

# TRAFFIC ACCIDENTS

POLICY & PROCEDURE NO. <b>5.02</b>	ISSUE DATE: 07/01/03
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MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: <b>61.2.1; 61.2.2; 61.2.3; 61.2.4</b>	REVISION DATE: _____

## I. GENERAL CONSIDERATIONS AND GUIDELINES

The police function in relation to traffic accidents is varied. Aid to the injured, traffic control, investigation, enforcement and accident prevention are some of the areas upon which the police will have an impact. An adequate response, knowledgeable performance and preventive efforts can go a long way in minimizing increased damage to property and bodily injury. Police responsibility will continue until the injured have been cared for, the accident vehicles have been removed, the roadway is clear of debris, and the traffic flow is normalized.

The objective of a hit and run investigation is to determine responsibility for the collision and to identify both the offender and the vehicle involved. This is often a difficult task because the very elements of the crime include flight from the scene. Hit and run accidents may involve property, persons or both. As the circumstances are more serious when a human life is involved, these procedures are primarily directed at hit and run investigations involving persons.

## II. POLICY

It is the policy of this department to:

- A. Respond to and investigate all traffic accidents requiring police response.

### **III. PROCEDURES**

#### **A. Accidents Requiring Police Response, Investigation and Reports**

1. Some accidents will require more detailed investigation beyond accident reporting. The following types of accidents shall require police response for investigative activities to be completed:
  - a. All those involving death or personal injury; *[61.2.1(a)]*
  - b. All hit and run accidents which involve personal injury, and those hit and run property damage accidents where investigative techniques can be applied; *[61.2.1(c)]*
  - c. Those involving operator impairment due to alcohol or drugs; *[61.2.1(d)]*
  - d. Those involving any vehicle carrying materials which could ordinarily be considered hazardous or dangerous (i.e., vehicles carrying toxic liquid or gaseous material, gasoline, or other combustible products);
  - e. Those which appear to have been caused by a flagrant moving violation on the part of one or more of the operators, or by defective equipment on or in a vehicle, or by any other circumstances which impeded the safe operation of a vehicle; *[61.2.1(e)]*
  - f. Those which appear to have been caused by the incompetence of an operator;
  - g. All property damage accident with estimated damage to any one vehicle in excess of one thousand dollars; and *[61.2.1(b)]*
  - h. Accidents on private property. *[61.2.1(f)]*

2. OTHER ACCIDENTS REQUIRING A RESPONSE: In addition to above mentioned situations, the department may also assign officers to respond to traffic accidents involving any of the following circumstances:
  - a. Damage to public vehicles or property;
  - b. Disturbances between principals;
  - c. Major traffic congestion because of the accident;
  - d. Damage to any vehicle that requires it to be towed; and
  - e. When any person advises the station via telephone or other means that an accident has occurred at a certain location.

**B. Duties of First Officers on the Scene [61.2.2]**

1. ON ARRIVAL: The first officer arriving shall in charge until relieved by a superior officer or an investigator and:  
[61.2.3(a)]
  - a. If necessary, request assistance of other patrol units, emergency medical personnel, and/or the fire department;
  - b. Determine the extent of injuries, if any, and treat the most serious until assistance arrives; [61.2.3(b)]
  - c. Secure the scene; [61.2.3(e)]
  - d. In the event of hazardous material incidents, isolate the hazard area and evacuate nonessential personnel. The officers shall then be responsible for preliminary hazard identification (spill, leak, fire) and identification of vehicle and container placards, until the arrival of the fire department; [61.2.3(c)]
  - e. Arrange for the removal of damaged vehicles from the roadway, when it will not impede or interfere with the investigation (such as cases when the Accident Reconstruction Team is assigned); and

- f. When officers are required to handle accident victims personal property (such as for identification purposes), they shall do so, whenever possible, in the presence of witnesses, who shall be identified in the officer's report. If property is to be held, it shall be turned into the property officer with a full report according to the departmental policy on ***Evidence and Property Control***. [61.2.3(f)]

## C. Preliminary Investigations

1. The assigned investigating officer shall conduct a thorough investigation of the accident and take the following actions: [61.2.3(d)]
  - a. Interview principals and witnesses;
  - b. Examine and record vehicle damage;
  - c. Examine and record effects of accident on the roadway;
  - d. Take measurements, as appropriate;
  - e. Take photographs, as appropriate;
  - f. Collect and preserve evidence;
  - g. Collect and record operator and vehicle information for report and exchange among principals;
  - h. Complete the Registry of Motor Vehicles Accident Form
2. When appropriate, the officer-in-charge of the station shall arrange to contact an officer trained in Accident Reconstruction from within the department or from the Massachusetts State Police Reconstruction Team. The Reconstruction Team shall be called in all cases involving:
  - a. Fatalities;
  - b. Serious personal injury which may result in death; or

- c. If in the opinion of the officer on scene, the expertise of the Reconstruction Team is necessary. The supervisor shall make this decision on the scene.
- 3. In all cases of serious accidents, a supervisor shall be assigned to the scene and shall take charge until relieved by a member of the detective unit or a superior officer.
- 4. In cases where the ambulance service has transported an injured person to the hospital, an officer will respond to local hospitals when a statement is needed from an injured party.

