

 Kinston Police Department	<u>POLICY: Vehicle Collisions</u>						<u>POLICY #:</u> 400-4
	<u>NCLEA Standards: 6.10; 6.11; 7.05;</u>						
	<u>CALEA Standards: 61.1.5 (h); 61.3.2 (a);</u>						
	<u>NCLM Standards:</u>						Effective Date:
<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised	Revision Dates:	01/01/21	04/08/25				07-01-2019
Approval: Chief of Police							

I. PURPOSE

The purpose of this policy is to establish guidelines for officers investigating vehicle collisions within the Kinston Police Department's jurisdiction.

II. DEFINITIONS

- A. Vehicle Collision: A vehicle or traffic collision, also called a motor vehicle collision (MVC) among other terms, occurs when a vehicle collides with another vehicle, pedestrian, animal, road debris, or other stationary obstruction, such as a tree, pole or building. Traffic collisions often result in injury, death, and property damage.

III. POLICY

- A. All Officers assigned to investigate vehicle collisions shall complete a North Carolina Crash Report Form (DMV-349) or a Department Record of Collision Form. When using the North Carolina Crash Report Form (DMV-349) the officer shall complete the form using the instructions set forth in the DMV Field Reporting Manual. Specific reporting and investigation requirements are as follows: **(NCLEA 6.11 c)**
1. Death or Injury as a result of a vehicle collision - All collisions of this type shall be investigated and reported on a North Carolina Crash Report Form (DMV-349) or electronic equipment (TRACS).
 2. Property Damage as a result of a vehicle collision - All collisions of this type shall be investigated. Vehicle collisions resulting in more than \$1,000.00 in damage shall be reported on a North Carolina Crash Report Form (DMV-349). Vehicle collisions resulting in less than \$1,000.00 shall be reported on a Department Record of Collision Form or electronic equipment (TRACS).
 3. Hit and Run vehicle collision - All collisions of this type shall be investigated. Collisions of this type resulting in death, injury, or more than \$1,000.00 shall be reported on a North Carolina Crash Report Form (DMV-349) or electronic equipment (TRACS). Collisions of this type resulting in no injury and less than \$1,000.00 shall be reported on a Department Record of Collision Form.

4. Impairment Due to Alcohol or Drug vehicle collision - All collisions of this type shall be investigated. Collisions of this type shall be reported on a North Carolina Crash Report Form (DMV-349) or TRACS.
 5. Hazardous Materials vehicle collision - All collisions of this type shall be investigated and reported on a North Carolina Crash Report Form (DMV-349) or TRACS.
 6. Vehicle collisions on Private Property - All collisions of this type shall be investigated. Reporting of this type of vehicle collisions shall follow the same reporting requirements as stated in sections 1, 2, 3, 4, and 5 above.
 7. Officers shall neither advise nor encourage any person involved in a collision to forgo the completion of a collision investigation. Officers shall assist all persons involved in a collision with the exchange of pertinent driver/insurance information.
 8. Officers shall investigate and report only the vehicle collisions that occur within their territorial jurisdictions.
 9. Officers assigned to investigate traffic collisions should take enforcement action whenever a violation of the laws of North Carolina or the Ordinances of the City of Kinston causes a collision, or when a driver involved in a collision is otherwise in violation of the laws or ordinances. The appropriate enforcement may include: verbal warnings; written warnings; issuance of citations; physical arrest. **(NCLEA 6.11 e) (CALEA 61.1.5 h)**
 10. If an officer is unable to determine fault in a traffic collision, he/she shall complete a North Carolina Crash Report Form (DMV-349), TRACS as applicable.
 11. Under no circumstances shall an officer discourage drivers from filing an accident report.
- B. Officers shall respond to the scene of all vehicle crashes. The type of response is determined by the type of vehicle collision. The different types of vehicle collisions and the officer responses are as follows: **(NCLEA 6.10, 6.11 a)**
1. Death or Injury vehicle collision - Officers shall respond to this type of vehicle collision with an emergency response.
 2. Hit and Run vehicle collision - Officers shall respond to this type of vehicle collision with a routine response. If there is injury the response will be elevated to an emergency response.
 3. Damage to Public Vehicles or Property - Officers shall respond to this type of collision with a routine response.
 4. Major Traffic Congestion as a result of a vehicle collision - Officers may use discretion in the type of response used in this type of vehicle collision. The officer may use a routine or emergency response depending on motorist and pedestrian safety.
 5. Damage to Vehicles Requiring Tow Service vehicle collision - Officer shall respond to this type of collision with a routine response unless some other factor would require an

emergency response.

