

	Administrative General Order	48 Traffic Collisions, Towing & Safety Checkpoints	PAGE 1 OF 9
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48.1 TRAFFIC COLLISION RESPONSIBILITY (CALEA 61.2.1; 61.2.2; 61.2.3)

The Charleston Police Department will respond to the scene of any collisions involving the following:

- Death or injury;
- Hit and run;

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- Impairment of operator due to alcohol or drugs;
- Danger to public vehicle or property;
- Property damage
- Hazardous material;
- Disturbance between principals;
- Major traffic congestion as a result of the collision; and
- Damage to vehicle to the extent that towing is required.

In order to ensure the most efficient and expeditious management of traffic collisions, officer response may be prioritized by a supervisor or dispatch. Immediate response of an officer will be required if the reported collision(s) involves death, personal injury, hit-and-run collisions where suspect vehicle apprehension is possible, major significant traffic congestion/ roadway delays, damaged vehicles require tow trucks, multiple vehicles are involved, or highly traveled intersections are involved. If a disturbance erupts due to a collision, or reports of a driver(s) under the influence of alcohol and/or drugs, multiple officers should respond.

The Chief of Police, or designee, may suspend the requirements of officer response to less serious collisions during local emergencies. When implemented, this policy will be communicated to the public through the media. Additionally, The Charleston Police Department will adhere to all state laws pertaining to reporting guidelines (56-5-1210 thru 56-5-1270).

48.2 INITIAL COLLISION RESPONSE, STABILIZATION, AND RESPONSIBILITY (CALEA 61.2.2; 61.2.3; 61.3.2; 61.4.1)

At least one (1) officer will respond to any reported collisions by Consolidated Dispatch. Additional officers may respond based on the information conveyed by the dispatcher. The same is true for any collision reported through less conventional ways such as an officer flagged down or alerted to a collision nearby. Officers will also stop for any collision they observe or happens across, unless other matters prevent stopping, in which case Consolidated Dispatch should be advised so another officer can be dispatched.

The first officer at the scene of a collision is considered the incident commander in charge of the scene and the investigation that proceeds unless relieved by another officer. The initial officer is responsible for stabilizing the scene to prevent any further injury or property loss. This will include notifying EMS in the event of injury, locating and identifying witnesses, preserving short-lived evidence, establishing traffic control, and summoning additional assistance if necessary.

Upon arrival, the initial officer will determine if support officers are needed for traffic control or other reasons and such requests should be made via dispatch. If a traffic collision involves blockage of a roadway, the officer in charge of the scene will ensure that emergency vehicles, traffic control devices, and/ or flares are placed to facilitate the orderly flow of traffic around the collision scene. If elaborate detouring of vehicular traffic is necessary, the appropriate Team Commander, CDO, or on-duty supervisor will be notified and briefed on the resources needed to arrange for traffic control device deployment. Traffic control devices may include DOT approved roadway barricades, traffic cones, or other approved devices/signage, which are staged at various departmental facilities. The roadway status and collision information should be conveyed to a member of the Public Information Team (PIT) for rapid alert dissemination. If the incident occurs outside of normal operating hours, the on-call PIT member should be contacted to convey the information appropriately.

In the event of a severe or complex collision, the initial officer will determine if support units are needed in the form of additional officers for traffic control or supervisory assistance. A supervisor or command duty officer, or equivalent must

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respond to a collision in which may require assistance from the Major Accident Investigation Team (MAIT) (Refer to *General Order 82*). If during any collision investigation it becomes apparent that alcohol or some other intoxicant is involved, it will be the duty of the investigating officer to take appropriate enforcement action.

It is the responsibility of the initial officer to determine if a SC Collision Report (TR-310) prepared by an officer is needed or requested.

48.3 PRIVATE PROPERTY COLLISIONS (CALEA 61.2.2)

Enforcement action during the investigation of a collision on private property falling under police reporting guidelines will be with full regard for applicable police authority granted under state statute (Articles 9 of Title 56 State Code of Laws). Units will be dispatched to all private property collisions as reported.

The responding officer upon arrival at the scene will determine whether a formal report is warranted. The investigating officer is responsible for interviewing all witnesses and to note the same on the collision report.

A South Carolina Uniform Collision Report (Form TR310) will be completed on private property collisions when county, state, and/or federal vehicles are involved.

