



# Garner Police Department Written Directive

**Chapter:** 800 - Operations

**Directive:** 830.03 - Traffic Crash Investigation

**Authorized by:** Chief Brandon Zuidema

**Effective Date:** January 1, 2017

**CALEA Standards:** 61.1.5, 61.2.1, 61.2.2, 61.2.3, 61.2.4, 61.3.2 and 83.2.6

**Last Revision:** October 1, 2015

## 830.3.1 - Purpose

The purpose of this directive is to establish policy and procedures to be followed during traffic crash investigations.

## 830.3.2 - Policy

The Garner Police Department performs a variety of traffic crash investigation functions. It is critical that all reported crashes are investigated to provide an explanation of the series of events occurring in the crash and the cause of the crash based on facts and evidence found at the scene. Other functions related to crash investigation include, but are not limited to, conducting follow-up investigation, providing emergency aid to the injured, protecting the crash scene, preparing reports, and taking enforcement action.

## 830.3.3 – Definitions (61.2.1)

- A. Motor Vehicle - Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle.
- B. Motor Vehicle Crash - Any event that results in death, injury, or property damage attributable directly or indirectly to the motion of a motor vehicle or the load carried by that vehicle.

Note: *Accident, Collision, Crash, and Wreck* all mean the same thing and may be used interchangeably.

- C. Non-reportable Crash - any crash not meeting the criteria established for a reportable crash.
- D. Reportable Crash - Any crash resulting in any of the following will be investigated and reported to the North Carolina Division of Motor Vehicles via a North Carolina Traffic Collision Report (DMV-349):
  - 1. Death (see NCGS 20-4.01(33b));
  - 2. Complaint of or obvious injury (see NCGS 20-4.01(33b));
  - 3. Property damage over \$1,000 (see NCGS 20-4.01(33b)) or of any amount to a vehicle seized pursuant to NCGS 20-28.3 (Seizure, impoundment, forfeiture of motor vehicles for offenses involving impaired driving while license revoked or without license and insurance);
  - 4. Hit and Run;
  - 5. Impairment due to alcohol or drugs; or

6. Hazardous materials.

#### **830.3.4 - Response to Crashes (61.2.2)**

- A. Officers will respond to the scene of any crash occurring inside the Town of Garner limits, including but not limited to a crash involving any of the following:
  1. Death or injury;
  2. Hit and run;
  3. Impairment of an operator due to alcohol or drugs;
  4. Damage to Town of Garner vehicles or property;
  5. A disturbance between the principals;
  6. Major traffic congestion as a result of the crash;
  7. Damage to the vehicles to the extent towing is required;
  8. Property damage; and
  9. Hazardous materials.
- B. Officers may respond to the scene of a crash outside the city limits and complete a report if:
  1. A request is made from the agency with jurisdiction over the crash; and
  2. There is no death or injury involved; and
  3. All involved parties are in agreement in regards to the events of the crash; and
  4. The officer has supervisory approval.
- C. Officers may respond to the scene of a crash outside the city limits and assist by providing first-aid and traffic control until the agency with jurisdiction arrives with supervisory approval.

#### **830.3.5 - Crash Reporting and Classification**

- A. Reportable crash investigations will be recorded on report forms mandated by state law and other forms as needed (including supplementary forms), in accordance with the guidelines set forth in N.C.G.S. 20-166.1.
- B. The Chief of Police must approve any form used for the recording of crash information, other than the North Carolina Collision Report (DMV 349).
- C. The Garner Police Department uses the State of North Carolina crash classification system that is in conformance with the Manual on Classification of Motor Vehicle Traffic Crashes.

#### **830.3.6 - Responsibilities of the First Officer to Arrive (61.2.2; 61.2.3; 61.3.2)**

- A. Upon dispatch to the scene of a motor vehicle crash, the level of response will be determined by the magnitude of the crash and will be conducted in accordance with GPD directive 810.01 - *Emergency Vehicle Response*.

