment design and limitations?	YES	NO	
Other Activity		YES	NO	
Other Activity		YES	NO	
Other Activity		YES	NO	

(Circle appropriate opinion)

It is considered opinion that this driver (possesses or does not possess) sufficient driving skills to safely operate county vehicle's.

Evaluator Signature: \_\_\_\_\_ Title: \_\_\_\_\_

# VEHICLE PURSUIT – POST INCIDENT REVIEW

Appendix 4

## CONFIDENTIAL DOCUMENT ATTORNEY/CLIENT PRIVILEGED WORK PRODUCT

Route form through Supervisor to the Under Sheriff to the Sheriff

Pursuit Date: \_\_\_\_\_

Time: \_\_\_\_\_ AM PM

Deputy initiating pursuit: \_\_\_\_\_

### INCIDENT

Reason for initiating pursuit (traffic violation, reckless driving, suspected DWI, misdemeanor, felony, suspected felon, violent felony, other: \_\_\_\_\_

Explain: \_\_\_\_\_

Prior to initiating pursuit, did offender present a clear and immediate serious threat to the safety of the public or Deputy(s), or did offender commit/committing a violent felony: YES NO

Explain: \_\_\_\_\_

If pursuit continued, did Deputies continually question whether the seriousness of the crime(s) reasonably warranted continuation of the pursuit? YES NO

Explain: \_\_\_\_\_

Number of units involved in pursuit? \_\_\_\_\_ Units

### SUPERVISOR

Was supervisor notified and understood justification for pursuit? YES NO

Did supervisor terminate or authorize continuation of pursuit? Terminate Continuation

If terminated, did all Deputies terminate pursuit per supervisor and SOP? YES NO

Explain: \_\_\_\_\_

### CONSEQUENCES

Number of SO units damaged/wrecked as a result of pursuit: \_\_\_\_\_ Units

Number of other vehicle's damaged/wrecked as a result of pursuit: \_\_\_\_\_ Vehicle(s)

Did offender wreck during pursuit? YES NO

List other property damaged as a result of pursuit: \_\_\_\_\_

Number of Deputies injured in pursuit or during apprehension: \_\_\_\_\_ Deputy(s)

Number of citizens injured as a result of pursuit: \_\_\_\_\_ Citizen(s)

Number of offender(s) injured in pursuit or during apprehension: \_\_\_\_\_ Offender(s)



**DOCUMENTATION**

CAD #: \_\_\_\_\_

Case #: \_\_\_\_\_

Tape and log included in packet? YES NO

Report(s) included in packet? YES NO

Accident report(s) included, if applicable? YES NO

Injury report(s) included, if applicable? YES NO

**SUPERVISORY REVIEW**

Supervisor's determination (was pursuit justified, e.g., authorized &amp; within policy? YES NO

---

---

---

Supervisor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

**ADMINISTRATIVE REVIEW**

Undersheriff Determination (was pursuit justified, e.g., authorized &amp; within SOP? YES NO

---

---

---

---

Undersheriff signature: \_\_\_\_\_ Date: \_\_\_\_\_

**SHERIFF REVIEW/ACTION**

Sheriff Review/Action:

Pursuit authorized &amp; in compliance with SOP

Pursuit not in compliance with SOP

Pursuit not in compliance with Nationally recognized standards

SOP revisions

Disciplinary action

---

---

---

---

Sheriff Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**OTERO COUNTY ASSIGNED TAKE HOME  
VEHICLE PROGRAM POLICY**

**I. PROGRAM:**

- A. Participation in this program is voluntary; however, Otero County has the right to deny participation, or suspend, revoke, terminate, or modify this program at anytime, for any reason.
- B. This program is reserved for employees having an official need for a county vehicle beyond normal working hours, e.g., sworn law enforcement, on-call status, subject to call-out, etc. Personnel will not operate vehicles during off-duty hours, except when on an on-call status, to and from work, when on Official County business, or otherwise approved by the County Commission or County Administrator.
- C. This program shall not be construed nor is it intended as a benefit to participating employees unless otherwise stated by the County Commission or County Administrator, but rather an efficient means of accomplishing county business as certain job duties may necessitate.
- D. Employees participating in this program agree to abide by all rules and regulations governing county fleet operations and this program.
- E. This program will be reviewed periodically and may be modified at the discretion of the county. If in the opinion of the County Commission or County Administrator, the Assigned Take Home Vehicle Program, as covered by this policy proves unworkable in practice, the County Commission or County Administrator shall have the right to modify or terminate this policy at anytime.
- F. Take home vehicle privileges may be revoked indefinitely or modified for any reason or infraction of this program. The County Administrator/Human Recourse Director will notify the employee, in writing, of a modification, suspension, revocation, or termination of their take-home privileges. Copy of the written correspondence will be filed in the Employee's Personnel file.