48.4 OFFICER IN CHARGE OF COLLISION INVESTIGATION (CALEA 61.2.2; 61.2.3, 61.3.2)

The first officer to arrive at a collision scene will oversee and investigate the collision until he/she is properly relieved by an assisting officer, a supervisor, or commander who assumes authority. A supervisor or commander will respond to collisions that are serious in nature, especially collision resulting in possible great bodily injury and/or death. The supervisor or commander will assess the scene/ injuries to determine whether the Major Accident Investigation Team is needed. If a party(s) is transported to an area hospital, it may require an immediate follow-up at the hospital to determine the extent of injuries. This should be done as soon as practical when injuries are thought to be severe. Injury assessment is critical to know before the collision scene is manipulated beyond any medical response. Injury assessment/confirmation also serves as the gauge to determine whether the MAIT should respond. Major collision scenes that may constitute a MAIT response should be preserved and treated like any other major crime scene. Involved vehicles, vehicle parts, or personal affects should remain in place, as they may provide valuable evidence. General Orders concerning preliminary investigations and crime scene control will be adhered to throughout the collision investigation. At the completion of the investigation, the officer will ensure that all information is exchanged between those involved and that a completed collision report is submitted for approval.

48.5 COLLISION REPORTS AND RECORDS (CALEA 82.3.3, 61.2.2)

The Charleston Police Department will report collisions using the South Carolina Collision and Ticket Tracking System (SCCATTS), which is provided and maintained by the SC Department of Public Safety. The Uniform Traffic Collision (TR-310) Report Instructional Manual provides complete guidelines for form preparation. A link to this manual and other training material can be found on the Police Intranet.

Collision investigations will be recorded on a South Carolina Uniform Traffic Accident Report (form TR 310) and issued, along with an FR 10 form for insurance companies. Exceptions to this are defined in section 48.6. Involved subjects may decline a collision report or police assistance altogether, which is acceptable if all subjects involved are consenting adults who are registered to the vehicles involved, and the collision damage is less than \$1000 and no injuries were sustained by any occupants.

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Collisions in which a TR-310 are issued, the investigating officer will make every effort to identify which unit(s) contributed to the collision. An officer must consider physical evidence such as markings/debris in the roadway, ending position(s) of the vehicles, if applicable, sustained damage(s), and statements from drivers, occupants, and witnesses. (Defined in section 48.4) In some cases, video evidence may be available and should be considered if facts are disputed or if the video is crucial to the facts of the collision. If fault cannot be determined, then the officer should not find anyone contributing. Some collisions may result in multiple units contributing. In such cases, all contributing drivers should be cited for the contributing moving violation.

When an officer finds a unit(s) contributing to the public roadway collision after considering all the evidence, the officer should treat the investigation like any other criminal investigation and must do the following while his/her BWC is recording:

1. The officer will confer with the non-contributing driver privately and explain the findings.
2. The officer will ask the non-contributing driver if he/she wishes to prosecute the contributing driver for the moving violation. This will include an explanation as to why their presence is necessary to provide first-hand testimony.
3. If the non-contributing driver is willing to prosecute, then the officer **MUST** cite the contributing driver for the appropriate moving violation.
4. If the non-contributing driver is non-committal or is unavailable to decide (due to a medical transport or other reason(s)), the officer **MUST** cite the driver who contributed for the moving violation that contributed to the collision.
5. In cases where the victim may not want to prosecute, the officer has discretion to cite the contributing driver for the moving violation and/or other non-moving violation offenses. This also applies to single vehicle collisions.

These protocols are not applicable to private property collisions unless the moving violation is prescribed under section 48.3.

48.6 SOUTH CAROLINA FINANCIAL RESPONSIBILITY FORMS (FR-309)

Officers are prohibited from issuing South Carolina FR309 / “White Forms” in most collisions except for the following reasons:

- When designated by the Chief of Police or designee. This order may be triggered by extreme weather-related events, natural disasters, or catastrophic events that place extreme demands on police personnel. Additional guidance will be provided in such circumstances.
- Hit and run collisions with no known injuries, no suspect information, no foreseeable investigative leads, and the victim does not want an investigation.

