

	ROSENBERG POLICE DEPARTMENT	
	General Order 7.31 Accident Investigations	
	Effective Date: 5-13-2013	Replaces: N/A
	Approved:  Chief of Police	
Reference: TBP 7.16		

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 Department of Public Safety and the Department of Transportation at the state level, and 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 (TBP: 7.16)

A. Accident report and investigation, general

1. Texas Transportation Code requirements concerning the reporting of traffic accidents include:
 - a. TTC 550.026 The driver of any vehicle involved in an accident resulting in death or injury shall immediately notify the law-enforcement officials.
 - b. TTC 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. TTC 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 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.
3. Officers shall also be assigned to respond to any accident involving disturbances between drivers/passengers or which create major 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 as supervisors direct.

B. Responding to the Accident Scene

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

C. Accident scene responsibilities

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.
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.
- h. Exchange the insurance information forms between the principals (drivers). The following on-scene procedure is recommended:
 - i. Fill out the area of the form which states: officer name and case number
 - ii. Give each driver the form and instruct them to fill it out with their information.
 - iii. Before leaving scene, officer will retrieve forms, verify it is filled out correctly and exchange the forms with the drivers.
 - iv. Scenes where driver(s) are confrontational, limit contact by conducting the form exchange yourself.

B. Impoundment Procedures for No Insurance

1. If during the investigation of a motor vehicle accident, an officer determines that one or more of the involved vehicles was operated without the required insurance, the officer should impound the vehicle(s).
2. Impoundment should generally be restricted to those cases where the driver admits to not having insurance or the officer is able to verify that no coverage exists.
3. Before impounding a vehicle when the operator claims to have insurance, but fails to show the required proof of insurance coverage, an officer should make reasonable efforts to determine if the vehicle is insured. Steps to verify coverage may include but are not limited to:
 - a. Contacting the driver's insurance company

- b. Contacting the driver's insurance agent
 - c. Contacting a parent or guardian if dealing with a minor
 - d. Contacting the lien holder
4. If the officer, after making reasonable efforts to verify coverage, is unable to get a definite answer, and the driver continues to claim that coverage exists, the officer may elect to tow the vehicle. Officers should note on the accident report under "officer summary" the steps taken to verify coverage.
 5. When a vehicle is impounded, the officer shall issue a citation for the failure to maintain or show proof of insurance and complete both a tow inventory and an insurance tow report.
 6. If it is determined or verified that the driver does not have the required insurance coverage but the officer believes that there are significant mitigating circumstances to not impound the vehicle, the investigating officer may use discretion when deciding to impound the vehicle.

C. Delayed Enforcement

1. If an officer investigates an accident where the driver(s) show the required proof of insurance coverage, and it is later determined that the insurance was not valid, the original investigating officer may issue a citation.
 - a. Once completed, the citation shall be sent to Municipal Court for processing.
 - b. The officer must file an amended accident report and make the appropriate correction indicating no insurance and the issuance of the citation.
 - c. Additional charges may be filed by the investigating officer if appropriate. (i.e. TTC 548.603, PC 37.10)
2. If the original accident was cleared through a "blue form", and it is later determined that the insurance information was false, the violation can be handled by any available Officer.

D. Impoundment procedures

1. Before impounding a vehicle under this policy, officers should consider the circumstances surrounding the situation including:
 - a. Time of day
 - b. Location
 - c. Ability for operator to be safely removed from the location
 - d. Availability of other units to assist with the safe removal of occupants
 - e. Call demand

- f. Weather conditions
- g. Lighting
- h. Traffic volume and speed

An officer impounding a vehicle for failure to maintain proof of liability insurance will make reasonable efforts to provide for the safety of the drivers and any occupants. Examples of reasonable efforts include, but are not limited to, transportation of the driver and occupants to a safe place or calling a friend or relative for a ride. If there is no reasonable way to avoid placing the driver and occupants in an unsafe situation, the officer should not impound the car.\

- E. A vehicle impounded under this policy will be treated as an in-custody tow and the Rosenberg Rotation System will be followed.
 - 1. Private tows or tows to dealerships are not allowed.
 - 2. A driver may not release the vehicle to another driver unless proof of insurance is provided.
- F. Officers will select “no insurance tow” when completing the tow inventory.
- G. The duty Supervisor has the authority to suspend these measures based on workload or weather conditions.
- H. Releasing Vehicles from impound
 - 1. Citizens will not be required to come to the police department regarding vehicles being towed for no insurance. The wrecker companies on the Rosenberg Wrecker Rotation will be conducting the verification of insurance at the company’s vehicle storage facility. The only time the police department should act on verifying insurance, will be at the request of the wrecker companies. This should only be if the wrecker company believes the insurance policy or card is fraudulent.
 - 2. When a wrecker company verifies and releases a vehicle, they will contact Rosenberg Communications to provide the following required information:
 - a. Person’s identification that is receiving the vehicle
 - b. Rosenberg PD case number
 - c. Date and time of the release
- I. Follow-up activities
 - 1. Follow-up activities which may be necessary include the following:

- a. Obtain and record formal statements from witnesses.
 - b. Reconstruct the accident.
 - c. Submit evidentiary materials for laboratory examination.
 - d. Prepare accident or 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 from photographers, surveyors, mechanics, physicians, accident crash team specialists, or other specialists. Expert assistance shall be requested through a supervisor.
 3. At the accident scene, the officer may take immediate enforcement action and issue a citation for observed violations. In death cases, the district attorney may decide the appropriate charge.
 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. In the event of the driver sustaining only minor injuries; in lieu of obtaining an arrest warrant, the officer may choose to go to the hospital and place the driver in custody upon receiving a fit for jail report from medical staff.
 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 citation can be issued at the hospital after the accident scene has been processed.

J. 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 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 may use flares (available in each patrol vehicle) to create an illuminated

warning pattern to alert other drivers. 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 department.
 - a. All patrol 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 Chief 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 Chief.
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. City Code requires any person clearing a wrecked or damaged vehicle from a 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 city public works services shall be requested.
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.
 - 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.

K. Accident report

1. A report shall be filed on all accidents that occur on public property, 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, or publicly accessed private property within the City, 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.

L. 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.
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.
3. Officers shall direct motorists who are low on gas to the nearest station. If completely out of gas and no station in town is open, summon a wrecker on behalf of the motorist.