6. The first responding officer to a vehicle collision scene is responsible for determining if additional assistance is needed, i.e., additional officers, emergency medical personnel, fire department personnel, or other resources. In addition, the first responding officer shall be responsible for providing the following: **(NCLEA 6.11 b,d) (CALEA 61.3.2)**
 - a. Administer emergency first aid and basic life support to the injured.
 - b. Summon ambulance and/or additional assistance for the injured.
 - c. Protect the collision scene.
 - d. Preserve short-lived evidence.
 - e. Establish a safe traffic pattern around the scene.
 - f. Locate witnesses and record collision information.
 - g. Expedite the removal of vehicles, persons, and debris from the roadway.
 7. The Chief of Police or a designee shall have the authority to suspend investigations of traffic collisions during designated times of emergency to include: natural disasters; civil disturbances; snow or severe weather; other emergencies.
- C. The investigative responsibility may or may not be the responsibility of the first responding officer. The investigative and vehicle collisions scene responsibility is determined as follows:
1. The vehicle collision scene investigator shall normally be a Traffic Officer on duty. If a Traffic Officer is not on duty the first Patrol Officer responding to the scene shall be the investigating officer. If there is serious life-threatening injuries or a fatality involved in the vehicle collision the on duty Patrol Supervisor may call out a Traffic Officer if one is not on duty.
 2. If injuries are present at a vehicle collision scene the responding officer or officers shall, until relieved by EMS personnel, provide emergency first aid and/or basic life support (not to exceed the level of training received by the officer) to injured persons whenever possible without endangering the life of the officer. Officers shall notify the Communications Center if additional EMS personnel or officers will be required to respond to the collision scene.
 3. Officers responding and on the scene of a vehicle collision shall assess the fire hazard and determine if it can be suppressed by using a fire extinguisher. If the fire cannot be suppressed by the officer, the officer shall notify the Communications Center of the situation, establish a perimeter, and evacuate people from the danger area. If the fire can be suppressed, officers should attempt to extinguish the fire without endangering themselves or others, until relieved by Fire/Rescue personnel.

4. Officers responding to collisions involving possible hazardous material spills shall be responsible for securing a perimeter around the scene, evacuating all persons from within the perimeter, and notifying other responding units that a possible hazardous material spill has occurred. **(NCLEA 7.05)**
 - a. The officer should approach the scene cautiously, attempt to approach the scene from upwind and not walk into or touch spilled material. The officer should avoid inhalation of all gases, fumes, and smoke to the extent possible.
 - b. The officer should attempt to identify the material by the container placard, container labels, shipping papers, and/or knowledgeable persons at the scene, if possible, but shall not enter the perimeter in the attempt.
 - c. The officer shall request Fire/Rescue personnel to respond to the collision scene. The Department Communications Center shall dispatch Fire/Rescue units to all situations involving hazardous materials. Hazardous material situations are usually under the direction and control of Fire/Rescue personnel; therefore, Officers shall coordinate their efforts with Fire/Rescue personnel.
 - d. Utilization of the U.S. Department of Transportation Emergency Response Guidebook is important. This guidebook is designed to assist in making initial decisions upon arriving at the scene of a hazardous materials incident. All officers should familiarize themselves with the guidebook and how to use it.
 - e. Computerized hazardous materials files are accessible through the DCI Computer terminal. Updates are provided by the U.S. Department of Transportation. Computerized hazardous materials files give DCI terminal operators the capability of receiving information on hazardous materials that a vehicle may be transporting. Every response also directs the user to contact CHEMTREC AT 1-800-424-9300 if an actual emergency exists.
- D. The officer assigned to investigate a traffic collision shall collect the information necessary to complete the required North Carolina Crash Report Form (DMV-349), TRACS or the Department Record of Collision by the following methods:
 1. Interview principals and witnesses as indicated by the instructions for the N.C. Crash Report Form.
 2. Examine/record vehicle damage as indicated by the instructions for the N.C. Crash Report Form.
 3. Examine/record effects of collisions on the roadway as indicated by the instructions for the N.C. Crash Report Form.
 - a. Taking Measurements - Officers will take and record collision scene measurements for all collision investigations except:
 - i. Minor damage with no personal injuries.
 - ii. Collisions where the vehicles involved have been removed to a different location.