48.7 COLLISION INFORMATION COLLECTION (CALEA 61.2.3)

The investigating officer of a collision scene will determine what information / evidence is necessary to collect at the scene. An officer should make every effort to determine which unit contributed and consider physical evidence such as markings/debris in the roadway, ending position(s) of vehicles (or pedestrians, bicycles, etc), damage sustained, statements from drivers, occupants, and witnesses. Video evidence may have captured events of a collision, which may be valuable to such investigations and should be considered if facts are disputed or if the video is crucial to the investigation. The officer will examine and record on the collision report all damages observed to the vehicle, roadway, and other property. Generally, Crime Scene Technicians will not respond to collisions except for city-vehicle collisions (see *General Order 26*), collisions

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investigated by MAIT, or when unique circumstances exist and determined necessary by a Command level officer. The reporting officer will also take all appropriate measurements as needed to establish speed and a probable cause of the collision when applicable. The officer will secure all physical evidence at the scene and ensure that this evidence is deposited to the Evidence Custodian.

48.8 COLLISION VICTIM'S PERSONAL PROPERTY (CALEA 61.2.3 f)

When collision victims are unable to secure personal property, officers at the scene will ensure safety of property from theft or pilferage and handle such personal property in accordance with General Orders. Furthermore, the victim's property should be returned to them as soon as possible. All efforts should be made to return this property to the victim but if the property is to be kept in the custody of the police department for any period, the property should be brought logged into evidence in accordance with *General Order 35/Field Guide for Handling of Evidence*. The Evidence Custodian will then make notification to the owner so that the property can be picked up. Tow sheets should reflect existing items present in a vehicle and items removed should also be noted.

48.9 COLLISIONS INVOLVING INJURIES OR HAZARDS (CALEA 61.2.2; 61.2.3; 61.4.2; 82.3.3 c)

All officers investigating collisions will be alert for the presence of any hazardous materials involved and summon assistance from other agencies if necessary. At collision scenes involving injuries, fire hazards, or hazardous materials, the Police Department will be responsible for collision investigation, traffic management, and crowd control. Fire Department personnel will be notified if a fire hazard exists and the officer in charge of the collision scene will coordinate activities with the senior fire department official present. In any event involving hazardous materials, primary consideration will be given to individual safety and only properly trained and equipped personnel will operate within the contaminated area.

48.10 TOWING AND INVENTORY OF VEHICLES

This order will set forth a procedure for the towing of vehicles and the subsequent inventory. The protection of personal property and/or evidence contained within an impounded/towed vehicle is of prime importance. Proper inventory procedures protect both the individual officer and the Department against false claims of theft or lost property.

48.11 TOWING VEHICLES (CALEA 61.4.1 b, 61.4.3)

Vehicles towed as a result of an arrest, collisions, abandoned vehicles, parking violations, and stolen vehicles which will not be processed by the Crime Scene Technician Unit should be transported to the towing company's compound.

Under the provisions of South Carolina Code, an abandoned vehicle left on the right-of-way of any road, street, or highway for a period of over forty-eight (48) hours will be subject to tow as provided for in this section.

An officer will exercise judgment and discretion in making the decision to tow a vehicle under this section, citing roadway safety as the primary concern. City Code states, "any unoccupied and unattended vehicle found violating the terms of the chapter (i.e., illegal parking) may be removed and impounded by any police officer or duly authorized person and will be surrendered to the duly identified owner thereof only upon payment of cost of impounding."

Once an officer elects to have a vehicle removed and the requested tow company responds to the scene, the act of impoundment has begun and the vehicle may not be surrendered to the owner until "payment of cost of impounding" is made. Additionally, the officer will inform any citizen who wishes to move his/her vehicle after the towing company has arrived that the vehicle cannot be surrendered until the impounding fee has been paid. The owner may pay the fee to the towing company and take possession of the vehicle or he/she may allow the vehicle to be towed and pay the subsequent towing fee.

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An officer may elect to cancel the towing company if the violator/owner responds to the scene **prior** to the company's arrival on-scene.

An officer involved in a tow request will furnish the following information to the Dispatcher, regardless of whether the owner of the vehicle is present or not:

1. Name of the complainant;
2. Name of the towing company;
3. Location to which the vehicle is being towed; and
4. All information concerning the vehicle.

An electronic copy of the towing information will be kept with the dispatcher so that cross references can be made through computer printouts as needed by CPD or other requested agencies/citizens.

