

TAKOMA PARK POLICE DEPARTMENT - GENERAL ORDERS



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| TITLE: Traffic Collision Investigation | | Number: 708 |
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| Authority: Antonio DeVaul, Chief of Police | | Total Pages 9 |

01 Purpose: To establish guidelines for the Department’s traffic collision reporting and investigation practices.

02 Policy: The majority of traffic collisions require the exchange of basic driver/vehicle information between involved parties. Collisions involving potential litigation, criminal charges, serious traffic violations, injuries or fatalities require detailed reporting and investigation. It is the policy of the Department to respond to all reported traffic collisions. Those that involve extensive property damage, injury or fatalities, or serious traffic violations will be recorded and investigated as the situation dictates. At the discretion of the responding officer, minor collisions where all vehicles are operational will not be investigated, but will be cleared upon exchange of required information among the parties involved.

03 Responsibility: Collision reporting and investigation are primarily the responsibility of the Patrol Operations component. On notification of any traffic collision, the dispatcher will dispatch police officers to the scene. The Montgomery County Department of Fire/Rescue Service (MCDFRS) will be dispatched if the dispatcher is uncertain if there are injuries. On arrival at the scene, the first responder will ascertain whether injuries exist, and will advise the dispatcher. The dispatcher will forward the information to the Fire Department.

04 On Scene Investigation:

A. Officers will conduct on-scene investigations of all traffic collisions involving:

- * death or injury
- * hit and run
- * impairment of an operator due to alcohol and/or drugs
- * hazardous materials
- * damage to City/government vehicles or property, regardless of the level of government
- * a privately-owned school bus actually transporting children or students in connection with a school activity
- * pedestrians or bicyclists
- * collisions involving serious violations of the Transportation Article
- * disturbances between principals
- * major traffic congestion as a result of the collision.
- * damage to vehicles requiring towing

B. Where investigation and reporting of a collision are not required, officers will:

1. Check permit status and registration of the operators/vehicles involved. If a discrepancy exists, the officer will investigate the collision.
 2. Distribute the Exchange of Information via Delta Plus Program to the operators involved in the collision or verify the information the drivers provide to each other.
 3. When not investigating/completing a report, make no judgment concerning liability, nor issue a traffic citation.
- C. The first officer arriving at the scene will maintain control unless otherwise directed by a supervisor. His/her responsibilities will include, but are not limited to:
1. Safeguarding the scene using flares and/or police vehicle emergency lights and equipment.
 2. Administering emergency first aid within his/her level of training and requesting other emergency services, if needed.
 3. Establishing a safe traffic pattern around the collision scene and expediting the removal of vehicles, bystanders, or debris.
 4. Locating witnesses, recording data, collecting and preserving evidence.

05 General Procedures at A Collision Scene:

- A. A police vehicle should not be parked at the scene in a manner that will endanger other pedestrians, motorists or citizens. The officer should consider using the police vehicle as a shield to protect the scene, as well as himself/herself.
- B. During periods of reduced visibility or darkness, the officer should put on a reflecting safety vest prior to leaving the vehicle. Flares are available in each vehicle for use in creating an illuminated warning pattern, to alert other motorists. Caution should be used to determine if there are gasoline leaks at the scene of the collision before igniting any flares. Traffic cones may be used as well, and are available at the Police Station and Public Works. The objective is to protect the scene and participants and temporarily detour traffic safely around the scene. If there is traffic re-routing of over one-half hour, the Police Public Information Officer will be informed by telephone, with the exact location given. He/she in turn will notify appropriate news agencies so motorists can be urged to avoid the area.
- C. In case of danger from leaking ruptured gas tanks or where there is major entanglement of two or more vehicles, or any sign of hazardous materials having been transported, the MCDFRS will be immediately notified.

D. Any property belonging to collision victims will be protected from theft or pilferage, and if victims are not present, should be brought to the station, properly impounded and turned in to Administrative Services.

E. The driver's license of a person killed in an automobile collision shall immediately be checked to determine if the victim is an organ donor. If the victim is determined to be an organ donor, the appropriate medical personnel shall be notified. No significant delay can be tolerated.

