

CITY OF OAK POINT

DEPARTMENT OF PUBLIC SAFETY POLICE OPERATIONAL POLICIES

POLICY: 7.15 ACCIDENT INVESTIGATIONS

REVISED DATE: 09.23.2014

I. POLICY

An objective of the department is the reduction of motor vehicle accidents. To accomplish this, the department performs a variety of functions such as providing emergency service to the injured, protecting the accident scene, conducting accident investigations and follow-ups, preparing reports, and taking proper enforcement action. The purpose of accident investigation is to determine the cause of an automobile crash and use the information to develop enforcement that will reduce accidents. Accident reports are used by the city locally to study the frequency of crashes at a given location and time, the causes, and the road conditions that existed at the time. The reports are also used to develop selective enforcement programs, engineering studies, and to promote street and highway safety.

II. PURPOSE

The purpose of this policy is to establish guidelines for the proper handling of traffic accidents and for the collection and use of data that will reduce automobile accidents resulting in property damage, injury, or death.

III. PROCEDURES – General

A. Accident report and investigation, general

1. Texas Transportation Code requirements concerning the reporting of traffic accidents include:
 - a. TRC 550.026 The driver of any vehicle involved in an accident resulting in death or injury shall immediately notify the law enforcement officials.
 - b. TRC 550.062 A law-enforcement officer investigating an accident resulting in injury or death or total property damage to an apparent amount of \$1000 or more shall make a written report of it to DPS.
 - c. TRC 550.062 Officers who investigate an accident for which a report must be made, either at the time of and at the scene of the

CITY OF OAK POINT

DEPARTMENT OF PUBLIC SAFETY POLICE OPERATIONAL POLICIES

accident, or thereafter and elsewhere, by interviewing participants or witnesses, shall within 10 days after completing the investigation, forward a written report of the accident.

2. An officer shall respond to and prepare a report of accident involving any of the following:
 - a. Death or injury.
 - b. Property damage in excess of \$1000.
 - c. Hit and run.
 - d. Impairment due to alcohol and drugs.
 - e. Hazardous materials.
 - f. Any accident involving city/county property, vehicles, equipment, or facilities.
 - g. Any accident where either driver cannot produce a driver's license or proof of liability insurance.
3. Officers shall also be assigned to respond to any accident involving disturbances between drivers/passengers or which create traffic congestion as a result of the accident or where vehicles are damaged to the extent that towing is required. Patrol vehicles may be assigned to any other accident, not listed above, to assist persons involved with information exchange. Time permitting, officers may investigate and report these accidents.
4. Whenever possible officers shall not investigate any accident which involves a city vehicle, elected officials personal vehicle, city employees personal vehicle, or family member of any employee or elected official of the city. These accidents will be investigated by Texas DPS or a DCSO deputy. Officers will go to the scene and assist with traffic control or for safety purposes only.

B. Responding to the Accident Scene

1. Officers shall respond to minor accident scene Code one, unless the dispatcher or supervisor directs otherwise.

CITY OF OAK POINT

DEPARTMENT OF PUBLIC SAFETY POLICE OPERATIONAL POLICIES

2. Officers shall respond Code three to major accidents where there exist injuries or major road or highway blockages, or where information provided indicates the immediate need for an officer on scene.
 3. The officers responding shall park their vehicles as necessary to protect victims and the accident scene, while still leaving room for egress for other emergency services.
- C. Accident scene responsibilities (these will vary in order depending on the scene)
1. The first officer to arrive at an accident scene shall perform the following:
 - a. Administer emergency medical care (basic life support measures) pending arrival of rescue personnel
 - b. Summon additional help as required (officers, rescue, wreckers).
 - c. Protect the accident scene.
 - d. Preserve short-lived evidence (broken parts, skid marks).
 - e. Establish a safe traffic pattern around the scene.
 - f. Locate witnesses and recording key accident information.
 - g. Expedite removal of vehicles, persons, and debris from the roadway except for fatal accidents.
 2. The officer assigned to an accident shall have the responsibility and authority to request assistance from any other officers as needed. He or she becomes the primary investigating officer in charge at the scene unless the supervisor deems it more appropriate to assign another officer these responsibilities.
 3. In case of accidents that occur on private property, accident reports need not be filled out if property damage does not exceed \$1000, unless the supervisor directs.

CITY OF OAK POINT

DEPARTMENT OF PUBLIC SAFETY POLICE OPERATIONAL POLICIES

4. In case of extremely inclement weather where an accident involves only property damage, the dispatcher or officer may, with the supervisor's approval, perform the following:
 - a. Obtain information over the phone to complete the accident report and request that the involved drivers come to the department and file a report in person within 48 hours of the incident.
 - b. Complete a report showing the name, address, operator license number, and telephone number of each driver.

IV. PROCEDURES - Accident scene

A. Collecting information

1. At the scene of the accident, the investigating officer shall gather appropriate information for a report. Information to be collected at the scene may include, but is not limited to, the following:
 - a. Interview principals and witnesses and secure necessary identity/address information.
 - b. Examine and record vehicle damage.
 - c. Examine and record the effects of the accident on the roadway or off the roadway on private or public property.
 - d. Take measurements as appropriate.
 - e. Take photographs as appropriate.
 - f. Collect and process evidence.
 - g. Exchange information among principals.

