

**TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL**

<i>Effective Date</i> February 1, 2008		<i>Amended Date</i> November 1, 2015		<i>Directive</i> 7.16.1	
<i>Subject</i> Accident Investigation					
<i>Reference</i>					
<i>Distribution</i> All Personnel City Manager City Attorney		<i>TPCA Best Practices Recognition Program Reference</i> 7.16.1 Accident Investigation		<i>Review Date</i> January 1, 2017	
<i>Pages</i> 6					

This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

SECTION 1 PURPOSE

The purpose of this policy is to establish guidelines and define individual responsibilities in the investigation of traffic accidents and processing of required accident reports.

SECTION 2 POLICY

It is the policy of the Department to respond to every traffic accident for which we receive a call for police service. It is also the policy of the Department to stabilize the scene, facilitate medical assistance when needed, restore safe and orderly flow of traffic as soon as possible, and complete all necessary reports as required by the provisions of this policy.

SECTION 3 PROCEDURES

A. DISPATCH RESPONSIBILITIES

The CRC Dispatcher has the following responsibilities:

1. Determine the exact location of the accident.
2. Determine if injuries exist.
3. Determine the description and number of vehicles involved.
4. Determine the existence of any road blockage.
5. Dispatch appropriate emergency response units.
6. Dispatch an additional patrol unit when road blockage is present.
7. Contact other agencies for mutual aid, if requested.
8. Dispatch wrecker when requested by field units.

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9. Dispatch and coordinate with EMS as needed.
10. Notify wrecker when requested by field units.
11. Notify a Justice of the Peace when requested by field units.
12. Notify on call supervisor and command personnel for fatality or fleet accidents.

B. ACCIDENT SCENE RESPONSE

Officers will respond to all reported accidents when notified by dispatch.

C. ACCIDENT SCENE RESPONSIBILITIES

1. Officers' responsibilities at an accident scene include:
 - a. informing Dispatch of the accident scene situation,
 - b. requesting any needed additional support units,
 - c. care of any injured, investigation of the accident, and
 - d. restoration of orderly flow of traffic.
2. An accident could also be a crime scene and should be treated as such when warranted.
3. Vehicles involved in accidents will be moved from the roadway as soon as practical as directed by the investigating officer.
4. Officers will attempt to notify the owner of any private property damaged in the accident.
5. In all cases whenever possible, officers shall issue courtesy forms to both parties.
6. Officer should refrain from making any statement concerning liability or fault in connection with the accident other than those related to traffic law violations.
7. When an accident report is made, officers will advise the respective parties that the report will normally be ready for distribution in three to five working days.

D. ACCIDENT BLUE FORMS

1. Blue forms will be used for any accident that meets state reporting requirements and that is not initially reported to the police upon occurrence or discovery.
2. Officers may choose to issue blue forms in lieu of investigating an accident when ALL of the following circumstances are present:
 - a. There are no reported injuries requiring medical attention, and
 - b. No party in the accident requests a formal accident investigation, and

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- c. All drivers involved are licensed drivers and have required insurance, and
 - d. Both vehicles involved in the accident have less than \$1,000 in damage and can be safely driven away from the scene.
3. Drivers should be advised that state blue form reporting is not mandatory when the property damage to any one person's property is less than \$1000 and there is no injury to any party.

E. ACCIDENT REPORTS

Officers should investigate and complete the required state accident reports when an accident occurs on a public road. Accidents occurring on private property may not be investigated as motor vehicle accident, depending on the amount of damage or injury. If the persons involved insist upon an accident report, an Incident Report will be made. The accident report shall be submitted within the officer's tour of duty unless an exception is authorized by a supervisor.

F. PHOTOGRAPHS AND STATEMENTS

Photographs will normally be taken only at accident scenes being investigated that involve serious bodily injury, fleet accidents, DWI, hit and run, and other situations the investigating officer deems necessary. Statements will be taken at the police station.

G. CITATIONS

An officer investigating a traffic accident resulting in injury or death of a person or property damage to an apparent extent of at least \$1000 may investigate and, at the officer's discretion, file justifiable charges relating to the accident. An officer, or other party to the accident, may file applicable Class C charges with the municipal court for any violations.

