

	<b>TITLE</b> Traffic Crash Investigation		<b>ACCREDITATION</b> CALEA Chapter 61.1.2.b, 61.1.5.h, 61.2
	<b>PROponent UNIT</b> Traffic Unit		<b>PRIOR REVISIONS</b> 01/19/10, 06/23/15, 07/23/20, 02/22/21
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**I. PURPOSE:** This Order establishes guidelines for governing the duties and responsibilities of Department members regarding traffic crashes.

**II. POLICY:** The Gainesville Police Department shall investigate and document motor vehicle crashes, as directed by this Order. (See G.O. 61.7 regarding crashes involving Department vehicles.) [CALEA 61.2.1]

### III. DEFINITION:

**Traffic Crash:** A sequence of events involving a motor vehicle in transport that results in unintentional injury, death, property damage, or any other harm.

The location/jurisdiction of a crash is determined by the occurrence of the first harmful event (leaving the roadway, striking another vehicle, hitting a fixed object, etc.).

**Motor Vehicle:** Every device in, upon or by which any person or property is, or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

**Commercial Vehicle:** A motor vehicle shall be classified as a commercial vehicle if it meets any of the following conditions:

- A.** A truck with a gross weight rating of 10,000 lbs. or more, or
- B.** A vehicle displaying a hazardous material placard, or
- C.** A vehicle designed to transport more than 15 passengers, including the driver.

### IV. PROCEDURE:

**A. Required Field Response:** Communications shall dispatch an appropriate Department member (FST or sworn) to the scene of a traffic crash, ,Except Parking Lot crashes (see section B), to include incidents involving:

- 1. Injury or death:** Dispatch will send sworn members in marked or unmarked emergency vehicles dispatched or responding to a crash with a report of

personal injury may utilize emergency lights (including headlights/wig-wags) and siren: [CALEA 61.2.2.b]

2. Leaving the Scene;
3. Impaired driver due to alcohol or drugs (See G.O. 61.3);
4. Damage to public vehicles or property (city, county, state, federal);
5. Hazardous materials; [CALEA 61.2.2.c]
6. Disturbances;
7. Major traffic congestion as a result of the crash;
8. Damage to vehicles which need to be towed;
9. Rental vehicles
10. Other crashes (including minor crashes) as determined by the information received, and/or the potential amount of damage, or other requirements of Florida statutes.

## **B. Parking Lot Crashes**

### **I. Department members are to respond to the following parking lot crashes only:**

A crash with injury;  
A crash with fatality;  
A hit and run crash;  
A DUI crash;  
A crash, which requires a wrecker to remove the vehicle;  
A crash with a commercial motor vehicle.  
A crash participant insists a report be taken

## **C. Scene Assessment/Initial Duties:** The first Department members arriving at the scene of a traffic crash shall: [CALEA 61.2.1 & 61.2.2.d]

1. Protect the scene by strategically positioning their Department vehicle and using its warning or emergency lights to minimize the chance of further crashes or injuries; and, depending on the situation, one or more of the following actions:
  - i. Redirecting traffic around or away from the crash site;
  - ii. Moving involved vehicles out of the street, or out of a moving lane of traffic, when possible;
  - iii. Placing orange traffic cones (when available) on the roadway to mark the hazard; [CALEA 61.2.2.e]

iv. Using flares, when available, for crashes occurring on I-75 at night.  
[CALEA 61.2.2.e]

2. Identify injured persons, if any, and render aid; [CALEA 61.2.2.b]

3. Contain, protect and cordon off the area as a crime scene, if: [CALEA 61.2.2.e]

i. An actual or potential fatality is involved;

ii. A known or suspected significant criminal violation occurred (e.g. aggravated battery, hit and run, etc.).

4. Request medical assistance, when indicated, if not already dispatched; [CALEA 61.2.2.b]

5. Request additional officers for traffic control, if necessary;

6. Identify any possible fire hazards and/or hazardous materials. If any are part of or a threat to the scene, notify the fire department immediately [CALEA 61.2.2.c]

Members shall follow the procedures identified in G.O. 46.9 regarding hazardous materials.