B. Follow-up activities

1. Follow-up activities which may be necessary include the following:

CITY OF OAK POINT

DEPARTMENT OF PUBLIC SAFETY POLICE OPERATIONAL POLICIES

- a. Obtain and record formal statements from witnesses. Juveniles may provide statements as witnesses only.
 - b. Reconstruct the accident.
 - c. Submit evidentiary materials for laboratory examination.
 - d. Prepare accident and offense reports to support charges arising from the accident.
2. In a particularly serious accident involving severe injuries, fatalities, or multiple vehicles, it may be necessary to summon expert or technical assistance accident crash team specialists, or other specialists. In these cases Notification shall be made and assistance shall be requested through a supervisor.
 3. At the accident scene, the officer may take immediate enforcement action and issue a summons for observed violations. In death cases, officers will prepare cases so that they may be forwarded to the District Attorney.
 4. If the investigating officer concludes that the accident was caused by a person driving under the influence of intoxicants (DWI) and the defendant is still at the scene, the DWI arrest shall be made before transport.
 5. If the driver is transported to the hospital before the officer arrives and if the officer later concludes DWI, an arrest warrant shall be obtained. If the driver is hospitalized, then the warrant will be served when the driver is released.
 6. In other traffic-related investigations, when the officer leaves the scene of the offense and later identifies an offender or offense, arrest warrants may be obtained. The summons can be issued at the hospital after the accident scene has been processed.
- C. Accident scene procedures
1. Upon notification of an accident, the officer assigned shall proceed promptly depending on injuries. The patrol vehicle shall not be parked at the scene in a manner that will endanger other pedestrians or motorists. The officer shall

CITY OF OAK POINT

DEPARTMENT OF PUBLIC SAFETY POLICE OPERATIONAL POLICIES

consider using the vehicle as a shield to protect the scene as well as him or herself. The officer shall leave the vehicle emergency lights on.

2. At all times when investigating an accident on the streets or highways, the officer shall wear a reflector safety vest. Officers shall use flares (available in each patrol vehicle) to create an illuminated warning pattern to alert other drivers. If possible officers shall use non-incendiary devices as flares. Note that flares may be dangerous at accidents where hazardous materials are present.
3. In case of fire danger from leaking or ruptured gas tanks or where the accident may involve hazardous materials, the on-scene officer shall summon the fire officers.
 - a. All fire vehicles are equipped with a copy of the current emergency response guidebook to aid in identifying vehicles carrying hazardous materials. The guidebook illustrates hazardous materials placards and identifies and describes the relevant hazard, appropriate emergency procedures, and evacuation procedures.
 - b. Any officer arriving at the scene of such an accident who sees hazardous materials placards shall immediately summon the fire department. The fire personnel will assume control of any scene involving hazardous materials and all officers shall provide support as required. The investigation of the accident shall begin after approval by the fire personnel.
4. Any property belonging to accident victims shall be protected from theft or pilferage and, if owners are not present, it shall be taken into custody, tagged, and held for safekeeping until the victims claim it.
5. Officers shall require any person clearing a wrecked or damaged vehicle from a street or highway to remove any glass or other injurious substance dropped upon the highway. Where the quantity of accident debris is too great for the wrecker operator to do this, the fire department shall be requested. The fire department shall assist in washing down combustible substances if legal to do so.
6. If either driver is not present at the accident scene, do not assume that it is a hit/run unless further inquiry indicates the possibility. Perform the following actions if the incident appears to be a hit/run.

CITY OF OAK POINT

DEPARTMENT OF PUBLIC SAFETY POLICE OPERATIONAL POLICIES

- a. As soon as practicable, transmit the description of the vehicle and driver to dispatch, along with the direction of travel and time elapsed since the incident.
 - b. Process the accident scene as a crime scene.
7. If a juvenile not accompanied by an adult is the driver or a passenger involved in an accident which requires the officer to do a report for state notification the officer shall require an adult guardian to come to the scene and take custody of the juvenile. Under no circumstances shall an officer allow a juvenile that has been involved in an accident which they may have sustained injuries to leave on their own or be left unattended.

D. Accident report

1. A report shall be filed on all accidents that occur on public property, or publicly accessed private property within the city if it meets any of the normal reporting criteria (death, personal injury, property damage in excess of \$1000, or involves government-operated vehicles). Public property is any highway, roadway, street, or public parking lot maintained by the state, county, or city.
 - a. Publicly accessed private property is a private access way or parking area provided for a client of a business, but not residential property or private parking where a fee is charged for parking.
2. In the event of an accident that occurs on private property, an accident report may be filed if it meets any of the normal reporting criteria (death, personal injury, property damage in excess of \$1000, or involves government-operated vehicles).
3. Accidents that do not meet reporting requirements may still be reported by the vehicle operators using the Texas Blue Form.

E. Disabled vehicles

1. Officers shall not push or tow any vehicle with a patrol vehicle unless the patrol vehicle is equipped with a department-approved push bar and the officer has been trained in its use.

CITY OF OAK POINT

DEPARTMENT OF PUBLIC SAFETY POLICE OPERATIONAL POLICIES

2. Owing to the risk to radio and emergency equipment, officers shall not connect jumper cables to a patrol vehicle to start a person's vehicle. Summon a wrecker if a jump-start is required and a jump box will not work.
3. Officers shall direct motorists who are low on gas to the nearest station. If completely out of gas and no station is open, officers may summon a wrecker on behalf of the motorist. In the event the vehicle is in an area where it presents a hazard to the general public the officers may request that the fire department transport a gallon of gas to the scene and provide it to the motorist. Officers must be mindful if the vehicle uses diesel or gas.

Approved: *M. Shackleford*

M. Shackleford

Adopted: 10.01.2013

Revised: 11.19.2013 Format

Revised: 09.23.2014 Format