An incident report is not required for a vehicle that has no criminal involvement or further investigative involvement. For this type of incident a tow sheet will be completed and an OCA attached. The tow form will be considered an incident report.

48.12 TOWING FROM COLLEGE OR UNIVERSITY PROPERTY (CALEA 61.4.3)

When towing from the property of The Citadel or MUSC, the same procedures as outlined in the general order governing towed vehicles will be followed, with the addition of the campus police being notified after each incident.

48.13 TOWED VEHICLE INVENTORY (CALEA 61.2.3)

An inventory will be made of all vehicles towed by the police department. The officer who requests that a vehicle be towed is responsible for the preparation of the incident report or tow sheet and the inventory of the personal property and accessories inside the vehicle. Items will be listed in the Tow/Impound Module of RMS by the officer conducting the inventory. It is important to document items present and/or removed for safekeeping.

The inventory process differs for vehicles to be processed as evidence, wrecked vehicles, and locked/unlocked vehicles.

1. A warrant is usually required for a complete search of a vehicle for the purpose of gathering evidence. The searching officer may force doors, trunks, and glove compartment locks to perform a complete search. All items discovered in the course of the search will be inventoried as personal property or evidence in accordance with standard procedures for crime scene search.
2. Towed vehicles that are unlocked or have keys available should have the inventoried items secured in the trunk. If the officer is unable to secure items in the trunk, the items should be placed on an inventory form and submitted to the evidence custodian for safekeeping.
3. Towed automobiles that are locked will be inventoried in the best manner possible from the exterior of the vehicle. Items in plain view will be detailed on an inventory sheet. The officer completing the inventory will also note that the vehicle was secured at the time of inventory.

The officer and the tow truck driver must be electronically notated in RMS in the Tow/Impound Module acknowledging any items present or damaged.

As provided in the agreement between the City of Charleston and the towing company, the towing company is responsible for the contents of all impounded vehicles while the vehicle is in tow/storage.

48.14 HOLD STATUS ON TOWED VEHICLES

Three specific circumstances when it is possible and appropriate to place a hold on a towed vehicle are as follows:

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1. Evidence/Investigation Hold - an evidence/investigation hold means a hold is being placed on a vehicle so it can be processed for evidence. This type of hold may be used when a vehicle may require additional time to examine allowing more in depth evidence collection to be completed. An "Evidence / Investigative Hold" is cleared once the vehicle is fully processed for investigative purposes and is able to be released to the owner. Placing a "hold" on a vehicle is a rare occurrence and must be approved by a Sergeant or above and the officer's chain of command will be informed if a hold is placed on a vehicle.
 - A HOLD should NOT be placed on vehicles towed to the crime scene office. Generally, vehicles processed by crime scene will be released once processing is complete. Should a hold be needed, it will be placed on the vehicle by the Central Investigation Division or assigned investigating officer.
2. Seizure Hold – a seizure hold is placed upon a vehicle, which requires that vehicle to be held at a designated location authorized by the Charleston Police Department Narcotics Commander. Any vehicle with this type of hold should therefore have narcotics related charges in the incident report and be properly logged as SEIZED. The Narcotics Commander will coordinate the release of seizure vehicles based on applicable State and Federal forfeiture laws; and
3. Delinquent Parking Violations – a delinquent parking violation hold can be placed on a vehicle for non-payment of outstanding parking citations. This category does NOT apply to traffic citations.

48.15_ MOTORIST SAFETY CHECKPOINTS (CALEA 61.1.6)

It will be the policy of the Charleston Police Department to implement a motorist checkpoint program. The purpose of this program is to ensure highway safety by reducing deaths, injuries, and property damage caused by intoxicated or unqualified drivers, and defective equipment on motor vehicles.

To implement this policy, the Charleston Police Department will:

1. Comply with federal, state, and local legal requirements;
2. Conduct checkpoints with minimal intrusion and inconvenience to motorists;
3. Assure the safety of the public and law enforcement officers involved.
4. Establish checkpoint locations, times, and procedures pursuant to carefully formulated standards and objective criteria.