**II. GENERAL REQUIREMENTS:**

- A. No one other than the assigned individual is permitted to drive the county vehicle. Personnel will not presume any special privileges with a county vehicle while off-duty, unless approved by the County Commission or County Administrator.

- B. When off-duty, unattended vehicles must be locked and parked in a safe location.
- C. Personnel will not operate an assigned vehicle while under the influence of alcohol or drugs, and shall not operate the vehicle within eight (8) hours after consuming an alcoholic beverage.
- D. Personnel participating in this program will not transport passengers, except in course and scope of duty or as authorized by the County Administrator or Human Resource Director. The safety of all passengers rest solely with the person issued and operating the county vehicle.
- E. Personnel will not use the county vehicle for personal business or commercial enterprise, unless approved by the County Commission or County Administrator.
- F. When an individual is out of town off-duty for seven (7) or more days, the county vehicle will be properly secured at the main office. Department Heads/Elected Officials may be more restrictive to prevent unnecessary damage, theft, or vandalism to county property.
- G. Personnel assigned a county vehicle will exercise good judgment when utilizing the vehicle, and obey all local and state traffic laws, and county fleet policies. Personnel will not operate the vehicle in a manner that causes unfavorable comment or reflects discredit on the county.
- H. Personnel will not use the vehicle outside the county, except when on official county business.

### **III. MAINTENANCE REGULATIONS:**

- A. The individual assigned a county vehicle shall be fully responsible for ensuring that the general maintenance and proper care of the vehicle is performed.
- B. All repairs and work will be accomplished in a timely matter. Individuals assigned a take home vehicle are responsible for having scheduled preventative maintenance (PM) performed timely and in accordance with the county's PM schedule.
- C. Individuals are responsible for the appearance and cleanliness of their vehicles, both interior and exterior.

- D. The Senior Mechanic will inspect vehicles quarterly. The inspection will include, but is not limited to:
1. Cleanliness of the interior and exterior
  2. Maintenance is performed at proper intervals.
  3. Equipment is in good working order.
  4. Alterations or additions are authorized
  5. The Senior Mechanic will submit a copy of the inspection to the Human Resource Director within thirty (30) days of completing the inspection. If, infractions occur, the County Human Resource Director will meet with the employee's immediate supervisor to go over the inspection and take the appropriate disciplinary action if warranted.
- E. Negligence in the care and operation of the vehicle or failure to follow these procedures or county fleet policies by the assigned individual will be cause for removal from this program.
- F. If it becomes necessary for an assigned vehicle to be out of service for extended repairs, the individual may be assigned another vehicle.

## FLEET ACCIDENT CLASSIFICATIONS

The County shall review all fleet accidents for root cause analysis and classify these accidents as preventable on non-preventable. Recommendations will be forwarded to the County Administrator/Human Resource Director. The County Human Resource Director will meet with employee's immediate supervisor to discuss the accident and to assist on the corrective action to prevent similar type of accidents in the future.

The Fleet Accident Review Board (FARB) which is appointed by the County Commission should review all applicable information, including police reports, supplemental reports, incident reports, internal reports and statements, witness statements, etc, to make a proper determination. The FARB may include additional recommendations such as, but not limited to:

- 1) Remedial or refresher training of vehicle operator.
- 2) Review and/or modification of driver training and tactics.
- 3) Modification or reevaluation of vehicle or other equipment selections.
- 4) Review or modification of applicable policies and procedures.
- 5) Evaluation of employees involved in the accident for vision defects, stress-related problems, or other conditions affecting fitness for duty.