1. Upon arrival the officer shall position his/her vehicle to provide for protection of the scene and/or the involved parties.
  2. The officer will establish crowd and traffic control to prevent further injuries and crashes. Traffic control will be accomplished using guidelines outlined in GPD directive 830.05, *Traffic Direction and Control*.
  3. Additional units will be summoned as necessary to assist with crowd and traffic control.
- B. Medical assistance is, under most circumstances, the number one priority. However, traffic control may be first required in order to prevent further injury. A safe and effective traffic pattern should be established around the scene.
1. The initial responding officer(s) shall render whatever medical attention he/she is capable of until and even after emergency medical help has arrived.
  2. Requests for additional medical, fire, or police assistance will be made as soon as possible. Sufficient numbers of personnel should be summoned to allow safe treatment of the injured and investigation of the crash.
- C. If the first officer on the scene of the crash determines there is a hazard related to fire and/or hazardous materials or the potential for such hazard exists, the officer will contact the Raleigh Wake Emergency Communications Center (RWECC) and request Fire Department assistance. The first responder will also initiate the steps for establishing an Incident Command as outlined in *GPD Directive 810.06 – Incident Command System*.
1. In the event of fire, the officer will make every effort to remove victims from possible fire exposure. Officers will also utilize the patrol vehicle fire extinguisher to suppress the fire and monitor the fire until fire units arrive.
  2. In the event of hazardous materials, the officer should attempt to identify the material, without endangering himself/herself, by any container placards, driver interview, and/or vehicle identification.
  3. The officer will notify the on-duty shift supervisor of any fire and/or hazardous materials danger.
- D. Physical evidence should be located, identified, preserved, and protected until photographed, recorded, and/or collected.
- E. In cases where the towing of vehicles is necessary, the first officer at the scene shall request the dispatch of a wrecker(s) to expedite the removal of the vehicles from the roadway. As long as there is not personal injury or a question as to liability in the crash, the vehicle(s) should be moved from the roadway as soon as the wrecker(s) arrives in order to facilitate traffic flow.

#### **830.3.7 - At Scene Command (61.2.3)**

- A. The first officer at the scene must observe and evaluate the type and the amount of assistance that is required. He/she is in charge of scene management until relieved by a higher authority or the investigating officer.
- B. The investigating officer will be that officer initially assigned by RWECC unless otherwise directed by a higher-ranking officer.

**830.3.8 - Supervisor Responsibilities**

- A. The on-duty shift supervisor will respond to all major crashes assigned to a patrol officer. These include, but are not limited to crashes involving death, serious personal injury, serious hit and run crashes, significant traffic congestion, and/or crashes involving extensive property damage.
- B. The on-duty shift supervisor will remain on the scene until the situation is stabilized and all necessary assistance has been provided to the investigating officer.
- C. The on-duty shift supervisor will observe and evaluate those crashes assigned to patrol officers. If, in the opinion of the supervisor, the crash requires a more advanced level of investigation, the supervisor may reassign the investigation to a traffic safety officer if one is available, to a more highly trained and/or experienced patrol officer, or the supervisor may request assistance from a Department Crash Reconstructionist.

**830.3.9 - Traffic Crash Investigation Guidelines (61.2.3, 61.2.4)**

- A. The following investigative guidelines will apply when conducting crash investigations and collecting evidence at all crash scenes:
  - 1. The investigating officer shall identify witnesses, vehicle operators, and other individuals involved to be interviewed. The investigating officer shall separate all parties involved to prevent any type of disturbance and to allow for unbiased and non-preconceived statements. These statements should be taken as soon as possible, making sure that the parties interviewed are not unnecessarily delayed. Interviews may be verbal, tape recorded, or written as deemed appropriate by the investigating officer except in the case of a fatality when they should be tape recorded or written.
  - 2. A thorough examination of the vehicles and the crash scene should be conducted. Evidence shall be collected, including the seizure of vehicles if necessary (with supervisor approval). All evidence that cannot be seized or collected should be noted, measured, and photographed.
  - 3. The roadway and all traffic control devices should be examined for any defects or damages that may have existed before the crash or came about as a result of the crash.
  - 4. The investigating officer will assist the drivers/owners in exchanging needed information and ensuring that the provided driver information exchange slips are filled out completely.
  - 5. If evidence is collected, including blood kits, the evidence should be handled and submitted in accordance with GPD directive 510.01, *Evidence and Property Submission*.
- B. The following investigative guidelines will apply when conducting crash investigations involving injuries and/or fatalities or if the circumstances surrounding the crash dictate a more thorough investigation:
  - 1. Measurements shall be taken of any tire marks, lane and street widths, area of impact, and final resting positions of the vehicles as well as any other evidence deemed relevant by the investigating officer in order to prepare a scale drawing or diagram. A scale diagram should be constructed unless the Traffic Safety Unit Sergeant or a Department Crash Reconstructionist authorizes that measurements only be recorded and kept on file so that a diagram could be constructed at a later date if necessary.
  - 2. Photography of the scene, vehicles, and other relevant evidence shall be taken (see section "D" below).