Locations selected will permit the safe flow of traffic through the checkpoint. Location, time, and date will be selected by the Chief of Police, or designee, at the rank of Lieutenant or above. Consideration will be given to posted speed limits, traffic volume, visibility, road hazards, and the purpose of the checkpoint. There will be ample space to safely pull and position vehicles off the roadway. The location will have maximum visibility from each direction with sufficient illumination.

48.16 MOTORIST SAFETY CHECKPOINT PERSONNEL

Personnel will be properly trained in the conduct of a checkpoint. Screening Officers will be properly qualified to administer field sobriety tests and trained on DUI detection and drugs that impair driving. Additionally, a sufficient number of uniformed personnel will be assigned to ensure a safe and efficient operation.

A checkpoint supervisor, Sergeant or above, will be present at all times during the checkpoint and will organize and oversee the operation. The checkpoint will be terminated if that supervisor leaves without replacement by another supervisor meeting the rank requirement.

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A detailed report will be prepared in order to document all cases made during the checkpoint.

48.17 MOTORIST WARNING OF CHECKPOINT (CALEA 61.1.10)

Appropriate methods will be undertaken to give approaching motorists reasonable notice of the checkpoint. Basic equipment and methods to advise may include the employment of the following:

1. Signage placed on or near the roadway at an appropriate distance near the checkpoint;
2. Flares, fuses or similar devices;
3. Flashing or strobe lights;
4. Safety cones or similar devices;
5. Permanent or portable lighting;
6. Marked police cars, with lights flashing; and
7. Uniformed officers with traffic vests and flashlights.

48.18 MOTORIST SAFETY CHECKPOINT CONDUCT (CALEA 61.1.10)

Signs will be placed at appropriate locations visible to motorists notifying them that a checkpoint is in effect. The signs will be illuminated by lights or flares if practicable. At least one marked police vehicle will be parked near the checkpoint with blue lights and flashers activated to give motorists notice of the police presence. All officers participating in the checkpoint will be wearing an appropriate authorized uniform, jacket, or safety vest that clearly identifies them as police.

A uniform pattern regarding the stopping of a vehicle will be established prior to commencement of the checkpoint. The established pattern will not change during the course of a checkpoint.

A checkpoint may be temporarily suspended to ease traffic congestion, or if other safety considerations exist that would require such. In the event this occurs, a predetermined number of vehicles will be allowed to pass without stopping at the checkpoint. This number will be established by the checkpoint supervisor and will remain consistent throughout the course of the event. The checkpoint will resume when the set amount of vehicles has passed.

All officers working the checkpoint will identify themselves as members of the Charleston Police Department, or participating agency, and may request to see a driver's license, registration, and proof of insurance. If, while asking for said items, the officer suspects a violation of law the appropriate action will be taken.

If an officer has reasonable suspicion to detain a vehicle to verify information or for further investigation the driver will be instructed to pull his/her vehicle into the predetermined safe location off the roadway. The same officer will escort the vehicle off the roadway and will continue the investigation to include issuing any citations that may be required.

When an officer has reasonable suspicion to believe the driver is under the influence of alcohol and/or drugs, the officer will not allow the driver to drive the vehicle off the roadway. Instead, the officer will order the subject out of the vehicle and escort that person to a place of safety for sobriety testing while another officer removes the vehicle from the roadway. If the driver is found to be under the influence of alcohol or drugs, all policies and procedures concerning a DUI arrest will be adhered to.

Vehicles failing to stop or attempting to avoid the checkpoint may be stopped for further investigation in accordance with law.

A narcotic detection dog may be utilized at the checkpoint to conduct a sniff of the outside of a vehicle that is pulled over in the safety area pursuant to a suspected violation of the law. A search of the interior of the vehicle may be conducted if the dog alerts on the vehicle.

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All officers will adhere to Department policies regarding courtesy while conducting the checkpoint.

48.19 REQUESTS FOR VIOLATOR'S DRIVER LICENSE REEXAMINATION (CALEA 61.1.12)

If an officer discovers a driver, who is suspected to be incapable of handling a motor vehicle due to disease, physical/mental disability, or any other articulable reason that officer will complete a S.C. Department of Motor Vehicles Request for Driver Re-Examination. The form and any supporting documentation will be submitted to the officer's Captain for review and approval/disapproval. All approved forms will then be forwarded to the SCDMV Diver Records, P.O. Box 1498, Columbia, SC 29216-0028.