



MAINE STATE POLICE GENERAL ORDER

E-58

SUBJECT: MAINE STATE POLICE FLEET SAFETY BOARD

EFFECTIVE DATE: 09.16.2020

EXPIRATION DATE: 09.16.2027

RECENT HISTORY: AMENDED (09.16.2020); AMENDED (08.01.2020); AMENDS MSP GO E-58 (12.18.2009); RESCINDS G.O. 61E (12.18.2007)

DISTRIBUTION CODE: 2 (MAY BE PUBLICLY DISCLOSED)

APPLICABILITY CODE: C, S, Z

SIGNATURE OF COLONEL:

A handwritten signature in black ink, appearing to read "W. B. R.", is written over a light blue rectangular background.

I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police Fleet Safety Board.

II. POLICY

1. The policy of the Maine State Police is to have a board to internally review crashes involving Maine State Police vehicles for the purpose of improving training and equipment, and reducing the number of future crashes involving such vehicles.
 - Note: The reviews required by this policy must include the Commander or Director having supervisory responsibility over the employee whose vehicle was involved in a crash. Such Commanders and Directors shall review investigative reports and materials that are to be submitted to the Fleet Safety Board to ensure

compliance with this policy and to take a proactive role in future crash prevention.

- Note: Nothing in this policy prevents a Commander or Director from taking appropriate steps to encourage safe driving or to correct or improve driving behaviors.

III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
 - A. Crash. "Crash" means an occurrence in which a motor vehicle strikes one or more persons or objects, including, but not limited to, another motor vehicle. Any damage to a vehicle, however caused, is a crash.
 - B. Director. "Director" means a civilian member of a Maine State Police unit who is generally responsible for managing and supervising that unit.
 - C. MSP OD. "MSP OD" is the acronym for "Maine State Police Officer-of-the-Day."
 - D. Maine State Police Unit. "Maine State Police Unit" means a major organizational component of the Maine State Police such as, for example, the Crime Lab, the State Bureau of Identification, or a Troop.
 - E. Maine State Police vehicle. "Maine State Police vehicle" means a vehicle that is owned or leased by the Maine State Police.
 - F. Non-reportable. "Non-reportable" means that only property damage in an amount less than \$1,000 resulted from a crash.
 - G. Operator. "Operator" means an individual who drives or is in control of a vehicle or who is exercising control over or steering a towed vehicle.
 - H. Reportable. "Reportable" means personal injury, death, or property damage in an amount greater than or equal to \$1,000 resulted from a crash.
 - I. Risk Management. "Risk Management" means the State of Maine Division of Risk Management within the Department of Administrative and Financial Services.

IV. PROCEDURE

1. FLEET SAFETY BOARD

A. MEMBERSHIP

1. The Fleet Safety Board ("Board," "FSB") shall be comprised of the following persons, who shall be appointed by the Colonel:
 - a. The Commander of the Traffic Safety Unit, who shall serve as Chair of the Board;
 - b. A Senior Crash Reconstruction Specialist;
 - c. A Lieutenant from the Operations Division;

- d. Two (2) Field Sergeants, or one (1) Field Sergeant and one (1) Specialist, Detective, or Corporal, but only one of whom may be a Crash Reconstruction Specialist;
 - e. Two (2) Troopers who are not Crash Reconstruction Specialists, and at least one of whom is assigned to the field; and
 - f. The Primary Emergency Vehicle Operations Course (“EVOC”) Instructor, or her or his designee.
2. The Colonel may remove a Board member at any time.
 3. The Chair of the FSB shall determine the terms and rotations of members, and shall make recommendations to the Colonel regarding FSB membership.

B. MEETINGS AND VOTING

1. The Chair is responsible for coordinating meetings of the Board.
2. Regular Board meetings should be held quarterly.
3. Special meetings of the Board may be held at any time the Chair determines is necessary and appropriate.
4. Voting only may occur if there is a quorum of members present at a Board meeting. A quorum consists of the Chair or a Senior Crash Reconstruction Specialist and any combination of four (4) Board members.
5. The Chair must ensure that all Board members are given notice of Board meetings.
6. A Board member whose Maine State Police vehicle was involved in a crash being reviewed by the Board may not participate as a member of the Board in any discussion or proceeding related to that crash.
7. The Chair only may cast a vote in any matter when there is a tie vote.

C. BOARD CLERK

1. The Senior Crash Reconstruction Specialist on the Board, or her or his designee, shall serve as the Board Clerk. The Board Clerk shall be responsible for keeping all records of the Board and for any other tasks as the Chair may assign.

D. BOARD REVIEW OF MAINE STATE POLICE VEHICLE CRASHES

1. The Board shall review all relevant materials regarding a crash involving a Maine State Police vehicle.
2. In any case in which additional information regarding a collision is needed, the Chair may require that the officer who investigated the crash, the employee of the Maine State Police vehicle that was involved in the crash, or any other person with relevant information, to submit additional materials regarding the crash or appear before the Board to present information.

3. By a majority vote, the Board shall make findings regarding whether a crash was:
 - a. Preventable or non-preventable;
 - b. Justified or unjustified, in instances in which a crash was caused intentionally by the employee operating a Maine State Police vehicle.

E. MINOR VEHICLE DAMAGE

1. The Chair may present, and the FSB may waive the need to make a finding in, cases of damage to a Maine State Police vehicle that does not exceed \$250 that did not occur during vehicle operation. In such cases the reporting requirements and submission of materials to Risk Management and Maine State Police Command Staff shall be identical to any other incident reviewed by the FSB. The letter of determination is not required in such instances, however, and the portions of this General Order relating to the appeal of FSB findings are not applicable.

F. BOARD FINDINGS AND RECOMMENDATIONS

1. Once the Board has made findings in a given matter, the Board shall promptly notify the employee operator of those findings and any recommendations that it intends to make to the Lieutenant Colonel.

G. APPEAL OF BOARD FINDINGS

1. An employee operator may appeal any findings of the Board within fourteen (14) days after the date that notification of its having made such findings is sent by the Board. The appeal must be sent, in writing, to the Traffic Safety Unit, to the attention of the Fleet Safety Board Clerk.
2. An appeal must be heard at the next meeting of the Board.
3. An employee operator shall be notified of that meeting and may appear before the Board at that meeting to present any additional relevant information about the subject crash.
4. The Board shall consider any and all relevant information that has been presented on appeal to the Board, and then make final findings and recommendations in the matter.

H. REVIEWS AND FINAL DETERMINATIONS

1. Sixteen (16) days after the Board has made any findings and recommendations in a matter — or, following an appeal, has made final findings and recommendations in a matter — the Board shall forward such findings, recommendations, and the record upon which such findings and recommendations are based, to the Lieutenant Colonel.

2. The Lieutenant Colonel shall review the findings and recommendations of the Board, and then make a final determination in the matter.

I. REMEDIAL TRAINING

1. Any employee who is finally determined to have been involved in two (2) or more preventable crashes within one (1) year will be required, at a minimum, to attend remedial driver training designated by the principle EVOC instructor, with input from the Commander or Director having supervisory responsibility over the employee whose vehicle was involved in the crash.
2. Upon receiving notification that a final determination has been made and that an employee must attend remedial training, the principle EVOC instructor shall send notice to the employee's Maine State Police unit Commander or Director to inform the Commander or Director of the requirement for remedial training and to request input or additional information that may make the remedial training more effective. The Commander or Director of the applicable Maine State Police unit shall provide any such input or information within thirty (30) days after the request for such.
3. Any remedial training in which an employee takes part must be documented at the State Police Training Unit and in the Fleet Safety Board's files.

NOTICE

THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.