### Accident Determination:

When determining accident preventability, the County has adopted guidelines established by the National Safety Council (NSC). These standards might appear excessive and stringent; however, they were established by the NSC and recognized nationally. The foundation of these standards is reasonableness; they should be interpreted based on how a reasonable driver would respond to a particular situation. Realizing the numerable accident types, possible scenarios, and ways a driver can prevent an accident; these standards should be used as a guide for determining accident preventability.

A preventable accident is one in which the county driver failed to do everything that *reasonably* could have been done to avoid an accident. In other words, if a driver committed errors and/or failed to react reasonably to the errors of others an accident is preventable. Therefore, a preventable accident is "any accident involving a county vehicle which results in property damage and/or personal injury, regardless of who was injured, what property was damaged, to what extent, or where it occurred, in which a county driver failed to exercise every reasonable precaution to prevent the accident".

A non-preventable accident is one in which the driver commits no errors and reacted reasonably to the errors of others, and observed applicable county policies, procedures, and training, including the use of appropriate defensive driving tactics.

Rule of thumb – The driver did everything reasonably possible to prevent/avoid the accident, but due to circumstances beyond their control was involved. If the county driver is speeding, did not see the other vehicle, failed to yield right-of way, did not signal, etc., then the county driver did not do everything reasonably possible to reduce the likelihood of accident.

## ACCIDENT STANDARD GUIDELINES

### Intersection Accidents:

A defensive driver has the responsibility to approach, enter, and cross intersections prepared to avoid accidents that might occur because of the actions of other drivers. Actions of other drivers included but not limited to excess speeding, crossing a lane when turning, and coming from behind in a blind spot. Complex traffic movement, blind intersections, and failure of the other driver to conform to law or traffic control devices do not automatically discharge an accident as *non-preventable*.

The use of emergency equipment does not relieve emergency vehicle drivers from operating vehicles, or entering and clearing intersections in a safe and prudent manner. Emergency operators should exercise extreme caution when entering intersections, attentive to the fact that not all citizens can see or hear their emergency equipment, and may not be cognizant of the emergency response mode.

Most intersection accidents are preventable even though the defensive driver did not violate traffic regulations. A drivers' failure to take precautionary measures is a factor in making a preventable decision. Even though the actions of the other driver indicate possible accident involvement, the decision based on such entrapment should be prevented.

Examples of *preventable* intersection accidents include but not limited to:

- Driver failed to control speed so that they could stop within available sight distance.
- Driver failed to check cross-traffic and wait for it to clear before entering intersection.
- Driver pulled from side street in front of oncoming traffic.
- Driver collided with person, vehicle, or object while making a turn.
- Driver collided with vehicle making turn in front of them.
- Driver entered intersection against traffic control device.
- Emergency vehicle driver entered intersection against traffic control device and did not ensure the intersection was clear.

### Parking/Parked Accidents:

Most accidents that occur while parking are preventable. A significant percentage of parking accidents occurs when drivers misjudge clearance or fail to observe an object.

Accidents involving parked vehicles are generally non-preventable, if the vehicle is legally parked. Factors that indicate preventability include but not limited to: unconventional parking location, illegal parking, and failure to put out warning devices.

Under special conditions, emergency vehicles are authorized to park illegally or irregularly; however, reasonable judgment must be used to ensure public safety.

Examples of *non-preventable* parked/parking accidents include, but not limited to:



- Vehicle parked in a legal location.
- Emergency vehicle using emergency warning devices, flares, triangles, etc. to secure public safety at a scene.

### **Backing Accidents:**

Backing accidents account for a significant portion of County accidents, yet practically all backing accidents are preventable. Realizing backing large vehicles or vehicles with limited visibility is difficult; drivers should utilize a guide or frequently physically check behind and around vehicle during a backing maneuver.

Example of *preventable* backing accidents include but not limited to:

- Driver backed into traffic stream when such backing could have been avoided.
- Driver failed to observe a person or object positioned behind or to the side of vehicle.
- Driver failed to exit vehicle and check proposed path of travel.
- Driver failed to recheck conditions when backing long distances.
- Driver depended on mirror when it was practical to look back or use a guide.
- Driver failed to check behind parked vehicle before attempting to leave parking space.
- Driver backed when backing could have been avoided by better planning of route.
- Driver relied solely on guide to help back vehicle.
- Large vehicle driver did not sound horn to signal backing activity.

