CRASHES – INVESTIGATION PROCEDURES

PREAMBLE:

A vehicle crash is often a new and confusing experience for the parties involved. The purpose of a crash investigation is to gather the facts about a crash by documenting evidence at the scene and by collecting statements from witnesses. A thorough and impartial crash investigation engenders trust and confidence in the Omaha Police Department.

POLICY:

It is the policy of the Omaha Police Department (OPD) to conduct professional and thorough crash investigations in compliance with applicable Nebraska Revised Statutes. Crash investigations involve the processing and investigation of the crash scene, completion of investigatory reports, follow-up investigation and reporting as needed, and/or the issuance of citations. Officers will refer to the "Crashes — General Reporting" policy for policies and procedures regarding crash reporting.

DEFINITIONS:

Alley: A highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic. (Omaha Municipal Code §36-2).

PROCEDURE:

I. Responsibility to Respond to the Scene of Crashes

A. Response is required by officer(s) to the scene of the following types of vehicular crashes that have, in any part, occurred on a public roadway:

1. Death or injury, except as outlined under the "Quasi-Public Property and/or Private Property Crash Investigations" section of this policy.

2. Any property damage crash, except as outlined under the "Quasi-Public Property and/or Private Property Crash Investigations" section of this policy.

3. Any Hit-and-Run on private or public property.

4. Damage to City-Owned vehicles or property occurring on private or public property.

5. Driver impairment due to alcohol or drugs.

6. Vehicles carrying hazardous materials.

7. Crashes resulting in major traffic congestion.

8. Damage to vehicles to the extent that towing is required.

9. Crashes that involve disturbances between parties.

B. Crashes Handled by Traffic Unit Officers/Crash Investigators.

1. Crash Investigators will be used in the following circumstances:

a. All fatal crashes – (Omaha Fire Department (OFD) CODE 4).

b. All personal injury crashes where there is an apparent serious injury or a life-threatening injury with CPR in process – OFD CODE 3 TCC (Trauma Center Candidate) and OFD CODE 99.

NOTE: See the "Crashes — General Reporting" policy for a list of OFD injury severity codes.

c. All crashes involving City-Owned vehicles on public property.

NOTE: Metro Area Transit (MAT) buses are NOT City-owned vehicles.

d. Traffic Unit officers, including Crash Investigators, will respond to all crashes when no Uniform Patrol Bureau (UPB) officers are in-service.

e. All property damage and personal injury crashes that result from a police pursuit.

f. All property damage and personal injury crashes that occur while an OPD Air Support Unit helicopter is actively engaged in surveillance or monitoring of a motor vehicle.

g. All property damage and personal injury crashes that result from the use of tire deflation devices on motor vehicles.

(1) In these cases, a Crash Report is not required unless the pursued vehicle damages property other than the pursued vehicle.

h. All injury crashes involving City-Owned vehicles that occur on a public roadway or private property.

2. When a Crash Investigator arrives at the crash scene, the investigator will assume responsibility for investigation of the scene.

a. The Crash Investigator will be in charge of the investigation unless an officer of superior rank assumes command.

b. All officers present will cooperate with the Crash Investigator during the investigation.

C. Crashes handled by Uniform Patrol Bureau (UPB) officers include the following:

1. All non-City-owned vehicle property damage crashes.

2. All City-owned non-injury crashes which occur on private property, excluding Hit-and-Runs.

3. All non-City-owned vehicle OFD CODE 1 crashes (including Hit-and-Run crashes).

a. Complaint of injuries, possible injuries.

4. All non-City-owned vehicle OFD CODE 2 crashes (including Hit-and-Run crashes).

a. Minor injuries.

5. All non-City-owned OFD CODE 3 crashes (excluding Hit-and-Run crashes).

a. Code 3 crashes are identified as apparent serious/life-threatening medical illness needing immediate medical attention.

6. All non-City-owned vehicle Hit-and-Run property damage crashes.

7. All crashes involving a Douglas County Sheriff's Office (DCSO) vehicle that occur within Omaha City limits and resulted in property damage and/or personal injury (including OFD Code 1, OFD Code 2, and Hit-and-Run crashes).

II. Responding to the Scene of Crashes

A. When OPD officers/Crash Investigators receive a crash investigation assignment, or otherwise come upon the scene of a crash, they will:

1. Plan the best route to the scene, and proceed safely and quickly.

2. Consider the type of traffic conditions they may encounter at the scene.

3. Establish the requirements for the use of emergency equipment while enroute to the scene based upon the call status provided by the 911 Dispatcher (i.e., "Normal" or "Expedite").

4. Prior to leaving their cruisers, officers/Crash Investigators will quickly evaluate the scene and advise the 911 Dispatcher of any requirements for other types of emergency assistance including, but not limited to:

a. Downed wires.

b. Vehicle on fire.

c. Spilled fuel.

d. Obvious need of rescue squad, etc.

e. Barricade or other specialty traffic control equipment. (See the OPD "Traffic Assistance" policy for additional details).

5. Keep the scene from getting worse. Upon arrival at the scene of the crash, officers/Crash Investigators will:

a. Select a parking place for their vehicle carefully to protect the scene from other traffic.

b. Activate the emergency lights in the direction of any immediately approaching traffic.

