

## Traffic Accidents

### 501.1 PURPOSE AND SCOPE

This policy provides guidelines for responding to and investigating traffic accidents.

### 501.2 POLICY

It is the policy of the Havre de Grace Police Department to respond to traffic accidents and to render or summon aid to injured victims as needed. The Department will investigate and prepare reports according to established minimum reporting requirements with the goal of reducing the occurrence of accidents by attempting to identify the cause of the accident and through enforcing applicable laws. Unless restricted by law, accident reports will be made available to the public upon request.

### 501.3 RESPONSE

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

- (a) Is within the jurisdiction of this department and there is:
  - 1. A life-threatening injury.
  - 2. A fatality.
  - 3. A City vehicle involved.
  - 4. A City official or employee involved.
  - 5. Involvement of an on- or off-duty member of this department.
- (b) Is within another jurisdiction and there is: (a supervisor will be notified, however response to the scene dependent on the circumstances)
  - 1. A City of Havre de Grace vehicle involved.
  - 2. A City of Havre de Grace official involved.
  - 3. Involvement of an on-duty member of this department.

#### 501.3.1 MEMBER RESPONSIBILITIES

Upon arriving at the scene, the responding member should consider and appropriately address:

- (a) Traffic direction and control.
- (b) Proper placement of emergency vehicles, cones, roadway flares or other devices if available to provide protection for members, the public and the scene.
- (c) First aid for any injured parties if it can be done safely.

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- (d) The potential for involvement of hazardous materials.
- (e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, HAZMAT, tow vehicles).
- (f) Clearance and cleanup of the roadway.

#### **501.4 NOTIFICATION**

If a traffic accident involves a life-threatening injury or fatality, the responding officer shall notify a supervisor. The supervisor may assign a traffic investigator or other appropriate personnel to investigate the incident. If the accident is a fatality, the supervisor will ensure notification is made to the chain of command.

##### **501.4.1 NOTIFICATION OF FAMILY**

In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with the Medical Examiner, department chaplain or another suitable person. Notification should be made as soon as practicable following positive identification of the victim.

The identity of any person seriously injured or deceased in a traffic accident should not be released until notification is made to the victim's immediate family.

In the event of a fatality, members involved in notification should ensure that family members of the victim are provided with a victim's representation notification form, and advised of their right to file the form, as appropriate (Md. Code TR § 12-206.1). The form allows family members to request notice of a hearing on a moving violation related to the victim's death.

#### **501.5 MINIMUM REPORTING REQUIREMENTS**

An accident report shall be taken when (Md. Code TR § 20-107; Md. Code TR § 20-113):

- (a) A fatality, any injury (including complaint of pain), driving under the influence, or hit and run is involved.
- (b) An on-duty member of the City of Havre de Grace is involved.
- (c) The accident results in any damage to any City-owned or leased vehicle.
- (d) The accident involves any other public agency driver or vehicle.
- (e) There is damage to public property.
- (f) The accident involves a public or private school bus.
- (g) There is damage to any vehicle to the extent that towing is required.
- (h) Prosecution or follow-up investigation is contemplated.
- (i) Directed by a supervisor.

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#### 501.5.1 PRIVATE PROPERTY

Generally, reports should not be taken when a traffic accident occurs on private property (excluding public parking lots) unless there is an injury or fatality, a hit-and-run violation or other traffic law violation. Members may provide assistance to motorists as a public service, such as exchanging information and guidance for the removal of the vehicles.

#### 501.5.2 CITY VEHICLE INVOLVED

A traffic accident report shall be taken when a City vehicle is involved in a traffic accident that results in property damage or injury.

Supervisors will respond to accidents and assign an investigating officer.

Accidents occurring outside of the Havre de Grace City limits will request assistance with the investigation from the appropriate law enforcement agency. A written accident report will be requested of this agency.

Accidents involving officers or city employees will require a supplement (officer) or written statement (city employee).

A general information report may be taken in lieu of a traffic accident report at the direction of a supervisor when the incident occurs entirely on private property or does not involve another vehicle.

Whenever there is damage to a City vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Division Commander. The traffic investigator or supervisor at the scene should determine what photographs should be taken of the scene and the vehicle damage.

After review and approval of the accident documentation by the Division Commander, all appropriate paperwork will be forwarded to the City Fleet Manager and the Director of Administration. Accidents involving injury to a city employee will also be forwarded to the Human Resources Manager. Originals of the accident documentation will be forwarded to the Records Manager for file retention.

#### 501.5.3 INJURED ANIMALS

Department members should refer to the Animal Control Policy and make appropriate notifications when a traffic accident involves the disposition of an injured animal or when learning that a domestic animal has been struck by a vehicle (Md. Code TR § 20-106(b)).

### **501.6 INVESTIGATION**

When a traffic accident meets minimum reporting requirements the investigation should include, at a minimum:

- (a) Identification and interview of all involved parties.
- (b) Identification and interview of any witnesses.
- (c) A determination of whether a violation of law has occurred and the appropriate enforcement action.

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- (d) Identification and protection of items of apparent evidentiary value.
- (e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on the appropriate forms.

#### 501.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY

At the direction of command, the Watch Commander should request the assistance of an outside law enforcement agency investigate and complete a traffic accident investigation when a **life-threatening injury or fatal traffic accident/collision** occurs within the jurisdiction of the Havre de Grace Police Department and involves:

- (a) An on- or off-duty member of the Department.
  - 1. The involved member shall complete a statement.. If the member is unable to write a statement, a supervisor shall take a verbal statement and document the statement on a supplement.
- (b) An on- or off-duty official or employee of the City of Havre de Grace.

Department members shall promptly notify a supervisor when any department vehicle is involved in a traffic accident. The traffic accident investigation and report shall be completed by the agency having jurisdiction.

#### 501.7 ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the accident, authorized members should issue a citation or arrest the offending driver, as appropriate.

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

#### 501.8 REPORTS

Department members shall utilize forms approved by the MSP as required for the reporting of traffic accidents. All such reports shall be forwarded for approval and filing.

##### 501.8.1 REPORT MODIFICATION

A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report, and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member.

##### 501.8.2 RECORDS

It is the responsibility of the Records Manager to forward traffic accident reports to the MSP (Md. Code TR § 20-107(f)).