



TRAFFIC ACCIDENT INVESTIGATION

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I. INVESTIGATIVE RESPONSIBILITY

See Index Code 1906.1 for fatal accident procedures.

A. Traffic Safety Section

- 1. All fatal accidents and accidents resulting in injuries to any party which can reasonably be presumed to be incompatible with life will be investigated by the Traffic Safety Section. The commander of the Traffic Safety Section, or designee, will decide whether a Traffic Safety accident specialist will investigate, after considering the information relayed from the scene. In cases where Traffic Safety does not respond, the responsibility for investigation rests with the Patrol Division.
- 2. The Traffic Safety Section will investigate departmental accidents involving death or serious personal injury. The commander of the Traffic Safety Section or his/her designee will be consulted prior to the dispatching of Traffic Safety personnel to the scene of departmental accidents not involving death or serious personal injury. He or she will exercise final authority regarding the involvement of Traffic Safety personnel in the investigation of these accidents.

B. Patrol Division

- 1. In the case of traffic accidents not meeting the criteria stated in paragraph I.A, the officer assigned to the patrol beat where the accident occurred is responsible for the accident investigation and report and is in charge of the accident scene, unless relieved by a field supervisor or an accident investigation specialist. Each patrol district will maintain a number of personnel who possess advanced accident investigation training (an accident investigation specialist). If an accident investigation specialist is assigned to an investigation, he or she is responsible for the accident investigation and report, and is in charge of the accident scene unless relieved by a supervisor.
- 2. If the beat officer is unavailable, the Communications Section will dispatch the nearest and/or next available officer to assume the responsibility. A patrol supervisor has the authority to countermand dispatch decisions as well as the authority to assume total responsibility for the accident investigation.

II. ACCIDENT RESPONSE

A. It is the department's policy that a uniformed police officer will respond to all known or reported motor vehicle traffic accidents. The closest available officer will be dispatched, regardless of assignment. Responsibility for conducting the investigation will be assigned after the accident scene has been stabilized.

B. Accidents with any of the following conditions will receive priority:

1. Death or injury;
2. Hit and run;
3. Impairment of an operator due to alcohol or drugs;
4. Damage to public vehicles or property;
5. Hazardous materials;
6. Disturbances between principals;
7. Major traffic congestion as a result of the accident; or
8. Damage to vehicles to the extent towing is required.

However, it is emphasized that officers will respond to all accidents that are known or reported to the department.

C. Field supervisors may authorize alternative responses to minor property damage accidents during periods of intensely inclement weather, patrol personnel shortages, or high volumes of calls for service. However, officers will eventually respond to the scene of any accident upon the request of a driver or owner.

III. FIRST OFFICER ON THE SCENE

A. All Accidents

The first officer at the scene of an accident is responsible for:

1. Administering emergency medical care and providing basic life support;
2. Summoning ambulance and/or additional assistance (e.g., officers, rescue squad, tow truck, etc.);
3. Protecting the accident scene;
4. Preserving short-lived evidence;
5. Establishing a safe traffic pattern around the scene;
6. Locating witnesses and recording accident information; and
7. Expediting the removal from the roadway of vehicles, persons, and debris.

Flares, reflectors, or traffic cones will be used as available to protect the scene and detour traffic. Every effort will be made to restore the free flow of traffic expeditiously, especially in cases of minor property damage only.

B. Accidents Involving Injuries, Fire Hazards or Hazardous Materials

If the accident involves injuries, fire hazards or hazardous materials, the officer will:

1. Notify Communications of the:
 - a. Exact location of accident/incident
 - b. Extent, nature and number of injuries
 - c. Type and number of vehicles involved
 - d. Type, number and characteristics of the hazardous materials, if any
 - e. Special equipment or personnel requirements; need for expert or technical assistance
 - f. Unsafe or impassable roads
2. Initiate basic life support/emergency medical care until relieved by fire/rescue personnel
3. Evacuate nonessential personnel
4. Restrict access to hazardous materials by establishing safety lines at a radius of at least 1500 feet; **only properly trained and equipped officers may attempt to enter areas where hazardous materials may be encountered.**

IV. ACCIDENT INVESTIGATION & REPORTING

A. On Public Highways or Private Property Open to the Public

Officers will investigate, and prepare a *MAARS report in addition to any other required reports* for any traffic accidents occurring on public thoroughfares (i.e., state or county highways, streets, roads, alleys) or on private property open to the public (i.e., shopping centers, parking lots, schools, etc.) when any of the following conditions exist:

1. Death or injury is expected, imminent, or known to exist;
2. Hit and run, as explained in the next paragraph;
3. An involved driver is believed to be intoxicated or under the influence of alcohol or drugs;
4. Damage to government vehicles or property;
5. Accidents involving hazardous materials;
6. Any vehicle is damaged to the extent that towing is required;
7. Any time an owner, driver, or passenger who is a party to or involved in the accident requests that an investigation/report be completed;
8. In any accident where the investigating officer charges any party with a "must appear" violation.