- C. The Department maintains a Traffic Crash Reconstruction Team that can be utilized to investigate and, when necessary, reconstruct crash scenes.
1. The Lead Traffic Crash Reconstructionist shall be notified when a traffic crash investigation involves any of the following circumstances:
    - a. A fatality;
    - b. Any serious injury where death appears imminent or the injury will be severe enough to require extended hospitalization;
    - c. Crashes involving a Town of Garner vehicle with obvious injury or complaint of injury or where there is any question as to liability as the result of the crash;
    - d. Crashes involving another law enforcement agency's vehicle;
    - e. Crashes involving extensive property damage to a building or other non-vehicular property; and
    - f. Crashes of a unique or unusual nature that, based on the opinion of the on-scene supervisor, necessitate notification to the Crash Reconstruction Team.
  2. A Crash Reconstructionist will be subject-to-call for such assignments when not scheduled to be on-duty.
  3. It will normally be at the discretion of the Traffic Crash Reconstruction Team to determine whether their response is justified based on the totality of the circumstances. However, a member of the command staff may require a Traffic Crash Reconstruction Team response if they feel it is appropriate.
  4. The Crash Reconstructionist will be in charge of and direct the investigation and reporting of any crash they respond to. In all other situations, unless authorized by the Chief of Police or his designee, the Crash Reconstructionist's analysis will be documented in a separate investigation report and/or technical data analysis and will supplement the investigating officer's report.
  5. Field testing, consisting of skid testing, sight distance analysis, or other related testing will be completed by the Crash Reconstructionist. The Crash Reconstructionist will notify the on-duty shift supervisor if such tests are to be conducted and will require traffic control assistance.
  6. Crash Reconstructionists are authorized to seek additional assistance to conduct thorough investigations of crashes. These include, but are not limited to, physicians, surveyors, engineers, mechanics, photographers, and other Crash Reconstructionists. This assistance is to be coordinated through the Lead Traffic Crash Reconstructionist, Support Services Lieutenant and, if necessary, the Operations Captain.
- D. The following guidelines will be followed regarding photography at crash scenes:
1. The investigating officer will notify RWECC as soon as possible regarding the dispatch of City County Bureau of Identification (CCBI) personnel for the purpose of photographing the crash scene if appropriate based on the circumstances of the crash. This will be mandatory for all fatal crashes.
  2. The investigating officer may request a CCBI Technician to the scene of any crash to take photographs, where, in the opinion of the investigating officer, photographs are needed to supplement the investigation. Before making such a request at any crash other than a fatality, the investigating officer will notify the on-duty shift supervisor of the request and the justification for it.

3. Photographs will be taken prior to altering the crash scene. Only in emergency situations should any evidence be marked, moved, altered, or removed before photographs are taken. The investigating officer should work closely with the CCBI Technician to ensure that photographs are prepared to show the following:
    - a. Vehicles: photographed from all sides with special attention to the damaged areas;
    - b. Roadway: all tire marks, gouges, debris, or other relevant markings or items;
    - c. Viewpoints: photographs showing viewpoints or perspectives of all drivers involved. This includes general area photographs; and
    - d. Follow-up: photographs taken in daylight or under more ideal conditions than those present at the time of the crash.
  4. It should be noted that the CCBI Technician will take any other photographs that they feel necessary to supplement the investigation. Additionally, if a Crash Reconstructionist is summoned to the scene, he/she will be authorized to take his/her own photographs which will be used for analysis/evidence and become a permanent part of the case file.
  5. News media photographers are not to be relied upon for supplying any photographs intended to be later used for evidence or analysis.
- E. When necessary, the investigating officer will complete a follow-up crash investigation, to include (but not be limited to) taking the following actions:
1. Completing any supplement to the initial DMV-349 to provide additional information. The original report number will be utilized for all supplement reports;
  2. Filing or amending charges, as appropriate;
  3. Collecting off-scene data including, but not limited to, chemical breath test results, blood tests, driver's record of convictions, and/or lab reports;
  4. Obtaining and recording formal statements from witnesses;
  5. Contacting a Crash Reconstructionist, if necessary; and/or
  6. Preparing formal reports to support any criminal charges arising out of the incident.
- F. In the event that a vehicle involved in a crash cannot be driven from the scene due to damage or a driver not being available, a tow service will be contacted for removal of the vehicle. Guidelines for towing of vehicles are found in GPD directive 830.06, *Traffic Ancillary Services*.

