



GENERAL ORDER

**DURHAM POLICE DEPARTMENT
DURHAM, NC**

NUMBER:

4013 R-5

TRAFFIC COLLISION INVESTIGATION

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INTRODUCTION

The Durham Police Department performs a variety of traffic collision investigation functions, including, but not limited to, providing emergency service to the injured, protecting the collision scene, conducting collision investigations in conjunction with N.C.G.S. § [20-166.1](#), conducting follow-up investigations, and preparing reports and related citations and/or warrants.

DEFINITION

A motor vehicle collision is defined as any event that results in unintended injury or property damage, attributable directly or indirectly to the motion of the motor vehicle or the load carried by that vehicle.

In any instance where this General Order references the North Carolina Department of Motor Vehicles Form 349, Traffic Collision Report, either the paper form or an electronic equivalent shall be employed.

RESPONSE AND GENERAL RESPONSIBILITY

The Durham Police Department will respond to the scene of all motor vehicle collisions that occur within the Department's jurisdiction that involve any of the following:

- death or injury;
- hit and run;
- impairment of an operator due to alcohol or drugs;
- damage to public vehicles or property;
- hazardous materials;
- disturbances between persons involved;
- major traffic congestion as a result of the collision;
- damage to vehicles to the extent towing is required;
- a request for an investigation by any party to a collision.

Upon dispatch to the scene of a motor vehicle collision, responding officers will use the following procedures:

- If the collision involves personal injury, a code 3 response is required.

- Responding officers should *plan* the quickest route in order to arrive at the scene *safely*. Existing traffic conditions may dictate a route that may not necessarily be the shortest route.
- If an incident occurs on an interstate/freeway, whenever possible, officers should utilize the attached Highway Incident Management Parking Guideline (Attachment 1). Basically, this calls for the Motorist Assistance Patrol (MAP) truck to be in the rear creating a safety work zone with its arrow board. Then the wrecker, police, EMS, and fire will line up in front of the MAP unit. This placement will keep the maximum number of lanes open and facilitate the exit of the units as they complete their assignments. Officers on the scene will be free to clear once their investigation is complete, as the MAP truck will remain on the scene until the roadway is cleared.
- The first officer at the scene must observe and evaluate the type and amount of assistance required. He or she is in charge of scene management until relieved by higher authority or by the investigating officer. Medical assistance is, under most circumstances, the number one priority. The initial responding officer(s) shall render whatever medical attention he or she is capable of until and even after the arrival of emergency medical technicians. Officers may even solicit the assistance of bystanders to aid in stabilizing victims or to relieve the officer's position so that the officer may tend to other matters relating to the investigation. However, traffic control may be first required in order to prevent further injury. Requests for additional units will be made as soon as possible. Sufficient numbers of personnel should be summoned in order to safely investigate the collision.
- In the event of a fire, officers will make every effort to remove victims from possible fire exposure. Officers will also utilize the patrol vehicle equipped fire extinguisher to suppress and monitor the fire until fire units arrive.
- The investigating officer will determine witnesses, vehicle operators, and other individuals involved to be interviewed. When interviews of witnesses are conducted the collision investigator must:
 - separate operators and witnesses if possible so they do not become involved in any type of disturbance or influence each other;
 - obtain statements from all operators and witnesses;
 - ensure that any witnesses are not unnecessarily delayed;
 - assist victims in contacting family members when necessary.
- The investigating officer must identify physical evidence and arrange for vehicle removal. The collision scene should be cleared as soon as possible.
- The investigating officer will ensure that the exchange slips are filled out completely and given to the drivers (and/or owners) of the vehicles.
- The investigating officer will prepare the North Carolina Department of Motor Vehicles Form 349, Traffic Collision Report for reportable collisions, when applicable. The report is to be completed and submitted through the proper procedure by the end of the workday. Collisions investigated near the end of a shift or are incomplete due to insufficient information, may be submitted the next day. All reports shall be submitted prior to the submitting officer going off duty on the last day of work before the submitting officer is scheduled for one or more days off, regardless of whether these days off are due to taking leave, or if they are due to the regular rotation of the officer's schedule. If a report is incomplete due to insufficient information at this time, it should be submitted with a notation to that effect, and a supplemental report should be submitted as soon as the missing information becomes available.