**D. Follow-Up Investigations [61.2.4]**

- 1. The department shall perform follow-up traffic accident investigation services in support of on-going or anticipated criminal prosecution whenever necessary. The discretionary authority of a supervisor or prosecutor generally activates the use of this type of investigation.
- 2. When warranted, this follow-up information should include, but not be limited to:
  - a. Collecting off-scene data;
  - b. Obtaining/recording formal statements from witnesses and suspects;
  - c. Reconstructing accidents; and
  - d. Preparing formal reports to support criminal charges arising from the accident.
- 3. Expert and Technical Assistance:
  - a. ACCIDENT RECONSTRUCTION OFFICERS: If the department maintains officers who have special training in follow-up accident investigation techniques, they shall be assigned to carry out follow-up investigations when necessary and appropriate and have the following skills:
    - 1. Be able to compute speed from skid marks and vehicle crush damage.

2. Establish positions of vehicles and pedestrians.
  3. Determine which occupant was driving.
  4. Determine how road, driver, and vehicle conditions contributed to the accident.
  5. Compute energy losses and momentum exchanges in stopping vehicles.
  6. Analyze movements of vehicles and bodies in collisions.
- b. From time to time, follow-up accident investigations may require special skills and technical assistance beyond that available from department personnel. When necessary, the department shall utilize outside expert and technical assistance (i.e., photographers, surveyors, mechanics, physicians, and accident team specialists). A Superior Officer shall make the decision when to call in an outside crime scene specialist.

## **E. Investigations of Hit and Run Accidents**

1. The elements of the offense of hit and run:<sup>1</sup>
  - a. The defendant goes away
  - b. Having operated
  - c. A motor vehicle
  - d. Upon any way or in any place to which the public has a right of access, or any place to which members of the public have access as invitees or licensees
  - e. After knowingly colliding with or otherwise causing
    - i. Injury to any person, or
    - ii. Injury to any other vehicle or property
  - f. Without stopping and making known
    - i. His name,

- ii. Residence, and
- iii. The registration number of his motor vehicle.

## **2. On-Scene Duties**

- a. Officers shall first make provisions for the medical treatment of the victim, if necessary. Investigating officers should follow-up on the condition of victims after they are transported to a hospital if there is any possibility that the victim could die of his/her injuries, thus making a charge of motor vehicle homicide possible.
- b. Officers shall obtain the best possible description of the operator and his/her vehicle from the victim and available witnesses. The following information about the vehicle is important:
  - i. Make;
  - ii. Model;
  - iii. Year;
  - iv. Color;
  - v. Extent and location of damage;
  - vi. License plates (including partial numbers or letters);
  - vii. Unusual markings or equipment (including school, fraternal or organizational signs or stickers);
  - viii. Direction of travel before and after the collision; and
  - ix. Number of passengers, if any, and their descriptions.
- c. Descriptive information obtained shall immediately be communicated to the dispatcher.

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- d. Officers shall search the area around the scene of the crash, the automobile or other property which was struck and the clothing of any victim for physical evidence including:
    - i. Personal property left behind by the offender;
    - ii. Glass fragments or paint chips;  
  
NOTE: In the event a pedestrian is struck and injured, officers should meet the ambulance at the hospital, if possible, to secure any such evidence which may have been dislodged from the victim's clothing during transport. Also, hospital personnel should be requested to give the victim's clothing and any associated paint chips or glass fragments to police;
    - iii. Pieces of chrome or grill work;
    - iv. Hub caps;
    - v. Tire marks;
    - vi. Oil, gas or water marks leading away from the scene; and
    - vii. Mud or dirt dislodged on impact.
  - e. Photographs and measurements shall be taken at the scene when required.
  - f. Officers shall examine the person and clothing of the victim. Particularly important are traces of paint or parts of the vehicle. If necessary, an officer may take and preserve articles of clothing or other samples of evidence such as hair, blood, etc. Outer clothing should be examined for indentations left by impact points of the suspect auto as these may serve to identify the vehicle. If such indentations exist, the clothing should be carefully preserved to prevent their obliteration.
  - g. Officers should be observant for persons foreign to the scene or who are behaving in a suspicious manner.