### **Front-End Accidents:**

Regardless of the abrupt or unexpected stop of a vehicle or vehicles ahead, a defensive driver can prevent front-end accidents by maintaining a safe following distance at all times. This includes being prepared for possible obstructions on the road, in plain view or hidden by hill, curve or congestion.

Examples of *preventable* front-end accidents include but not limited to:

- Driver failed to maintain safe following distance and have vehicle under control.
- Driver failed to keep alert to traffic conditions and not slow down.
- Driver failed to ascertain whether vehicle ahead was moving slowly, stopped, or slowing down for any reason.
- Driver misjudged rate of overtaking.
- Driver came too close before pulling out to pass.
- Driver failed to wait for vehicle ahead to move into the clear before starting up.

### **Rear-End Accidents:**

Investigation often discloses that drivers risk being struck from behind by failing to maintain a safe following distance. Rear-end accidents proceeded by a roll-back, an abrupt stop, traffic signal changes, or when a driver fails to use turn signals, should be classified as *preventable*.

Examples of *non-preventable* rear-end accidents include but not limited too:

- Driver's vehicle was legally and properly parked.
- Driver was proceeding in own lane of traffic at a safe and lawful speed.
- Driver was stopped in traffic due to existing condition or was stopped in compliance with traffic sign, signal, or at the direction of a police officer.
- Driver was in proper lane waiting to make a legal turn.

Examples of *preventable* rear-end accidents include but not limited to:

- Driver was passing slower traffic and had to make a sudden stop.
- Driver made a sudden stop to park, load or unload.
- Vehicle was improperly parked.
- Driver rolled back into vehicle behind while starting or stopped.

### **Passing Accidents:**

Failure to pass safely indicates faulty judgment and the possible failure to consider one or more of the important factors a driver must observe before attempting this maneuver. Unusual actions of the driver being passed or of oncoming traffic might appear to exonerate a driver involved in a passing accident; however, the entire passing maneuver is voluntary and it is the passing driver responsibility.

The use of emergency equipment does not relieve emergency vehicle drivers from passing vehicles in a safe and prudent manner. Emergency operators should exercise extreme caution when passing other vehicles. Emergency operators should be attentive to the fact that not all citizens see or hear their emergency equipment, and may not be cognizant of the emergency response.

Examples of *preventable* passing accidents include but not limited to:

- Driver passed where view was obstructed by hill, curve, vegetation, traffic, adverse weather conditions, etc.
- Driver attempted to pass in the face of closely approaching traffic.
- Driver failed to signal lane change.
- Driver pulled out in front of other traffic overtaking from rear.
- Driver cut-in short returning to lane.
- Driver failed to leave sufficient room for passing vehicle to get safely back in the lane.
- Driver attempted to pass illegally, e.g., no passing zone, on shoulder, etc.

### **Accidents while being Passed:**

Sideswipes and cut-offs are preventable when the defensive driver fails to yield to the passing vehicle. If the defensive driver fails to move to the right when possible, the accident is preventable.

Examples of *preventable* accidents while being passed accidents include but not limited to:

- Driver failed to stay in lane and hold speed or reduce it to permit safe passing.

### **Lane Encroachment Accidents:**

Driver frequently feel they have been a victim of entrapment when an accident occurs as another driver changes lane. However, a defensive driver is rarely a victim of entrapment. Generally, in accidents involving lane encroachment, the driver failed to yield to the other driver.

Similarly, entrapment in merging traffic is an indication of willingness to yield to other vehicles or to wait for a break in traffic. Drivers must avoid squeeze plays causing accidents with parked vehicles, pillars, and other road structures. The driver can prevent such accidents by dropping back when another driver forces the issue or contests a common portion of the road.

A blind spot is never a valid excuse for lane-encroachment accidents. Drivers must make extra allowances to protect themselves in areas of limited sight distances.