H. NON-CONTACT UNITS

Non-contact units are vehicles or pedestrians that contribute to an accident but strike nothing. The investigating officer will determine by independent means that the non-contact unit existed. This is done by either physical evidence at the scene or by an unbiased witness statement. If the non-contact unit cannot be proven, the officer will investigate the accident without listing the non-contact unit on the report other than in the summary.

I. HIT AND RUN ACCIDENTS

Officers will complete an accident report for all reported hit and run accidents with follow up information. The investigating officer will follow up on any local leads during the preliminary investigation and gather any physical evidence unless Crime Scene follow up is warranted.

J. UNCONFIRMED HIT AND RUN ACCIDENTS

In cases where it cannot be determined whether another vehicle caused the reported damage and such damage is found on an unoccupied parked vehicle, mailbox or other fixed object, the officer may complete an information offense report (incident report) in lieu of a hit and run accident report unless Crime Scene follow-up is warranted.

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K. TOWING/IMPOUNDING ACCIDENT VEHICLES

1. Vehicles involved in an accident that cannot be driven from the scene and which are on a public road may be towed at the owner's expense using a rotation wrecker or wrecker of their choice. The vehicle will be towed to a location of the owner or driver's choosing; otherwise the vehicle will be taken to the wrecker company's lot. Information concerning the tow will be documented on the officer's accident report.
2. Vehicles involved in an accident that cannot be removed from the scene and which are lawfully left on private property will not be towed without the owner's consent unless it is involuntarily impounded due to arrest procedures or as evidence or an instrumentality of a crime. The vehicle owner however may be civilly liable for any damage to the private property caused by the accident or by the removal of the vehicle after the accident.
3. A Vehicle Report shall be completed for vehicles that are impounded due to arrest or impounded for evidence related to a crime.

L. FATALITY ACCIDENTS

1. If there is an accident resulting in a fatality or possible fatality, the on duty supervisor will be notified.
2. The Supervisor on Duty is responsible for the scene of all traffic accident fatalities. The Supervisor on duty will authorize notification of an advanced accident investigator.
3. The advanced accident investigator will proceed to the accident scene, assess the situation, and request assistance from the supervisor on duty, as necessary. Complicated accidents may require the presence of additional fatality accident investigators as determined by the shift supervisor of the investigator.
4. Pending the arrival of a fatality accident investigator, the responding officer(s) should secure the scene as follows:
 - a. Direct traffic around scene to avoid damaging evidence.
 - b. Leave vehicles and any other evidence relating to the accident in place (such as vehicle parts, fluids, etc). Do not call wreckers until requested by the fatality accident investigator.
 - c. Retain witnesses for fatality accident investigator. Releasing of witnesses should only be done when absolutely necessary. If they must be released, officers on scene will obtain a detailed witness statement and/or detailed identification information.
 - d. Contact the appropriate city department for temporary traffic control devices when necessary to close a road or reroute traffic.

M. CHANGES TO ACCIDENT REPORTS

A change in or modification of a written report of a motor vehicle accident prepared by a peace officer or the operator of a vehicle involved in an accident that alters a material fact in the report may be made only by the peace officer or person who prepared the report.

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N. POLICE FLEET ACCIDENTS INITIAL RESPONSE

1. It is the intent of this Department to establish policy and procedure for the investigation and documentation of fleet accidents. The Department recognizes that accidents are inevitable in the operation of such vehicles, and guidelines should be established for repair or replacement of damaged equipment.
2. Immediately following an accident in a police vehicle, three (3) actions shall be taken:
 - a. The vehicle shall stop and the involved officer shall remain at the scene, even when occurring in the pursuit of another vehicle.
 - b. The police dispatcher and shift supervisor shall be notified that an accident has occurred.
 - c. The on-duty supervisor will respond to the scene of the accident as soon as possible.
3. Secondary actions include the following:
 - a. The on-duty supervisor will ensure that the involved employee's Division Commander is immediately notified when there is injury to any person or significant damage to any property.
 - b. The Department's advanced accident investigator will be notified immediately and will respond to the scene immediately unless there are no injuries and only cosmetic damage.
 - c. Additional police units and other emergency units as required will be dispatched to the scene of the accident.
4. In the case of injury accidents, the shift supervisor shall make notification with the Chief of Police. The shift supervisor may delegate the notification duty, depending on the circumstances, but will ensure that all notifications are completed and that they are timely and the information conveyed is accurate.