TRAFFIC CONTROL

Officers assigned to traffic control responsibilities shall ensure that the following procedures are executed:

- officers directing traffic will wear the full duty uniform and reflectorized traffic vests at all times;
- traffic control devices shall be placed with respect to hill-crests and curves and other obstructions so as to ensure they will be seen;
- hand lights, traffic cones, flares, and additional personnel will be utilized when needed.

TRAFFIC SERVICES RESPONSIBILITIES

Traffic Services (TACT) officers shall investigate:

- All fatal or near fatal collisions
- Any collisions involving a Durham Police Department vehicle which fall into one of the following categories:
 - Is a Level IV collision; or
 - Is of a controversial nature; or
 - The on-scene supervisor or Watch Commander requests TACT to investigate the collision.
- All collisions involving any vehicle belonging to the City of Durham when TACT officers are on duty or otherwise readily available.

Traffic Services officers shall use whatever resources are necessary to successfully and accurately complete their investigation. These include, but are not limited to, doctors, mechanics, surveyors, photographers, and any other specialized persons deemed necessary.

DEPARTMENT VEHICLE COLLISION INVESTIGATION WHEN TACT IS NOT AVAILABLE

Any collision involving a Durham Police Department vehicle that is below Level III may be investigated by a supervisor from the same unit / district of the operator of the Department vehicle. Normally, this would be a Corporal from the patrol district. Other officers may be used in this capacity at the discretion of the Watch Commander.

PRIVATE PROPERTY COLLISIONS

Traffic collisions that occur on private property will be investigated in the same manner as any other collisions.

LEVELS OF COLLISION INVESTIGATION

Traffic collisions are generally divided into four (4) levels of investigation.

Level I

Applies to any motor vehicle collision which result in a total property loss of *less than* \$1,000.00 (except Hit and Run), *no* personal injury, and no citation is issued. Completion of a North Carolina DMV Form 349, Traffic

Collision Report, is optional. However, the responding officer is required to complete the report if any party to the collision requests one.

Level II

Applies to any motor vehicle collision that results in *moderate* property damage (\$1,000.00 or more) and/or *minor* personal injury.

The completion of a North Carolina DMV Form 349 is mandatory. A supplemental investigation form is optional.

Measurements will be taken regarding any tire marks and distance traveled after impact.

Any relevant evidence must be noted, measured, and collected.

Appropriate charges should be filed when there is probable cause that a motor vehicle violation(s) exists.

Interviews must be conducted of drivers and any witnesses.

Interviews are usually verbal but may be written.

Level III

Applies to any motor vehicle collision that results in *moderate* injuries and/or *extensive* property damage (\$1,000 or more).

The completion of a North Carolina DMV Form 349, Traffic Collision Report, is mandatory. A supplemental investigation form is optional. Measurements will be taken regarding any tire marks, lane and street widths, and distance traveled after impact.

Any relevant evidence must be noted, measured, and collected.

Interviews must be conducted of drivers and any witnesses.

Interviews are usually verbal but may be written.

Appropriate charges should be filed when there is probable cause that a motor vehicle violation(s) exists.

Level IV

Applies to motor vehicle collisions that result in serious injuries or fatalities.

The completion of a North Carolina DMV Form 349, Traffic Collision Report, and a Supplemental Investigation Form are mandatory. The supplemental form (case log) will note all actions taken by the investigating officer. The supplemental investigation (analysis) will state all the investigating officer's computations. The computations will include, but are not limited to: skid mark analysis, viewpoint studies, critical speed analysis, and any results of field-testing.

Measurements must be taken and a scale drawing or diagram prepared. All evidence noted should be placed on the diagram. Accurate measurements must be taken using the grid, coordinate or triangulation method.

A thorough examination should be conducted of the vehicles involved. Important evidence must be collected. It may be necessary to confiscate a vehicle for proper evidence examination. Collision damage and examination reports must be prepared.

Interviews will be conducted and may be tape recorded or written.

Additional off-scene data, such as documentation by a mechanic or other qualified person indicating an existing mechanical defect or deficiency, a physician's report indicating a previous illness or condition attributable to the collision or a DOT or City Traffic Engineering Report alleging or indicating a roadway hazard or defect may be collected.

Appropriate charges should be filed when there is probable cause that a motor vehicle violation(s) exists.

If felony or serious misdemeanor charges are indicated, then an incident report shall be completed listing facts and evidence supporting these charges. If evidence is collected, including blood kits, then a property report must be completed and the evidence submitted in accordance with the General Order 4058, Property and Evidence Control.

