

**TYLER POLICE DEPARTMENT
GENERAL ORDER**

TRAFFIC ACCIDENT INVESTIGATION AND REPORTING

19.100

REVISED 03/29/12

EFFECTIVE 01/03/94

19.100 PURPOSE

The responsibility of persons involved in traffic accidents and of investigating officers in reporting traffic accidents to the Texas Department of Transportation (TXDOT) is clearly defined under Texas Motor Vehicle Laws. It is the intent of the Tyler Police Department, however, that the primary emphasis in accident reporting be placed upon "investigation" rather than strictly "reporting". The collection of detailed information that discloses the cause, conditions that existed, the persons, injuries, and vehicles involved in the accident is necessary. It is also necessary to provide emergency assistance to the injured, establish procedures for at-scene and follow-up investigations, as well as guidelines for proper enforcement action related to the causes of a traffic accident.

19.101 GENERAL DEFINITIONS

- A. Traffic accident - The unintentional collision of a vehicle with another vehicle, pedestrian or fixed object, which results in injury to or death of any person or damage to the property of any one person to an apparent extent of one thousand dollars (\$1000.00) or more.
- B. Traffic Accident Investigator (AI) - A sworn officer having been schooled in advanced accident investigations and/or accident reconstruction.

19.102 TRAFFIC ACCIDENT REPORTING AND INVESTIGATION

- A. It is the Department's policy that all traffic accidents, on public streets or highways, all damage to public property or public vehicles, any collision resulting in a disturbance between principals, any collision resulting in a major traffic congestion, any accident where the damage to the vehicle(s) involved require the assistance of a wrecker, and any hazardous material incident shall be responded to by at least one officer. Two officers, a Crimes Against Persons Investigator and a supervisor shall respond to all fatality accidents. At any accident scene an officer may request additional units to assist in traffic control. All officer(s) shall wear a reflective traffic vest when directing traffic and/or while standing in the roadway at an accident scene. No reports of traffic accidents will be taken by phone and at no time will this accident investigation policy be suspended except during dire emergencies (example: ice, snow, or other inclement weather situation.) and then only by order of the Chief of Police or the Chief's designate. When traffic accident investigation is suspended for emergency reasons:
 - 1. Motorists should be notified by public radio and television.
 - 2. Motorists will be told how and where to report property damage only accidents during these emergencies.
 - 3. Officers will issue the Driver's Crash Report to motorists involved in accidents in which the vehicles are drivable and there is only property damage.
- B. It shall be the policy of the Tyler Police Department that investigations will be conducted and accident reports will be submitted on the following accidents that occur on a public street or highway:
 - 1. Death or life threatening injury traffic accidents.

- a. An accident investigator will be responsible for the investigation of all accidents involving a death.
 - 1. An on-duty Crime Scene Officer will be notified to take photographs at death accident scenes. If no Crime Scene Officer is on-duty, the on-call will be notified.
 - 2. In the absence of a sworn supervisor remaining at the scene the A.I. will be in charge of the accident scene.
 - b. A Supervisor will respond to all death accident scenes.
- 2. Non-injury accidents involving damage of one thousand dollars (\$1000.00) or more to any one person's property.
 - 3. Hit and run traffic accidents regardless of injury or amount of damage.
 - 4. All collisions resulting from impairment due to alcohol or drugs.
 - 5. Any accident involving a city vehicle that results in any injury to any party will be investigated by an Accident Investigator.
 - a. The Accident Investigator will be responsible for completing the State Officer's Crash Report pursuant to accident reporting guidelines in the State of Texas Transportation Code and the appropriate offense/incident reports. The City of Tyler accident report will be the responsibility of the driver of the city vehicle when the accident occurs on a private parking lot or public residential parking area pursuant to the Texas Transportation Code as to when the Officer's Crash Report is to be completed. In instances when an Officer's Crash Report is completed, it is not necessary to also complete a City of Tyler accident report.
 - b. Photographs should be taken of the scene either by the Accident Investigator or a Crime Scene Officer.
 - c. A Supervisor will respond to the scene of an accident involving a city vehicle. If a police vehicle is involved, the Supervisor will submit the City Of Tyler Supervisor Accident Report.
 - 6. Any accident involving a city vehicle that does not result in any injury to any party may be investigated by an on-duty officer.
 - a. The officer investigating the accident will be responsible for completing the Officer's Crash Report pursuant to accident reporting guidelines in the State of Texas Transportation Code and the appropriate offense/incident reports. The City of Tyler accident report will be the responsibility of the driver of the city vehicle when the accident occurs on a private parking lot or public residential parking area pursuant to the Texas Transportation Code as to when the Officer's Crash Report is to be completed. In instances when an Officer's Crash Report is completed, it is not necessary to also complete a City of Tyler accident report.
 - b. Photographs should be taken of the scene either by the Accident Investigator or a Crime Scene Officer.
 - 7. Any accident where a hazardous material is involved causing a response by the Tyler Police and Fire Department.
- C. It shall be the policy of the Tyler Police Department that in non-injury accidents involving property damage of less than \$1000.00 to any one person's property, where none of the involved parties wishes a report taken, the parties involved should be told to submit a State Driver's Crash Report. In this event the Officer should complete a field case report (FCR).