06 Accident Data Collection: The accident reporting officer and/or investigator will collect accident data that includes, but is not limited to:

A. Interviewing drivers and witnesses: Investigating officers will interview all drivers and record the information required to complete the appropriate collision form. If necessary, written statements shall be obtained, especially if death or possible death exists.

B. Examining and recording vehicle damage: Investigating officers will examine all involved vehicles to determine the extent and location of damage and will record information on the appropriate form.

C. Examining and recording effects of the collision on the roadway: Investigating officers will examine the roadway and public/private property for damage. If detected, damage will be recorded and reported to the appropriate agency.

D. Photographs: Investigating officers will take photographs when directed by a supervisor, and note in the report accordingly. Officers will upload photographs to the evidence or case reporting system.

E. Evidence: Investigating officers will check the collision scene for any items or markings that may assist determining cause. Debris, vehicle parts or paint are among items to be examined.

F. Exchange of Information: Investigating officers will inform each driver of their responsibility to exchange pertinent information or provide the information to them using the Delta plus Program, and procedures to be followed to obtain a copy of the collision report. Officers should not advise the parties involved that the collision report will be available the next day. A reasonable amount of time for report processing/review is necessary.

G. Measurements: Investigating officers will take measurements when directed by a supervisor. A sketch of the scene will be completed by the investigating officer when the collision involves death, serious injury or City liability. The sketch should include all information, which could assist in further investigation.

07 Follow-up Investigation:

A. The nature of some collisions may require follow-up to obtain information that was not obtained at the scene, including:

1. Collecting scene data.
2. Obtaining/recording statements from witnesses.
3. Reconstructing the collision.
4. Submitting evidence for laboratory examination.
5. Preparing collision and/or offense reports to support criminal charges.

B. When possible, investigating officers will obtain written witness statements at the scene. If this is not possible, follow-up responsibilities may be assigned by the Patrol Operations Commander.

C. In particularly serious collisions involving severe injuries, fatalities, multiple vehicles, etc., it may be necessary to summon expert or technical assistance from photographers, surveyors, mechanics, physicians, accident crash team specialists or other specialists, from County or State police agencies. Such expert assistance should be requested through the Watch Supervisor and/or Duty Commander.

D. Enforcement action should be taken whenever it is believed to be appropriate, when the investigating officer has detected a violation of a traffic law or when evidence exists to satisfy all elements of the violation. The officer may take immediate enforcement action and issue a Maryland Uniform Citation. If the officer concludes a DWI violation has occurred and the defendant is still on the scene, the arrest should be immediately made. No charges should be placed in fatal collision cases until the officer contacts and receives approval from the State's Attorney's Office.

08 Hazardous Materials: All police vehicles are equipped with a copy of the current Emergency Response Guidebook, which permits rapid identification of DOT vehicles, contains placards for hazardous substances and gives information concerning the nature of the hazard, emergency procedures, evacuation disasters, etc. A police officer arriving at the scene of such a collision and seeing hazardous materials placards should immediately request the Fire Department. The Fire Chief will assume control of a scene involving hazardous materials, and all police officers will provide support as required. Any investigation will occur only after approval of the Fire Chief.

09 Fatal Collision Investigation:

A. Fatal injury is an injury sustained which results in death within 1 year of a motor vehicle collision. When a victim expires within 1 year of the collision-that previously had been reported to be non-fatal, officers will supplemental information to the Automated Collision Reporting System (ACRS).

B. The Team Supervisor shall respond to all fatal or potentially fatal traffic collisions and assess

the situation. The Team Supervisor shall then contact the Patrol Operations Commander during business hours or the Duty Commander after business hours who shall respond to the scene. The Team Supervisor shall then contact the Montgomery County Police Collision Reconstruction Unit and advise them of the circumstances surrounding the collision. Once advised, the Collision Reconstruction Unit will determine if they are going to respond and what level of service they will provide. The Team Supervisor shall then confer with the Patrol Operations Commander or Duty Commander who shall notify Criminal Investigations Division.