7. When indicated, ensure that photographs are taken immediately to record proximate locations of vehicles, vehicle parts, drivers and occupants, and other scene references, especially when the crash is major, even if assistance that is more technical is later requested or responds.

8. If any of the parties or witnesses to the crash are involved in a disturbance, separate them, directing them out of the street, and summon additional units to assist, as needed.

9. If any of the drivers/vehicles left the scene, communicate the description of the vehicle and/or driver, direction and mode of travel, time lapse, severity of the crash, injuries, and any other pertinent information to other field units as soon as possible.

10. Identify witnesses, record information and retain witnesses at the scene for the investigating officer, if different from the first responder.

**D. Primary Unit:** The primary unit dispatched is in charge of the traffic crash investigation, regardless of arrival order, unless relieved by a higher authority or by a previously arriving member who volunteers to conduct the investigation. [CALEA 61.2.2.a & 61.2.2.g]

1. Investigative Responsibilities: The following may not be the preferred order. Each investigation will be conducted based on the particular crash scene being investigated. [CALEA 61.2.1 & 61.2.2.d]

i. Identify and interview witnesses;

- ii.** Verify whether or not the incident meets the Florida State Statute definition of a crash;
- iii.** Verify the jurisdiction and location of the crash, if in question (i.e., City v. County, public, quasi-public or private property).

A crash is determined to have occurred at the location of the first harmful event.

- iv.** Identify potential/actual evidence, and preserve it for collection/photographing, if applicable.

Ensure any changes in the scene, location or alteration of evidence, or any other pertinent conditions are relayed to the person arriving to process the scene. [CALEA 61.2.2.e]

- v.** Verify the information of all involved parties;

- a.** Drivers' license, insurance and registration information;
- b.** Identity and location of all passengers.
- c.** Complete a drivers' exchange of information. This may be accomplished by completing a driver's exchange of information form within the Traffic Crash Module and giving one to each driver.

- vi.** Investigate the traffic crash; [CALEA 61.2.1]

- a.** Determine contributing factors, if possible.
- b.** Request a traffic homicide investigator if serious bodily injury is present, a trauma alert is issued, or a fatality appears likely. (See Go 61.8).
- c.** Avoid the term "at fault" in the crash report or while discussing the crash with the persons involved. The determination of fault is a civil matter decided in the courts through litigation. Members may discuss:
  - 1).** That a driver is being cited for a violation, and the nature of the violation;
  - 2).** Contributing causes to the crash, limited to the investigative findings.

- vii.** Issue traffic citations for clear-cut violations. Members who chose not to cite one or more drivers in the crash may be required to justify their decision to the reviewing supervisor. [CALEA 61.1.2.b & 61.1.5.h]

- viii.** Clear the scene of vehicles and debris; [CALEA 61.2.2.e]

- a. Unless it is needed for evidence, a motor vehicle illegally parked or disabled due to the crash shall be towed by a wrecker company selected by the owner or from the rotation list if the vehicle is unable to be moved or towed by the owner within 30 minutes after the crash. Department members shall not recommend a particular wrecker company.
  - b. Vehicles impounded as evidence shall be towed by the contractual wrecker service and placed into secure storage (See G.O. 84.2). Members towing a vehicle shall complete an electronic tow sheet (see G.O.84.2).
- ix. Complete the appropriate Florida Traffic Crash Report form (if required).
- x. Leaving the Scene/Hit & Run accidents will be thoroughly investigated and documented on a Florida Traffic Crash report form (Long form):
  - a. Obtain and broadcast a description of the vehicle which left the scene and its occupants as soon as possible;
  - b. Identify and interview witnesses;
  - c. Identify potential/actual evidence and preserve it for collection and/or photography, if applicable;
  - d. Follow up on any information/evidence which may lead to the identity of the person who left the scene.
  - e. When/if the other driver is identified, the officer shall file the appropriate charges as applicable.

#### **E. Photographing the Scene:**

1. Involving City Vehicles (NOT Department Vehicles [See GO 61.7]): All crashes involving City vehicles shall be photographed unless a City employee from the involved Department (Gainesville Regional Utilities; RTS) arrives to take the photographs. [CALEA 61.2.2.d]

If the circumstances meet the criteria of evidentiary purposes, see b. below.