- D. If all parties involved in a non-injury accident leave the scene of the collision, no accident report will be completed. They will be directed to submit a State Driver's Crash Report Form.
- E. The senior officer at the scene of a traffic accident will be in charge of the scene except:
 - 1. If the accident is being investigated by an Accident Investigator, the investigator will be responsible for the scene.
 - 2. The accident scene will be the responsibility of any Supervisor while the Supervisor is on the scene.
- F. The investigating officer at the scene of a traffic accident shall interview all principals and witnesses; examine and record vehicle damage; examine and record effects of the accident on the roadway; summon the necessary assistance to take photographs, as appropriate; collect and preserve evidence; take measurements, as appropriate; and, exchange information among the principals. The investigating officer shall use the appropriate forms supplied either by this Department or the TXDOT to ensure that data obtained is in a manner that permits tabulation according to standard classifications and to support prosecution for violations of traffic laws and ordinances, if any.
- G. It shall be the policy of the Tyler Police Department that for accidents occurring on private property that is not normally open to the public (such as a residential parking lot) or where a fee is charged, no State Officer's Crash Report shall be taken. In instances where injury, death, or damage has occurred, a departmental incident report identifying the parties involved and giving a description of the event shall be taken.
- H. It shall be Department policy that accidents occurring on private property normally open to the general public and meeting the TXDOT reporting requirements (such as a department store), should not be investigated by officers except in the following cases.
 - 1. Injury accidents will be reported on a State Officer's Crash Report.
 - 2. Hit and Run accidents involving property damage only will be reported on the appropriate Department incident forms.
 - 3. Any accident deemed necessary by a Supervisor, because of unusual circumstances.
 - 4. Accidents occurring in a public place that involves intoxicated drivers will be investigated.
 - 5. A supervisor is to be consulted prior to taking enforcement action on private property.

19.103 EQUIPMENT

- A. Patrol vehicles will be equipped with basic accident investigation equipment and basic emergency medical supplies. At the beginning of each shift officers shall inspect the basic emergency supplies to ensure that all of the items are present and functional. Items 1-7 will be stored in a sealed ready bag in the trunk of each vehicle. When any item is used, discovered to be missing, or the bag is found to be unsealed, the officer will present the vehicle check sheet to their supervisor who will be responsible for replenishing the supplies to ensure operational readiness. When supplies are not present the supervisor shall forward the information to the Fleet/Maintenance supervisor, and ensure that the supplies and/or equipment is replaced. Each patrol vehicle should be equipped with:
 - 1. First aid kit.
 - 2. Spill kit.
 - 3. Two Vis-a-flares.
 - 4. Two blankets.
 - 5. Knife.

6. First responder kit.
7. Crime Scene Tape
8. Fire extinguisher
9. Pry Bar
10. Three traffic cones.

B. An accident investigation kit is available for use by the A.I.'s and is stored in the A. I. Van. When any item is used or discovered to be missing, the A.I. officer will present a list to the A.I. Sergeant who will be responsible for replenishing the supplies to ensure operational readiness. The kit should contain the following:

1. Forensic Mapping System
2. Tape measuring kit
3. Traffic cones/barricades
4. Marking paint/chalk/pens
5. Crash Data Recorder.

19.104 ENFORCEMENT ACTION

It is the policy of the Tyler Police Department that officers shall issue traffic citations for offenses that did not occur in their presence resulting from accident investigation if the officer has probable cause to believe a violation of a traffic law or ordinance and evidence exists to satisfy the elements of the violation. The violator should be cited to Municipal Court. Custody arrests will only be permitted as directed by Chapter 14 C.C.P. (arrest without warrant). A supervisor is to be consulted prior to taking enforcement action on private property.