- iii. Collisions where a significant time lapse has occurred between the collision and the report of the collision.
 - b. Diagrams - Officers will make diagrams for all collision investigations with the exception of Department Record of Collision form. When scale diagrams are not practical, the investigating officer should indicate on the crash report that the diagram is not to scale.
 - c. Taking Photographs - Photographs shall be taken at collisions involving city vehicles and collisions involving on-scene fatalities or where the potential for a fatality is obvious to the investigating officer.
 - d. Collecting/Preserving Evidence - Officers will collect available evidence from collisions involving on-scene fatalities or where the potential for a fatality is obvious to the investigating officer. In other collision situations, officers should consider the nature of the collision and make a determination based on their use of discretion as to the collection of physical evidence. Officers will follow established policies and procedures for the collection, preservation, and submission of evidence as outlined in the Department Policy and Procedures.
 - e. Exchanging Information among Principles - Officers will facilitate the exchange of information for all principles involved in the collision.
4. The officer in charge of the collision scene shall be responsible for taking control of property belonging to collision victims when the victims are not able to take care of the property. If the officer in charge of the collision scene cannot immediately release the property to a collision victim or member of the victim's family, the officer shall store the property in the Property and Evidence Room at the Kinston Police Department following the procedures for submission of property and evidence to the Property and Evidence Custodian as outlined in the Department Policy and Procedures.
- E. The Kinston Police Department requires that all collisions involving on-duty personnel and department-owned vehicles shall be investigated in a fair, equitable, and consistent manner. This guideline establishes specific guidelines for the investigation of on-duty vehicle collisions involving Department personnel. These guidelines have been established to designate: who shall investigate collisions involving on-duty personnel; what circumstances require the issuance of a citation.
- 1. This guideline strives to assure on-duty personnel involved in vehicle collisions a fair and impartial investigation without regard to officer's rank within the department and without improper influence from personnel assigned to the investigation.
 - 2. All vehicle collisions involving on-duty personnel and investigated by personnel shall be governed by the following conditions:
 - a. On-duty personnel involved in a traffic collision, however minor, shall immediately report the collision to his/her supervisor.
 - b. Through the chain of command, the Chief of Police shall be notified.

- c. The Patrol Operations Major shall ensure the City Safety Training & Risk Management officer is notified immediately of any motor vehicle collisions between the hours of 8:00 a.m. and 5:00 p.m. on normal working days.
 - d. The on-call Major shall ensure the City's Safety Training & Risk Management officer is notified of any city owned vehicle involved in a motor vehicle crash after normal office hours when there is personal injury to the city employee or civilian or there is extensive damage to the vehicles involved or other personal or real property.
 - e. Upon completion of the investigation of the collision, a copy of the collision report and the insurance information shall be forwarded to the City's Safety Training & Risk Management officer (Human Resources), Office of Professional Standards and the City's Fleet Maintenance Supervisor.
 - f. Traffic collisions involving personnel while on or off duty and operating a Department vehicle shall be investigated by a traffic officer or designee if one is not available. All accidents involving city vehicles will be reported up the chain of command. If there is a clear violation on the officer's part they should be charged the same as any citizen. The on-duty supervisor should be notified of any charges or results from the accident investigation.
 - g. Enforcement guidelines shall be the same for on-duty police personnel as they are for the general public.
 - h. Collisions involving police vehicles are subject to investigation by an outside agency at the discretion of the Chief or their designee. This determination shall be made on a case-by-case basis.
- F. Officers assigned to investigate traffic collisions may temporarily suspend an investigation pending follow-up activities to develop additional information or evidence to include:
- 1. Collecting Off-Scene Data - Driver's history information; Vehicle title, Registration, Insurance, or other status information; other necessary information and data.
 - 2. Obtaining/Recording Formal Statements From Witnesses - Persons hospitalized from injuries; drivers, passengers, and other witnesses not immediately available for interview.
 - 3. Reconstructing collisions.
 - 4. Preparing formal reports to support any criminal charges arising from the collision.
- G. Use of Expert or Technical Assistance
- 1. Officers assigned to investigate traffic collisions are authorized to seek expert and technical assistance from sources within the Department and from other normally available resources. Officers should consider the nature of the collision when seeking external resources and external technical assistance. For example, while it would be appropriate to have paint chips submitted for laboratory analysis in collisions involving hit and run fatality, it would not be appropriate to have paint chips submitted for

laboratory analysis from a collision involving minor property damage only. Appropriate expert and technical assistance may include but is not limited to:

- a. Laboratory analysis of evidence from collisions;
- b. Mechanical inspections of vehicles or vehicle parts;
- c. Accident reconstruction assistance from qualified individuals or agencies.

H. The Department uses the State of North Carolina collision classification system as found in the manual on Classification of Motor Vehicle Traffic Crashes. Collision classifications include:

1. Property damage;
2. Personal injury;
3. Fatality; Pedestrian;
4. Car-Train;
5. Fixed Object;
6. Motorcycle;
7. Moped; Pedal Cyclist.

I. Persons contacting Department personnel wishing to register a complaint or make a suggestion concerning traffic engineering deficiencies shall be referred to the City of Kinston Public Services Department Engineering Division or the Chief of Police.

J. When investigating a Hit & Run MVC, the investigating officers should follow up with the Hit & Run victim within two weeks of the reported MVC.