Examples of *preventable* lane encroachment accidents include but not limited to:

- Driver failed to yield right-of-way when necessary to avoid an accident.
- Driver was not entirely in own lane of travel.
- Driver did not pull to the right and/or slow down or stop for vehicle encroaching on the lane of travel, when such action could have been taken without additional danger.

### **Grade Crossing Accidents:**

Drivers are always responsible for preventing collisions with trains. The driver should be especially alert at grade crossings, rail yards and switching areas, as well as on private property. Drivers should never rely on traffic control devices, such as crossing signs, lights or arms (cross-bucks) to warn of an approaching train. Drivers should never cross train tracks without first ensuring the maneuver can be made safely.

Examples of *preventable* accidents at grade crossings include but not limited to:

- Driver failed to check for trains before crossing tracks.
- Driver attempted to cross tracks directly ahead of a train.
- Driver ran into side of train.
- Driver stopped or parked on or too close to tracks.

### **Opposing Vehicle Accidents:**

Even though an opposing vehicle enters the drivers' traffic lane, it may be possible for the driver to avoid the collision. A defensive driver observes the other drivers' actions in advance and takes appropriate counter measures. In some cases, the accident is preventable when the opposing vehicle is in a passing maneuver, and the county driver failed to observe the maneuver and slow down, stop, or move to the right to allow the vehicle to re-enter its lane. Failure to signal the opposing driver by flicking the headlights or sounding the horn should also be taken into consideration.

Examples of *preventable* accidents involving opposing vehicles include but not limited to:

- Driver was not entirely in own lane of travel.
- Driver did not pull to the right and/or slow down or stop for vehicle encroaching on the lane of travel, when such action could have been taken without additional danger.
- Driver failed to observe other drivers maneuver in advance.

### **Turning Accidents:**

Turning movements like passing maneuvers require care on the part of a County driver. The driver making the turn is responsible for preventing squeeze plays on both left and right turns. The driver may be responsible regardless of whether the accident involved other vehicles, scooters, motorcycles, bicycles, or pedestrians. A U-turn that results in a collision is a preventable accident. Failure to properly position a vehicle for a turn, check the rearview mirror, or check pedestrian and traffic lanes is a sign of error.

Drivers sometimes feel that accidents caused by sudden turns by other drivers are not preventable. However, extra precaution must be taken based on information received from the driver of the other vehicle immediately preceding the incident. At the first sign of a sudden turn, county drivers should take immediate defensive action. Failure to take all appropriate defensive action indicates preventability.

Examples of *preventable* turning accidents include but not limited to:

(if applicable see specific accident type category, i.e. intersection, front-end, rear-end, etc.)

### **Pedestrian Accidents:**

Most court decisions generally rule in favor of any pedestrian hit by a moving vehicle. An unusual route of a pedestrian at mid-block or from between parked vehicles does not relieve a driver from taking precautions to prevent such accidents. Defensive drivers are always taking precautions in every driving situation. People using bikes, trikes, scooters, skateboards, etc., are often the young, the elderly, or the inexperienced. The driver must adjust speed whether or not signs indicate lower speed limits or other warnings. This means slowly in school zones, shopping areas, residential streets, congested areas, and other areas with pedestrian traffic.

Defensive drivers must take precautions in areas where people are using bicycles, tricycles, scooters, skateboards, etc. People using such equipment are often the young, the elderly, or the inexperienced. The driver who failed to reduce speed when this type of equipment is operated within sight-distance has failed to take the necessary precautions to prevent an accident. Keeping within posted speed limits is not taking the proper precaution when unusual conditions call for a voluntary reduction of speed.

Examples of *preventable* pedestrian accidents include but not limited to:

- Driver did not reduce speed in area of heavy pedestrian traffic.
- Driver was not prepared to stop.
- Driver failed to yield right-of-way to pedestrian.

### **Inclement Weather Accidents:**

Adverse weather conditions are not an excuse for involvement in an accident. Rain, snow, fog, sleet, and ice do not cause accidents. These conditions merely increase the hazards of driving. Failure to adjust driving to the prevailing weather conditions should result in a ruling of preventable.

Example of *preventable* inclement weather accidents include but not limited to:

- Driver was not operating at a speed consistent with existing conditions of the road, weather, and/or traffic.