O. POLICE FLEET ACCIDENTS INVESTIGATION PROCESS

1. At a minimum, the following are included in a proper investigation of an accident involving a police vehicle:
 - a. Photographing the accident scene and involved vehicles. Shift personnel and equipment shall be utilized before calling out personnel for photographs only.
 - b. Conducting interviews with witnesses at the scene and collecting statements as necessary.
 - c. Completion of supervisor's City of Texarkana, Texas Risk Management form. This report is to be for City of Texarkana, Texas use only. The State of Texas CRB-3 form may or may not be completed as determined by the supervisor according to the terms of Directive 2.04.1 Internal Investigations, Section 3 Procedures, Subsection (C) (2) (a).
 - d. Statements shall be obtained in memorandum form from all employees who were involved in the accident or who witnessed the accident.

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2. Any police vehicle accident involving any damage to another vehicle, damage to property, or any claim of injury shall be investigated by an advanced accident investigator whenever possible. In the absence of an advanced accident investigator, a supervisor shall conduct the investigation. See also Directive 2.04.1 Internal Investigations, Section 3 Procedures, Subsection (C) (2) (a).
3. When accidents in police vehicles occur while the vehicle is being driven outside the city limits but within a reasonable distance of Texarkana, Texas, supervisory personnel shall be notified and shall respond to the scene. Photographs of the accident scene and involved vehicles should be obtained if possible.

P. DISPOSITION OF DAMAGED VEHICLES

1. In the event of a police vehicle fleet accident and the police vehicle is disabled, the dispatcher will notify the on-call contract wrecker service and have the vehicle towed to the City Garage to be parked inside the fence near the back of lot.
2. If a supervisor assess the damage to the vehicle and determines that the vehicle can be safely driven, then the vehicle shall be driven directly to the City Garage for future damage assessment and repair. If it is after hours, then the supervisor must open the gate and ensure that the vehicle is parked inside the fence near the back of lot so that it can be inspected by Fleet Services personnel.
3. All weapons and personnel belongings shall be removed from the vehicle.
4. DO NOT leave the keys in the vehicle.
5. The supervisor shall notify the City Fleet Manager via a phone call or e-mail explaining the incident.
6. Fleet accidents occurring outside the city limits shall be handled in the same manner as long as the wrecker request doesn't conflict with the procedures of the jurisdiction where the accident occurred. In the event of a conflict, you shall abide by the procedures of the jurisdiction and request that the police vehicle be towed to our city garage.

R. ADMINISTRATIVE RESPONSIBILITY

1. It is the responsibility of every on-duty supervisor at the scene of a police vehicle accident to make note of the scene as observed and factors which may have contributed to the accident.
2. The supervisor's observations and conclusions shall be documented on the Risk Management form forwarded to the Chief of Police. The Risk Management form shall be forwarded to the City's Human Resources office within 24 hours.
3. It is the responsibility of the on-duty supervisor to secure the officer's equipment in case of injury.
4. It is the responsibility of the on-duty supervisor to secure the removable equipment from a police vehicle in the event of wrecker storage.
5. A complete report of the accident, including copies of all reports, statements, photos, and any other pertinent information compiled shall be forwarded to the Chief of Police within five (5) working days.

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S. POST FLEET ACCIDENT SUBSTANCE ABUSE TESTING

1. Employees operating city vehicles will be required to undergo post accident substance abuse testing when such testing is required by the City of Texarkana, Texas Personnel Policies, Chapter 6, Directive 6.05, "Drug and Alcohol Use Policy".
2. Substance abuse testing will be conducted at a designated facility as soon as practical following an accident.
3. Supervisors may, based on articulable facts, order an employee to undergo post accident substance abuse testing after a vehicle accident involving an officer in their personal vehicle.

T. FLEET ACCIDENT REVIEW

The Peer Review Panel will review each significant fleet accident as decided by the Chief of Police.

U. RESPONSIBILITY

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.