2. For Evidentiary Purposes: Investigating members shall photograph the crash scene, or ensure that it is photographed, when the investigation may or does involve a fatality, serious injury, or known or suspected significant criminal violation (e.g. aggravated battery, hit and run, etc.)

Even if an Evidence Technician or Forensic Crime Lab investigator is summoned, initial (immediate) photos should be taken to identify what the scene looked like upon arrival, as evidence may be moved or altered due to rescue, medical or other response efforts.

**F. Evidence Collection and Disposition:** Evidence will be collected and disposed of as required by G.O. s 83.1 and 84.1. Members who tow vehicles as evidence will follow the requirements of G.O. 84.2.

**G. City and Other Government Property/Vehicles:** Members will normally investigate, as any other crash, crashes involving City (non-Departmental) and/or other governmental vehicles.

Jurisdictional law enforcement agencies other than GPD (i.e., Alachua County Sheriff's Office, Florida Highway Patrol), and other emergency response agencies (i.e. Alachua County Fire/Rescue) may wish to investigate their own crashes, or to summon a jurisdictional agency of their choice to conduct the investigation.

1. When GPD is requested, a field unit will be dispatched.
2. At no time will a crash investigation be turned over to a non-jurisdictional law enforcement agency.

**H. Documentation:** To facilitate state-wide standardized data collection and analysis, the Department shall use the uniform reporting system furnished by Florida's Department of Highway Safety and Motor Vehicles. [CALEA 61.2.1]

1. Florida Traffic Crash Report – Long Form (HSMV-Form #90010S): Members shall complete a Florida Traffic Crash Report Long Form within MCT's Crash Module for all traffic crash investigations except those that occur on private or public parking areas.
2. Driver's Exchange of Information: When investigating a crash that requires documentation via a long form report, form #90011S may additionally be used for the exchange of driver's information.
3. Driver's Report of Traffic Crash; Driver Exchange of Information Form #90011S:
  - i. Parking Lot Crashes: The Combined Communications Center will refer complainants to online reporting via [www.flhsmv.gov/traffic-crash-reports/](http://www.flhsmv.gov/traffic-crash-reports/) or [www.gainesvillepd.org](http://www.gainesvillepd.org) if the criteria for a Long Form are not met as described in F.S.S., or the complainant insists on a crash report be taken, the Combined Communications Center will dispatch an officer and/or the officer will take a traffic crash report.
4. Traffic Crash Report Supplement: Members shall complete a supplement to a Traffic Crash Report within MCT's TA Supp Module to update the Traffic Crash Report.
5. A late report of a traffic crash is defined as all parties voluntarily leaving the scene of the original accident. If any party requests law enforcement response at a later time, and none of the criteria for a Long Form are met according to F.S.S., the Combined Communications Center will refer them to online reporting ([www.flhsmv.gov/traffic-crash-reports/](http://www.flhsmv.gov/traffic-crash-reports/) or [www.gainesvillepd.org](http://www.gainesvillepd.org)). This does not include calls for service at or about

the time of the crash, in which the parties subsequently left the scene due to an excessive delay in law enforcement response.

**I. Private Property:** Private property is property on which the general motoring public is not invited to travel.

**1. Reporting:** A Florida Traffic Crash Report does not need to be completed for collisions occurring on private property, unless the collision involves a death, injury or a criminal act. [CALEA 61.2.1]

i. Members shall furnish, either at the scene, or when the involved party comes to the station, a Driver's Report of Traffic Crash Form (HSMV-90011S) to file with the State when no injury, death or crime is involved.

ii. Appropriate license plate and driver's license checks should be performed to ensure that the crash does not involve any stolen/wanted vehicles; or persons with warrants or suspended driver's license.

**2. Citations:** Citations shall not be issued for violations that occur on private property unless a crime/criminal traffic offense is involved.

**J. Crashes on Interstate 75:** The Florida Highway Patrol (FHP) has primary responsibility for the investigation of crashes on I-75, but Florida Highway Patrol personnel shortages may necessitate that GPD personnel, at times, be required to work those crashes and/or respond to assist for public safety reasons if the crash occurs within the City Limits of Gainesville along I-75. [CALEA 61.2.2.a]

**1. Response:** When GPD personnel are dispatched to investigate or assist with a crash on I-75, a sworn member and a sworn supervisor will be dispatched to the crash pending supervisory approval.