### **Fixed Object Accidents:**

Collisions with fixed objects are preventable. Such accidents usually involve failure to check or properly judge clearances.

Many hazards are not, in themselves, reasons for excusing a driver from preventing an accident. These hazards include resurfaced pavement, new route or patrols, unusual delivery points, and inclined entrances to docks, etc. The driver must constantly be on the lookout for such conditions and make the necessary defensive driving allowances.

(If applicable see specific accident type category, i.e. intersection, front-end, rear-end, etc.)

### **Mechanical Failure Accidents:**

Any accident caused by mechanical failure that reasonably could have been detected by the driver, but went unheeded is preventable.

Examples of preventable mechanical failure accidents include but not limited to:

- Defect was a type which driver should have detected in making a pre-trip inspection or during normal operation of the vehicle.

### **Single Vehicle Accidents:**

Single vehicle accidents such as jackknifing, overturning, or running off the road should be reviewed carefully. Such accidents may result from emergency action taken by the driver to prevent a collision. However, they may also result from speeding or other factors. These accidents require evaluation of the driver's actions prior to involvement for possible errors or lack of defensive driving.

Examples of *preventable* single vehicle accidents include but not limited to:

- Driver was not operating at a speed consistent with the existing conditions of road, weather, or traffic.
- Driver failed to control speed so that they could stop within assured clear distance.
- Driver misjudged available clearance.

- Driver failed to yield right-of-way to avoid accident.

**Other Accidents:**

Accidents relating to projecting loads, loose objects falling from the vehicle, loose tarpaulins or chains, doors swinging open are often preventable. It is the driver's responsibility to secure loose objects and close all doors. The driver must take all reasonable precautions to prevent injuries, damage to the vehicle, cargo, or other property.

(If applicable see specific accident type category, i.e., intersection, front-end, rear-end, etc.)

Email: oteroadm@co.otero.nm.us  
COMMISSION / ADMINISTRATION  
(575) 437-7427  
FAX (575) 443-2904  
886-986-8376



1101 NEW YORK AVE.  
ALAMOGORDO, NM 88310-8935

State of New Mexico  
**County of Otero**

**Otero County Employee Agreement  
Regarding  
DRIVING AND USE OF ELECTRONIC DEVICE WHILE  
DRIVING/OPERATION COUNTY EQUIPMENT**

Otero County has a responsibility to all its employees to provide a safe work place, and the county also has a responsibility to the public to ensure the public's safety and trust. Therefore, Otero County prohibits employees from using alcohol, illegal drugs, or any controlled drug that has not been prescribed by a doctor for an employee's specific use while the employee is on county time or on county property or county work areas. Any drug prescribed by a doctor for an employee's specific use should be reported by the employee to his or her supervisor when reporting to duty. Possession of alcohol or illegal drugs while on county time, or being in a condition where job performance or ability to work safely is limited in any way by the use of any alcohol or drug, provides grounds for immediate disciplinary action, including discharge.

Otero County prohibits employees from operating hand-held cell phones or electronic devices while the employee is either driving a vehicle or operating county equipment without the use of a hands free or voice activated system, or while in the act of executing duties arising from work on behalf of the county. Cell phones will be turned off while fueling vehicles (studies show that cell phones can ignite gasoline vapors while fueling; additionally, it is noted the danger of static discharge generated while entering/exiting vehicles at fueling location.)

County employees may be held individually liable for accidents resulting from the use of hand-held cell phone or electronic devices without hands free or voice activated systems while operating vehicles or equipment and any cell phone during fueling of vehicles or equipment

NMCIA Pools reserve the right not to provide insurance coverage for any employee accident arising from failure to comply with the terms of any Joint Policy Agreements.



Employee Name: \_\_\_\_\_ Date: \_\_\_\_\_  
(print)

I agree not to drive or operate any vehicle or equipment while under the influence of drugs or alcohol. I understand the statement written above, and agree to abide by the county's policies regarding drug/alcohol use.

I further, agree not to use hand-held cell phone or electronic devices without a hands-free or voice activated system while operating vehicles or equipment and I agree to abide by the county's safety policies while operating county vehicles or equipment.

---

(Employee signature)