PHOTOGRAPHS OF THE COLLISION SCENE

The investigating officer will notify Communications as soon as possible after arrival, regarding the dispatch of Identification Personnel.

This request will be made for all Level IV collisions. Officers may request Identification Personnel, where in the officers' opinion, evidence collection or photography is needed to supplement the investigation. After hour requests require the approval of the Watch Commander or designee.

Photographs must be taken prior to altering the collision scene. The investigating officer should work closely with the Identification Technician to ensure that photographs are prepared to show the following:

- *Vehicles*- Photographed from all sides with special attention to damaged areas;
- *Roadway*- All tire marks, gouges, debris, or other relevant items;
- *Viewpoints*- Photographs showing viewpoints or perspectives of all drivers involved, including general area photographs;
- *Follow-up*- Daylight, or photographs under more ideal conditions, may be needed.

ID Technicians may take other photographs or collect other evidence that they feel is necessary to supplement the investigation. It is not the responsibility of the investigating officer to instruct the ID Technician as to how to perform their duties. However, officers assigned to the investigation are considered the lead investigator and as such, are responsible for complete case preparation.

COLLISIONS INVOLVING HAZARDOUS MATERIALS

Any officer assigned to investigate a collision involving hazardous materials will immediately notify his/her supervisor. The supervisor will notify the Watch Commander, who will request the appropriate notifications be made concerning fire units, Emergency Management, and additional manpower.

The collision scene will be investigated using the Level II-IV criteria.

IMPAIRED OPERATORS

The investigating officer will examine all operators for any sign of use of alcohol or any controlled substance(s), which may have impaired the operator. Any driver suspected of being impaired may be tested by use of field sobriety tests.

If the operator is injured and is transported to a medical facility, a blood sample may be obtained for the purpose of determining impairment. A blood sample may also be obtained from any operator suspected of impairment due to the use of controlled substances. In other cases, a breath sample may be obtained from an Intoxilyzer-5000 instrument. All breath and/or blood tests shall be administered by a certified Chemical Analyst and shall be in accordance with the applicable North Carolina General Statutes and the North Carolina Administrative Code.

HIT AND RUN COLLISION INVESTIGATION

Any officer responding to a collision scene involving hit and run vehicles will investigate the collision using the same guidelines outlined above. Additionally, the officer will take into consideration the following:

- The investigating officer must ensure that he/she has the correct information regarding the suspect vehicle.
- If information on the suspect vehicle has not been broadcast to all cars, the investigating officer will do so immediately after he/she reasonably believes that the correct information has been obtained.
- Responding officers while en-route to the scene must be attentive to broadcast information regarding suspect vehicle(s) so as to apprehend the fleeing vehicle if sighted.
- The investigating officer is responsible for any follow-up needed regarding the collision investigation.
- The investigating officer will complete the initial collision report (DMV 349) and any necessary supplemental reports and submit them through regular channels by the end of his/her daily shift.
- The originally assigned officer may continue furthering the investigation, but if he or she does so, should make a notation on the original report to that effect. Additions to the original report should be included on a supplemental report using the original report number.

COLLISION VICTIM'S PROPERTY

To protect the property of persons who have been incapacitated by collisions, officers:

- will make every effort to assure the safekeeping of the property;
- may submit valuables, such as handguns, jewelry, money, etc. to the Property Room using the normal procedure for submitting property (see General Order 4058 R-2) ;
- if possible and expedient, may personally return the items to the victim;
- may turn the property over to a family member if they can confirm the identification of the family member. Officers are not obligated to turn property over to a family member if a family member demands the property under what the officer can articulate as suspicious circumstances;

- in the case of a fatal collision, will secure and inventory the property of the victim (see General Order 4058).

Personal property that is left in the vehicles (clothes, books, etc.) shall be listed on the vehicle inventory form that is to be signed by the wrecker operator before removing the vehicle.

ROADWAY HAZARD REPORTS

All officers shall be responsible for ensuring that Communications is notified when obstructions, damage to roadways or associated equipment (i.e., road signs) would impede traffic or impose a hazard to drivers or pedestrians. Communications Center personnel will in turn notify the appropriate authority (i.e. Street Maintenance, Transportation, etc.).



Jose L. Lopez, Sr.
Chief of Police