B. Hit and Run Accidents

Hit and run accidents will be investigated and reported as follows:

1. All fatal or serious hit-and-run accidents will be fully investigated and reported, regardless of the length of time taken to notify the police.
2. Routine hit and run accidents involving minor property damage only, that are reported within eight (8) hours of their occurrence or discovery will be investigated and reported.
3. Property damage hit and run accidents that are not reported within eight (8) hours will not be investigated unless sufficient evidence exists to enable the officer to conduct an investigation.
4. If no investigation is to be conducted the officer will notify the complainant of such and further advise him/her that Maryland motor vehicle law requires a report to be submitted only in cases involving death and bodily injury. If the complainant still wishes to file a report with the Motor Vehicle Administration then the officer will direct him/her to the MVA with instructions to obtain and submit a Maryland Motor Vehicle Accident Report (FR 30).

C. Private Property

Accidents occurring on privately owned property not open to the general public, which result in death or personal injury will be investigated in the same manner as a "suspicious death" or "injured subject" case and documented on an incident report. Parties involved in property damage accidents on private property will be advised to file the appropriate reports with the MVA, if applicable, or with their insurance companies. If probable cause to believe a crime other than a traffic violation caused the death or injury of any party, the investigator will notify the Criminal Investigation Division for investigative assistance.

V. REPORTING METHODS

A. Accidents requiring an investigation and written report will be documented on the state MAARS report form, with supplement reports as necessary supplied by this department.

B. Officers dispatched to minor property damage accidents which do not require an investigative report will ensure the exchange of information on department form, PD 382 (Revised 02/11/98) and will advise the dispatcher, "No report - information exchanged." The dispatcher will record this information in the CAD system. Officers clearing accident calls with "No Report," in any case other than when information is exchanged, must advise the dispatcher as to why no report is being submitted. Examples of "No Report" dispositions include: unfounded, investigated by another agency, or unable to locate. The dispatcher will record this information in the CAD system. In all accidents, including those where information is exchanged with no report, the investigating officer will attempt to verify that the operators involved have valid driver's licenses, and that the involved vehicles are properly registered. If the complainant still wishes to file an accident report, one will be completed by the officer.

VI. AT-SCENE ACCIDENT INFORMATION COLLECTION

The following procedures will be accomplished during all accident investigations for which a written report is required.

- A. Interview principals and witnesses, and record accident information;
- B. Examine and record vehicle and property damage;
- C. Examine and record the effects of the accident on the roadway;
- D. Take measurements; (accidents involving death, serious injury or extensive property damage)
- E. Take photographs; (accidents involving death, serious injury or extensive property damage)
- F. Collect and preserve evidence; (accidents involving death, serious injury or extensive property damage)
- F. List all occupants of the vehicles involved and the injuries (if any) sustained;
- G. Ensure the exchange of information among principals of the accident;
- H. Attempt to verify that the operators involved have valid driver's licenses, and that the involved vehicles are properly registered.

VII. FOLLOW-UP PROCEDURES

The investigator is responsible for preparing as complete an investigative report as possible, with consideration given to the severity of the accident. Accidents resulting in death, serious injury, or extensive property damage require the following follow-up actions:

- A. Obtaining and recording formal statements from drivers and witnesses;
- B. Preparing and submitting formal reports to the State's Attorney's office to support criminal charges;
- C. Accident reconstruction and/or vehicle mechanical inspection services; such services can be arranged through Traffic Safety;
- D. Off-scene data collection, if necessary.

VIII. SAFEGUARD OF PERSONAL PROPERTY

The officer in charge of the investigation will ensure that all vehicles towed from the accident scene are inventoried before being removed. Valuables or items of personal property requiring added protection, such as money, jewelry, precious metals, or weapons, will be taken into police custody and stored, until the owner is able to reclaim them. See Index Codes 1201 & 1201.1.

IX. ENFORCEMENT ACTION

A. Fatal Accidents

1. It is the responsibility of the State's Attorney to review fatal accidents and place or authorize the placement of criminal and traffic charges against involved drivers. Therefore, except in cases of driving while intoxicated/driving under the influence of alcohol and or drugs, officers will not file charges in fatal accident cases.
2. In cases of fatal accidents involving DWI/DUI, officers may place the alcohol-related charge only, in order to arrest the violator and conduct the chemical test and related paperwork. All procedures in Index Code 1905.1 will be followed. The State's Attorney will then be informed to Nol Pros the charge and re-charge after their review.
3. If a person in a personal injury accident dies after citations are issued, the investigating officer will notify the State's Attorney's Office to Nol Pros the charges and review the accident per their fatal accident review policy.

B. Nonfatal Accidents

In nonfatal accident cases, whenever an investigating officer discovers or detects a violation of traffic law and all the elements of a particular violation are discernible, enforcement action should be taken. Enforcement discretion is discouraged when it is evident that a deliberate or flagrant violation of the traffic law caused or contributed to the accident.

X. PROPONENT UNIT: Traffic Safety Section.

XI. CANCELLATION: This directive cancels Index Code 1906, dated 07-01-07.