Enforcement action will not be taken under the following circumstances:

1. When a motor vehicle overturns in the roadway or runs off the roadway without colliding with another vehicle, pedestrian, or other conveyance and there is no property damage to another and only the driver is injured and/or the overturned vehicle is damaged.
2. When ice and snow is on the streets and is the principal cause of an accident and no reckless disregard of safety is indicated.

19.105 AT SCENE ACTIVITIES

A. The first officer arriving at the accident scene should act as quickly as possible to determine if there are any injuries and to summon ambulance(s) if needed. The officer should provide emergency medical care and basic first aid to any victim until the ambulance arrives. The first arriving officer should coordinate the protection of the accident scene, preserve any short lived evidence, establish a safe traffic pattern around the scene, and expedite the removal of vehicles and debris by calling for a wrecker service, if needed, as quickly as possible. The first officer to arrive should be aware of any potential witnesses that might be present and record the witness information for the investigating officer.

B. Police vehicles may be used to protect an accident scene. The police vehicle will be parked with the emergency lights operating. In some instances at the scene of traffic accidents, officers might find it necessary to use special equipment (flares, reflectors, barricades, traffic cones, etc.) to protect the scene and for the temporary detour of traffic. Patrol supervisor vehicles are equipped with flares and these should be used when necessary. Due care should be exercised to insure there are no flammable conditions before using flares. Other patrol vehicles have electrically powered flares and cones or barricades. When the officer in charge of the accident scene feels that the use of flares is not adequate and/or appropriate protection, the officer may request assistance from the

City's Street Department for barricades, traffic cones, or other equipment in order to protect the scene or detour traffic.

- C. At the scene of traffic accidents, officers should be aware of injuries, fire hazards, and hazardous materials. In the event of injuries, officers are responsible for basic life support and the summoning of medical assistance. In the event of fire hazards or instances involving hazardous materials, officers shall summon assistance from the Fire Department. When hazardous materials are found at a scene, officers are responsible for the preliminary hazard identification (spill, leak, fire). Officers should remember that only properly trained and equipped personnel shall attempt entry into areas where hazardous materials may be encountered.
- D. When persons involved in a traffic accident are killed or rendered unable to make a decision, the officer in charge of the scene shall have their vehicle inventoried and then impounded. Property that is deemed of value shall be removed for safekeeping and placed in property. The on-call wrecker will be called to move the vehicle to the wrecker company's impound lot for storage. Persons involved in traffic accidents that are injured, but still can make decisions, may have a choice of city-licensed wreckers to remove their vehicle. If the citizen does not have a preference of a wrecker company, an on-call wrecker will be called to remove the vehicle. The property belonging to accident victims is the responsibility of the ambulance attendants or hospital emergency personnel. In the event that unattended pets are at the scene, and no relative or friend can be located to take charge of the animal then Animal Control should be notified.
- E. At the scene of a traffic accident involving serious bodily injury or death where an accident investigator has been called out, it may be determined that evidence can be recovered from the vehicle's event data recorder or airbag control module. The accident investigator at the scene should determine if the vehicle is consistent with makes and models that are currently compatible for data downloads. If it is deemed that the vehicle is compatible, the accident investigator, if certified as a technician for Crash Data Retrieval, should attempt to download the information at the scene. If the accident investigator is not qualified, the investigator should attempt to have a certified technician respond to the scene to retrieve the data if possible. Data downloads are to be conducted pursuant to Transportation Code 547.615. The accident investigator, or another officer acting on the investigator's behalf, is required to get a signed consent form from the owner before conducting a download. In lieu of a signed consent form, consent can also be obtained on video or audio recording devices, i.e., COBAN, and/or portable recorders. In instances when consent cannot be given or the owner refuses to give consent, and there is probable cause to believe the information stored is evidence, the vehicle shall be towed to the police property lot (See property manual P04.03). A court order or warrant must then be obtained by either the accident investigator or crime against persons investigator in charge of the case in order to download data from the event data recorder or airbag module. Once all evidence is retrieved from the vehicle, the vehicle can then be released according to property manual P05.01.
- F. When considering conducting an event data download, the accident investigator must be mindful of the following:
 - 1. The keys to the vehicle should be removed from the ignition and retained by the accident investigator as soon as possible. If at any time the vehicle ignition is turned on or powered up by anyone at the scene, the data in the module may be lost or damaged.
 - 2. Data may only be retrieved through consent of the owner or court order. The investigator must take the necessary steps to protect the recording device from being damaged by the elements or other means. Every effort must be made to expedite the removal of the vehicle from the crash scene so that the roadway may be opened as quickly as possible.
 - 3. Downloads of data from the event data recorder may only be done by certified Crash Data Retrieval personnel.
 - 4. The airbags do not have to deploy in order to have a recorded event.