#### **830.3.10 – Hit-and-Run Crash Investigations (61.2.2; 83.2.6)**

- A. Any officer responding to a hit-and-run crash will investigate the crash using the criteria outlined herein.
- B. A separate criminal incident report shall be filed in addition to a North Carolina Collision Report (DMV 349) if the elements of a felony are met.
- C. If the crash is confirmed to be a hit-and-run, any available description or other pertinent information about the suspect vehicle and/or driver is to be relayed to RWECC for broadcast to both local units and other area law enforcement agencies.

**830.3.11 - Enforcement Action (61.1.5)**

- A. Enforcement actions for violations resulting in traffic crashes will be taken where appropriate and in accordance with North Carolina General Statute 15A-401(b) and other applicable state or local laws. Enforcement action taken by officers as a result of their traffic crash investigation should be left up to the officer's discretion based on the nature of the violation and the seriousness and circumstances of the crash.
- B. Charges that constitute criminal offenses and serious traffic charges (i.e. death by motor vehicle) will typically require additional investigatory efforts and documentation. These additional investigative efforts should be conducted in the same manner as officers would conduct other criminal casework.
- C. In the event a driver involved in a crash is suspected of being under the influence of an intoxicant, the investigating officer will proceed with a DWI investigation as outlined in GPD directive 830.02, *Traffic Law Enforcement*.

**830.3.112 - Private Property Crashes**

- A. Traffic crashes that occur on private property or in public vehicular areas will be investigated and reported using the same procedures as those occurring on streets and highways.
- B. Officers should be mindful of the fact that not all motor vehicle laws are applicable to public vehicular areas. Therefore, officers should be familiar with those charges that can be issued under these circumstances.

**830.3.13 - Late Notification**

- A. Occasionally, persons report crashes that occurred at an earlier date or time that had no police response. Officers are to determine if the nature of the alleged incident meet the criteria for a crash investigation and report.
- B. If the criteria are met, the officer should conduct the best possible investigation, including examination of the scene, vehicle damage analysis, and, if available, interviewing witnesses.
- C. The investigating officer is to document in the narrative portion of the crash report that this is a late reported crash. This statement is to be at the beginning of the report. Suggested wording would be: "LATE REPORTED CRASH - NOT REPORTED AT SCENE."
- D. Crashes where one or both vehicles have left the scene of the crash, to include any crashes not reported at the time the crash occurred will not require a diagram.

**830.3.14 – When Crash Reports Do Not Require a Diagram**

- A. Single vehicle crashes where an animal is struck; in lieu of a diagram, the language "VEHICLE ANIMAL CRASH" will be included in the diagram block.
- B. Crashes where the investigating officer cannot reasonably discern the positioning of the vehicles involved due to the vehicles having been moved from the scene of the crash and where there are conflicting driver and/or witness statements.

**830.3.15 - Property Control (61.2.3)**

- A. In the event that personal property of an involved party is located, and that party is unable to care for it, the investigating officer should seize and secure that property in accordance with the guidelines established in GPD directive 510.01, *Evidence and Property Submission*.
1. When officers are required to handle victims' personal property, this should be done, if possible, in the presence of witnesses.
  2. Items seized for temporary purposes, (i.e. transporting a victim's purse or wallet to the hospital), do not need to be processed through the Department's Property Control System, but should be documented by the officer handling the property.
- B. Officers are to be alert for pilferage and theft problems that may occur at crash scenes.

**830.3.16 - Additional Crash Investigation Duties**

- A. In the event of a fatality, notification of the victim's next of kin will be conducted as outlined in GPD directive 820.03, *Victim / Witness Assistance*.
1. Should the death occur after the person is transported from scene, notification is usually conducted by medical personnel. Departmental personnel are to cooperate to the fullest extent to assist medical personnel with this duty.
  2. All traffic fatality victims will be transported to a facility authorized by the Medical Examiner.
- B. In the event of injury to a crash victim, the investigating officer, if possible, is to ascertain the desires of the injured party regarding notification of individuals and take steps to ensure such notification.
- C. The investigating officer will notify RWECC, as soon as possible, in the event that any utility is disrupted or any traffic signal or sign is destroyed as a result of a crash.