**2. Supervisor Responsibility:** CCC shall dispatch the call as an Assist Other Agency (50A) if FHP intends to respond but their response will be delayed. The supervisor should contact CCC and determine the response time of FHP. If FHP is unable to respond GPD personnel will work the crash. A supervisor should verify with CCC that FHP cannot respond.

**3. Evaluation:** The primary unit dispatched shall evaluate the situation and determine what resources are needed to clear the obstruction and minimize hazards.

**K. Florida Highway Patrol's Response to Crashes:** GPD members will summon the Florida Highway Patrol when indicated and in compliance with their policy on responding to the following types of incidents:

**1. Crashes Resulting From Pursuits:** The FHP shall be requested to investigate traffic crashes / incidents involving pursuits by Department vehicles driven by a sworn member if the crash / incident:

- i. Involves a fatality regardless if a law enforcement agency vehicle is involved in the actual crash;
- ii. Involves serious bodily injury to a Department member, or serious bodily injury to another person which was caused by a Department Member;
- iii. Could result in criminal charges against a Department member.

**2. Other Crashes:** Florida Highway Patrol will only respond to crashes in incorporated municipalities:

- i. If there is a jurisdictional dispute. GPD members shall make every effort to determine jurisdiction before requesting a response from Florida Highway Patrol.
- ii. To assist with a crash involving a fatality. Florida Highway Patrol will not conduct the investigation.

**L. Follow-Up Activities:** Traffic crash follow-up activities should include, as necessary: [CALEA 61.2.1]

- 1. Collecting information and/or evidence at locations away from the crash scene,
- 2. Obtaining formal statements from witnesses,
- 3. Reconstructing the crash,
- 4. Requesting assistance from outside agencies,
- 5. Preparing supplemental reports.

**M. Subpoenas:** A member scheduled to appear at a court case regarding a vehicle crash shall complete and submit the required paperwork to subpoena witnesses needed for testimony in accordance with G.O. 40.15 Court Procedures.

**N. Items of Personal Property:** When a vehicle involved in a traffic crash is towed or a bicycle is involved and the driver, owner, passenger, or other authorized person (e.g., family member) is unable to take possession of any personal property, and the vehicle or property is not being taken into custody as evidence, the investigating member shall be responsible for: [CALEA 61.2.2.f]

- 1. Collecting items of value:
  - i. Which are not permanently attached to the vehicle (i.e., money, cameras, firearms, sporting equipment, etc.)
  - ii. Which cannot be properly and or safely secured/locked (such as a bicycle, whether or not it was involved in the crash).
- 2. Submitting the items to the Property and Evidence Section as property.



3. Completing and submitting a Property and Evidence Voucher.

4. Notifying the driver, owner, or passenger as soon as possible about the removal and location/disposition of the property.

**O. Public Records Release:** Per Florida State Statute 316.066, crash reports that reveal the identity, home or employment telephone numbers, home or employment addresses (locations) or other personal information regarding the parties involved, are to be held confidential and, therefore, are exempt from release to the public for a period of 60 days from the date the report is filed.

**1. Exceptions:** The following persons, or legal representatives of the listed entities, may, upon showing legitimate credentials, receive a copy of the [official] report immediately [upon its availability]:

- i. The involved parties;
- ii. Their legal representatives;
- iii. Their licensed insurance agents;
- iv. Their insurers or the insurers to which they have applied for coverage;
- v. Persons under contract with insurers to provide claim or underwriting services;
- vi. Prosecutorial authorities;
- vii. Radio and television stations licensed by the Federal Communications Commission;
- viii. Newspapers qualified to publish legal notices under Florida State Statute 50.011 and 50.031;
- ix. Free newspapers of general circulation published weekly or more often and that are available and of interest to the public generally for disseminating news.

**2. Penalty:** It is a felony of the third degree for anyone who knowingly:

- i. Provides confidential information to a person not authorized to receive it.
- ii. Obtains/receives confidential information when not authorized to receive it.

**By Order of**

*Signed Original on File in the  
Accreditation Unit*

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**Nelson Moya**  
**Interim Chief of Police**