Note: Once the Montgomery County Police Collision Reconstruction Unit assumes investigative responsibility, many of the notifications, documentation, evidence collection, charging, and follow-up become their responsibility and the Takoma Park Team supervisor will coordinate with the Montgomery County Police Collision Reconstruction Unit lead investigator. If the Montgomery County Reconstruction Unit does not assume responsibility, officers will ensure that all of the following is completed.

C. When a fatal traffic collision or one involving life-threatening or serious injury occurs, the investigating officer must notify the State's Attorney's Office as follows:

1. Contact will be accomplished within forty-eight hours when the operator is a Maryland resident, and when practical if the operator is not a Maryland resident.
2. The results of the State's Attorney's contact, including the attorney's name, will be included in the report.

D These cases often depend on reconstructing intricate facts in conjunction with witness testimony, if available. Therefore, be reminded that in order to preserve the evidence and/or the scene, where practical, the following measures should be accomplished:

1. Photograph the scene with vehicle(s) in position.
2. Have vehicle(s) towed to a secure area for further inspection and further photographs, if necessary.
3. Interview, when practical, all civilian witnesses on the scene. At the very least, all names, addresses and phone numbers of witnesses should be documented and subsequent interviews conducted as soon as possible.
4. Compile a list of all officers involved, including emergency medical personnel.
5. If a suspect is in custody, he/she should be regularly monitored. All statements, blurt-outs, admissions of guilt, and/or evidence of intoxication/impairment shall be documented.

E. Maryland Motor Vehicle law requires that the driver of a motor vehicle involved in a fatal collision or potentially fatal collision submit to a chemical test for alcohol so long as the Officer has reasonable grounds to believe that the driver is in violation of the law and is driving while under the influence of alcohol and/or drugs.

1. If the driver is not transported to a medical facility, he/she **must** be given the breath test to determine their level of intoxication.

2. If a driver, whether conscious or not, is taken to a medical facility a Maryland State Police Blood Kit **must** be done on the driver if a fatality, or possible fatality, is involved and a reasonable belief exists that alcohol is a factor. MSP Form 34 - Chemical Test for Alcohol Unit, and associated attachment form titled Procedure for Proper Use and Submission of the Becton-Dickinson/Lynn Peavey Blood Specimen Collection Kits, **must** be submitted with the blood kit. Form 34 **must** be signed by the individual who draws the blood. Both forms should be folded and placed inside the kit prior to sealing.

F. The investigating officer will attach a separate sheet to the report containing a diagram of the collision location, paths and positions of the vehicles, including the streets names, measurements, and any other identifiers.

G. The Chief and the Public Information Officer will be notified of any fatal collision. The following minimum information will be given promptly to the Public Information Officer in any fatal or potentially fatal accident:

- * date, time, location of collision
- * number and kind of vehicles involved
- * detailed description of the collision
- * primary vehicle: driver's name, address, age and medical condition
- * other vehicles: driver's name, address, age and medical condition
- * name of hospital(s)
- * passengers in any vehicle: name, address, age and medical condition, relation to driver
- * time next-of-kin notified
- * name of officer in charge of the investigation
- * name of any other jurisdiction or officer involved
- * time pronounced
- * number of witnesses
- * charges placed, if any
- * use/non-use of seatbelts, air bag activation

H. Officers investigating fatal collisions will submit reports and forms necessary to supplement the Crash Reconstruction Unit Investigator's report or provide information on the crash to the TPPD Command Staff and PIO. Copies of all paperwork to include: any on-scene notes, witness statements, list of officers on the scene, photographs and Medical Examiner's report should be provided to the Crash Reconstruction Unit Investigator.

I. The Medical Examiner or his/her designee will be notified by the investigating officer in all fatal motor vehicle collision. When possible, the officer will include the Medical Examiner's finding in the report.

J. The Patrol Operations Commander or Duty Commander will notify CID while on the scene of a fatal collision, and an investigator will respond immediately to assist in both the investigation and placement of charges, if any. CID should also be notified and respond in collisions where death is anticipated. However, primary responsibility for investigation and subsequent reporting will remain with the original reporting officer.