19.106 TRAFFIC ACCIDENT REPORT FORMS AND GUIDELINES

- A. It shall be the policy of this Department to use the following forms when applicable in the investigation of traffic accidents:
1. Texas Peace Officer's Crash Report and supplemental reports supplied by the TXDOT.
 2. Statutory Warning (DIC-24), supplied by the Texas Department of Public Safety.
 3. Peace Officer's Sworn Report (DIC-23), supplied by the Texas Department of Public Safety.
 4. Tyler Police Department Offense/Incident Report.
 5. Tyler Police Department Supplement Report.
- B. Guidelines
1. Each officer, who in the regular course of duty, investigates a motor vehicle accident resulting in injury or death of any person, or damage to the property of any one person to an apparent extent of at least \$1000.00, either at the time of and at the accident scene or thereafter by interviewing participants or witnesses shall forward a copy of such accidents to the TXDOT within ten (10) days of the accident. Reports of investigated accidents involving property damage of less than \$1000.00 should also be submitted to the TXDOT.

In the event a correction needs to be made to a completed accident form the officer will need to contact a Data Management Clerk and take possession of the original accident report. The officer will make any needed corrections and then identify the amended form as a corrected form by writing "Corrected Copy" on the top of the form. The officer will then return the corrected copy to a Data Management Clerk who will be responsible for the proper distribution of the correct copy.
 2. All accident reports shall be completed in accordance with the TXDOT instructions for completing the crash report forms.
 3. Only black ink shall be used when completing any accident report or any other form used by the Department.
 4. White liquid paper correction fluid is permissible for use on the State Crash Report Form.

19.107 FOLLOW-UP INVESTIGATIONS

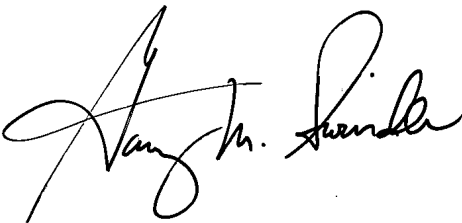
- A. Any follow-up investigation needed for the purpose of completing any basic required report will be conducted by the original assigned officer. This will include the collection of off-scene data.
- B. Follow-up investigation regarding hit and run accidents where there are no apparent injuries will be conducted by the officer originally assigned the incident if it is Class C. Class B, hit and run accidents will be conducted by an assigned Investigator.
- C. Follow-up investigation regarding hit and run accidents where there are obvious injuries will be conducted by an assigned Investigator.
- D. Follow-up investigations of a fatality traffic accident or an accident with severe injuries where a person might die will be conducted by an assigned Investigator.
- E. The obtaining or recording of formal statements from witnesses will be the responsibility of the investigating Officer.

- F. The reconstruction of a traffic accident will be assigned to an A.I.
- G. The preparing of any formal reports to support any criminal charges arising from the traffic accident will be the responsibility of the officer conducting the follow-up investigation.

General Order 05.407 will be followed if a citation needs to be issued as a result of a follow-up investigation.

- H. As a result of an investigation if an investigator determines the need for expert or technical assistance that assistance may be acquired after receiving supervisory approval.
 - 1. Such assistance may be obtained from DPS, DPS chemical laboratory, FBI crime lab, physicians, mechanics, photographers, surveyors or others.
 - 2. An example of such expert or technical assistance might be the need to determine the speed of a vehicle by having a laser analysis done of the speedometer for the purpose of determining the speed of the vehicle at the time of the collision. Another example of such assistance might be to have a surveyor assist with completion of a scale drawing at the location of a traffic accident.

Approved: 03/29/12

A handwritten signature in black ink, appearing to read "Anthony M. Serrano". The signature is written in a cursive style with a large initial 'A' and 'S'.