



CLACKAMAS COUNTY SHERIFF'S OFFICE

Policy # 22

**Printed copies are for reference only.
Please refer to the electronic copy for the latest version.**

References: : [Clackamas County Risk Manual](#), [801 Form](#), [County Incident/Accident Form](#), [Oregon Workers Compensation](#), and [EPP#52](#)

REPORT AND REVIEW OF INCIDENTS/ACCIDENTS RESULTING IN INJURY AND/OR PROPERTY DAMAGE

General

1. Employees shall immediately report all incidents or accidents that are job-related or involve county property to their supervisors. The prime focus of accident reporting is to reduce the incidence of future accidents by examining and implementing the lessons learned, thereby protecting both the employee and the community.

Employee Injury Reports

2. In case of an accident involving personal injury to an employee in the course and scope of their employment, regardless of how serious, a supervisor shall be notified as soon as possible. The supervisor shall review every accident in order to document the circumstances and assist in completion of the accident forms.

Accident Forms

3. There are two types of forms, which are time sensitive and must be completed as soon as possible. A copy of the original forms (completed or not) shall be electronically or personally submitted to Risk Management after completion of the employee and supervisor sections no later than the end of the employee and/or supervisor's shift. The original forms shall be sent through the Chain of Command and shall be forwarded to Risk Management no later than three (3) working days following the supervisor's knowledge of the injury, damage or claim:

- a. **County Incident/Accident Form** – shall be used to report all incidents resulting in injury or damage to county property (i.e. traffic accidents involving county vehicles, damage to county property or equipment, injuries or potential injuries, to employees). The County Incident/Accident Form will be completed even if the employee chooses not to file a worker's compensation claim; and



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- b. **801 Workers' Compensation Claim Form** - shall be completed (in addition to the County Incident/Accident Form) any time an employee chooses to make a Worker's Compensation claim. The injured employee is required to sign the 801 Workers Compensation Claim Form. If the employee is unconscious, the form should be completed by the supervisor from available information and turned in with an explanation that the employee was unable to provide information or sign the form.

Communicable Disease Exposure and Reporting

4. **All exposure incidents** shall be documented using the Clackamas County Incident/Accident Report Form, and if applicable, 801 Workers' Compensation Form. Communicable disease exposure guidelines and report form are provided in the Support Services Manual [# 27 - Communicable Disease Exposure and Reporting Procedure](#).

Vehicular Accidents

5. Accidents involving public service vehicles (registered with any county, city or state agency) and assigned/driven by a CCSO employee, or a personal vehicle operated on county business, which results in property damage or injury to any person, the driver shall:
 - a. immediately render first aid if required;
 - b. immediately report the accident to a supervisor, who will determine if their immediate response is required; and
 - c. promptly complete the County Incident/Accident Form report and file any other reports as requested by a supervisor.

Review of Accidents

6. An Accident Review Board (ARB) will be formed consisting of Sheriff's Office employees. The purpose of the ARB is to review employee related vehicle accidents, to make determination of employee fault, if any, and to make recommendations for preventative action(s). The ARB will be comprised of the following members:

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- a. a member of the command staff. This member will chair the board, voting only if necessary to break a tie;
 - b. a supervisory or team lead employee;
 - c. EVOC Sergeant;
 - d. one non-supervisory employee assigned from each division (Civil, Investigations, Jail, Patrol and Support Services); and
 - e. an EVO instructor, Fleet/Equipment deputy and a representative from Traffic/CRAFT.
7. The ARB Chair will set the time and location for the meeting, with reasonable consideration given to the effective workload and timeliness to the accident in question.
8. The employee involved in the incident under review is to be notified of the ARB no less than three (3) days prior to the time/date set. ARB attendance by the employee is voluntary.
9. The ARB is an administrative review board that will establish procedures for its conduct to determine:
- a. the cause and contributing factors of any accident;
 - b. preventative actions employed by the operator; and
 - c. whether or not the accident was preventable on the part of the employee.



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10. The ARB will make a determination of degree of fault, in accordance with the procedures listed and described below. The ARB may refer to the listed guidelines in making their recommendation, or may make an independent recommendation, based upon extenuating circumstances contained in their report to the Undersheriff:

- a. **NON-PREVENTABLE.** If an accident is found to be “non preventable” by the ARB, no further action is taken. A brief report is made by the ARB, stating that the accident has been reviewed and a finding of no fault was made. If there are any additional circumstances, such as the operator having taken proper evasive action, reducing the consequences, the ARB should include those facts in the report;
- b. **PREVENTABLE WITH EXTENUATING CIRCUMSTANCES.** An accident which was “preventable with extenuating circumstances” is an accident that involves a degree of fault on the part of the operator. However, the “fault” of the operator was only such that the operator may have been unaware of a potential hazard, and the failure was minor in degree. Upon a finding of “preventable with extenuating circumstances,” the ARB may make a recommendation that no disciplinary action be taken. The ARB may also recommend remedial training or disciplinary action should be taken;
- c. **PREVENTABLE.** A “preventable” accident is one that involves a degree of fault on the part of the operator. The fault may arise from the operator’s inattention, lack of observation, failure to recognize a hazard, or failure to act in an appropriate or reasonable manner to avoid the accident; or
- d. **PREVENTABLE WITH GROSS NEGLIGENCE.** A finding of “preventable with gross negligence” requires two (2) findings on the part of the ARB:
 - 1). the accident is the fault of the operator; and
 - 2). the causative factors of the accident represent a lack of common respect for the lives and property of others, a reckless disregard for human life and the rights of others, or a degree of control substantially less than inadvertence.

11. In addition to the above findings and recommendations, the ARB is charged with the responsibility to identify those areas of training that address the causative



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factors in preventable accidents, and make recommendations for individual and/or CCSO-wide training in their reports.

12. The ARB will provide the Undersheriff with a written report of its findings and recommendations within five (5) working days after its deliberations. ARB findings and recommendations involving excessive damage or employee culpability shall be reported to the Sheriff by the Undersheriff on receipt of the ARB report. A copy of the report will be provided to the employee, to the employee's Division Commander, and the CCSO administrative file if the ARB findings determine the incident was preventable.

Disciplinary Guideline Following ARB Findings

13. Vehicle crashes involving employee culpability are serious events that necessitate the implementation of consistent disciplinary action. A finding of a "preventable" accident by the ARB should carry a recommendation for discipline not to exceed the following, unless there are extenuating circumstances:

- a. for the first accident within twelve (12) months, a formal letter of reprimand;
- b. for the second accident within twelve (12) months, a one (1) day suspension;
and
- c. for the third accident within twelve (12) months, a three (3) day suspension.

14. If there are in excess of three preventable accidents, one of which is found to be "preventable with gross negligence" within a twelve month period involving a single operator, the Division Commander to whom the operator is subordinate is to request that the Undersheriff cause a full disciplinary review of the employee.