K. Notification of next-of-kin: The investigating officer will either notify or arrange notification of next-of-kin of deceased persons in fatal collisions. If notification is not performed by the investigating officer, that officer will arrange to meet with relatives at their earliest convenience, to relay all known facts and circumstances to them.

L. Notification of Maryland State Police:

1. If the investigating officer believes the collision was caused by a mechanical defect, or that a mechanical defect appreciably contributed to the collision, the officer will submit a memorandum to the Patrol Operations Commander requesting the assistance of the Auto Safety Division, Maryland State Police. The memorandum will identify the collision and state the facts of the request.

2. If the Patrol Operations Commander concurs, he/she will forward the request with his/her endorsement by letter, to the Maryland State Police. The vehicles in question should be towed to Public Works as evidence until MSP completes its investigation.

N. Crime Reporting Procedures: Crime reporting procedures require that a traffic death that results from a violation of the traffic laws is considered manslaughter. It is not necessary that any traffic charge be formally made, only that a violation occurred.

10 Traffic Collisions on Private Property: The State of Maryland recognizes two types of private property: private property used by the public in general, and private community-owned roadways with limited access restricted exclusively to residents, servants and guests. Collisions, which occur on either type of property, will be investigated if there is any injury, significant damage to any property, or where any vehicle is disabled. In finding fault and issuing citations for private property collisions, officers are reminded that:

A. Title 21, Rules of the Road, Section 101.1(b), Applicability to Private Property, states: "A person may not drive a motor vehicle in violation of any provision of this title on any private property used by the public in general."

B. It is the opinion of the Maryland Attorney General that “State laws governing the registration of vehicles and the licensing of drivers have no application to private community-owned roadways with limited access restricted exclusively to community members, their guests, servants and invitees, and hence those laws are not enforceable thereon. For the most part, the rules of the road for vehicular traffic prescribed by the state have no application to such private roadways, and likewise they are not generally enforceable thereon. However, on private roadways, should a vehicle be operated recklessly or negligently, then specific provisions of State laws do apply and may be enforceable.”

11 Accident Reports and Records: No single collision report form can collect all the data required on various types of collisions to support criminal prosecution or collision research programs. However, the forms used by this department are:

A. State of Maryland Automated Collision Reporting System. All reportable collisions will be documented in this system.

B. All written statements will be on TPPD Statement Forms.

C. Exchange of Information will be provided to all operators when the officer does not initiate a collision investigation/report.

12 Collisions Involving City Owned Vehicles: If a City of Takoma Park vehicle is involved in a traffic collision, the following steps will be taken:

A. A supervisor, from the city department for whose employee was involved as a driver, will be notified and advised to respond to the scene. The on-duty patrol supervisor will respond to all in the city and any police vehicle outside the city unless extenuating circumstances prohibit it.

B. A collision investigation will be conducted by the officer on the scene, with the exception of collisions involving police vehicles.

C. Collisions involving police vehicles will be investigated by the, supervisor or Traffic Squad unless his/her vehicle is involved. In such case, the assistant supervisor or Traffic Squad will conduct the investigation, and complete the appropriate reports.

D. Supervisor’s Responsibility

1. Ensure an accident report is written
2. Complete a command summary to include details and any party involved in the accident
3. Enter into Blue Team if appropriate
4. Complete and call in First Report of Injury if necessary

13 Operations Commander Responsibility: The Operations Commander or designee will ensure that the following equipment is in all uniform patrol vehicles and/or beat bags, and is kept in good repair:

- * flares
- * knife
- * basic emergency medical kit
- * wrecking bar or other extraction device
- * clipboard
- * measuring tape
- * fire extinguisher
- * blankets
- * emergency response guidebook
- * crime/collision scene sketch materials

Officers shall, as part of their daily inspection, examine their cruisers for the above listed equipment and shall replenish those items to which they have access (ex. flares, medical kit supplies, sketch materials, etc.). Officers shall notify their Supervisor when they need to replenish items to which they don't have access. The Supervisor shall make arrangements with the Patrol Operations Commander in person, by voice mail, or by email to retrieve the needed items.