- i. Where appropriate, officers should conduct a door-to-door canvas of residences and businesses in the vicinity of the hit and run scene. Often persons who did witness some aspect of the incident are reluctant to come forward and must be sought out by the police.
- j. A preliminary search for the suspect car and driver shall be conducted as soon as possible. Because of the great distance a fleeing vehicle can travel even in a short time, all police on patrol plus the State Police and adjacent police departments should be notified and given as complete a description as is then available. If the victim dies or is in critical condition and motor vehicle homicide may have been perpetrated, upon the decision of the Chief, it may be advisable to contact the media and, through them, alert the public and enlist the aid of the public in locating the suspect vehicle and driver.
- k. If a reasonable effort to apprehend the offender is unsuccessful, officers shall communicate such to the dispatcher and return to regular patrol duty unless directed otherwise by the proper authority.
- l. The officer-in-charge at the scene shall prepare a report in accordance with department procedures.

### **3. *Follow-Up Investigations***

- a. In-depth or follow-up investigations shall be conducted upon the direction of the Chief.
- b. The follow-up investigation, if any, shall include the following types of activity:
  - i. Checks of records on stolen cars;
  - ii. Communication of information relative to the description of the offender and vehicle to other members of the department, to police departments in surrounding communities and the State Police;

- iii. A second search of the accident scene covering a wider area;
  - iv. Repeated visits to and surveillance of the scene at the same time of the day that the accident occurred; and
  - v. Visits to garages, auto parts dealers, auto glass dealers, car dealers, auto body repair shops, car wash facilities, etc.
- c. If the vehicle involved is located, it shall be carefully examined.
- i. Dents and body damage should be measured as to width, depth and pattern, taking photographs, if possible.
  - ii. Obtain samples of paint chips, broken glass, pieces of clothing, dirt, evidence of blood, hair, flesh, etc..
  - iii. Inspect the interior for personal articles which may identify the offender.
  - iv. Observe and note any signs of recent repair or any broken or missing parts.

NOTE: The above steps must be taken in accordance with the departmental policy on **Search and Seizure**. In the event a search warrant is sought, the vehicle should be kept under surveillance until a warrant is obtained. The identity of any person attempting to enter the vehicle or to destroy evidence should be established.

- d. If the operator of the suspect vehicle is located, [s]he should be questioned promptly. If applicable, the Miranda procedures must be followed (See departmental policy on **Interrogating Suspects and Arrestees**.) Prompt interrogation of the suspect driver is important. For example, if [s]he cannot provide an alibi or if [s]he provides an alibi that is later discredited, these will be critical factors contributing to a successful prosecution.

- e. In conducting a hit and run investigation, it should be noted that a hit and run driver is not necessarily the operator responsible for the accident, but [s]he may be fleeing from the scene of a crime, there may be a warrant for his/her arrest, [s]he may be intoxicated, [s]he may not have a valid license or his/her license may be suspended or revoked. It is also not unusual for a hit and run driver to abandon his/her vehicle as soon as possible and then report it to the police as stolen in order to escape responsibility for the accident.
- f. A full and complete report shall be made of the accident and the particulars of any follow-up investigation in accordance with departmental procedures.

## **F. Accident Reporting: Data and Accident Form Use**

1. ACCIDENT DATA: Provides information to officers, which will allow them to utilize enforcement procedures for the purpose of reducing accidents within the community. The analyzed information should be based on accident data by:
  - a. Location;
  - b. Time and violation factors;
  - c. Fluctuations caused by seasonal variations that result in increases or decreases in traffic volume; and
  - d. Injuries.

### **2. Accident Investigation Form**

- a. Whenever an officer investigates an accident in which there is personal injury and/or property damage in excess of one thousand dollars to any one vehicle, or any other property damage in excess of one thousand dollars, the officer shall be required to complete a Commonwealth of Massachusetts Police Report of Motor Vehicle Accident Form.
- b. When an officer is in doubt as to the extent of property damage or the possibility of injury, the Commonwealth

form shall also be used. (In this case the report shall be noted For Department Use Only.) If an accident is minor in nature and no further information will be needed at a later date, officers may so advise the Dispatcher in lieu of a written report and ask that the information is entered into the CAD report.

- c. SUPPLEMENTAL REPORT FORM: A supplemental report form shall be attached when appropriate (such as when a citation is issued or when the officer feels it is necessary to further explain actions taken).

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<sup>1</sup> M.G.L. c. 90, s. 24(2)(a)