EXCEPTION: Officers will deactivate emergency lighting in the direction of oncoming traffic, whenever safe to do so, on the interstate, and other divided barrier highways when only one direction of the roadway is affected. This can greatly reduce secondary, (i.e., "rubbernecking") crashes in oncoming lanes across the median/barrier.

c. Illuminate the scene as needed with headlights and/or spotlights.

d. Arrange for additional traffic direction and control if necessary.

(1) Officers/Crash Investigators will utilize additional cruisers and equipment upstream in the traffic flow to provide sufficient visual warning and protection while taking into account the location of the scene (i.e., hillcrests, curves, interstate, etc.).

NOTE: Whenever possible, the flow of traffic will be allowed to continue.

6. Give care and protection to the injured person(s) as may be required by the circumstances.

7. Take charge of the scene.

   a. Place traffic cones and/or flares as needed.

   b. Direct traffic around the scene if needed.

8. Watch for thefts at the scene.

9. Render any assistance so other emergency equipment may arrive and depart from the scene.

10. When practical, before moving any vehicles, officers/Crash Investigators may attempt to document the following evidence with a BWC:

    a. Any tire marks or gouges on the roadway.

    b. Damage to vehicles.

    c. Position of vehicles.

    d. License plate numbers.

    e. Debris.

    f. Blood.

    g. Position of deceased person(s).

    h. Absence or presence of any confusing signs or other traffic conditions that may have contributed to the crash.

    i. Any items or conditions that may have caused vision obstruction(s).

    j. Any other pertinent roadway evidence or involved items.

11. If practical, clear the crash from the roadway.

    a. When clearing the crash from the roadway, officers/Crash Investigators may make field notes and/or diagram the scene before moving any vehicles, if practical.

    b. Crashes occurring on a main roadway or during peak traffic hours shall be cleared as quickly as possible. If the vehicles are movable, there are no serious injuries, and the drivers are not impaired or unable to legally operate the vehicle, officers shall move all involved parties to a side street, parking lot, or other area out of the main flow of traffic.

c. Officers will adhere to the following towing procedures:

(1) Officers will refer to the OPD "Towing — General Procedures" policy for general towing procedures.

(2) If vehicles are immovable, the investigating officer/Crash Investigator will contact the Information Channel, who will contact the contract tow operator and arrange for removal of all vehicles blocking a traffic-way as expeditiously as practical.

(a) Officers will request the contract tow operator only when the tow operator will be able to fully hook and transport the vehicle to avoid unnecessary standby costs.

NOTE: If the crash occurs on the interstate or other major thoroughfare, a Crash Investigation supervisor may authorize crash tows to be placed on standby for quicker clearance of the crash scene.

(3) The driver/owner of the vehicle may call for their own towing company to come and tow their vehicle, but their towing company must be able to respond to the scene within twenty (20) minutes if the vehicle is obstructing or a safety hazard.

(a) If the vehicle is obstructing the street, it must be removed within twenty (20) minutes or the officer will contact the Information Channel to have it towed by the City's contract tow operator.

(b) If the vehicle has been moved from the roadway and does not pose a safety hazard, officers will confirm that the driver/owner has a private tow company coming, and does not need to wait until the tow operator arrives.

(c) If the owner/operator requests a "owner request" tow from the city contracted tow driver, they will be advised they must remain on scene to discuss with the driver, or else it will have to be towed.

(4) If a parked vehicle is involved in a crash and is towed, officers will attempt to contact the registered owner of the vehicle to notify them.

NOTE: The vehicle will only be towed if it is obstructing a roadway, driveway, walkway, or is a safety hazard.

(5) A vehicle does not need to be towed if:

(a) The vehicle is operational and may be cared for by the owner/ driver of the vehicle.

(b) The vehicle is operational and is removed from the roadway.

NOTE: This section does not apply to crash scenes that require primary investigation from the Crash Investigations and Prevention Squad (CIPS). These scenes will be preserved, and traffic will be re-routed for safety.

(6) Officers will refer to the "Crashes — General Reporting" policy for reporting requirements.

(7) Officers should avoid making any statements about insurance paying for tow expenses. Those questions should be directed to the owner/operator's insurance company representative.

d. Officers shall utilize their push bumpers/push bar at a speed of five (5) miles per hour or less to remove a disabled vehicle, cargo, and/or other property from a roadway when the item(s) is obstructing the roadway.

(1) The following circumstances must exist before officers can use their push bumpers/push bar:

i. The vehicle, cargo, and/or other property is disabled and creating a safety hazard;

– AND –

ii. It is in the best interest of public safety to remove the vehicle, cargo, and/or other property from the roadway rather than wait for a tow truck;

EXCEPTION: Officers SHALL NOT attempt to move a vehicle, cargo, and/or other property when an OPD Crash Investigator notification is required or if/when the vehicle, cargo, and/or other property contains Hazardous Materials (HAZMAT).

(2) This practice shall be prioritized on high-volume roadways and interstates to mitigate the risk of secondary crashes and to ensure the safety of the public and of officers.

(3) Officers shall use their BWC to record video around the entire vehicle, cargo, or property (including the area of contact) both prior to and after pushing the property.

i. Officers shall note the report number in the "ID" section of Evidence.com.

ii. If there was no crash and/or no other crime was committed that caused the property to be in the roadway, then the video evidence will serve as the official documentation instead of a report. Officers shall enter "Push Bar" in the "Title" section of Evidence.com.

e. Officers/Crash Investigators will notify 911 Dispatch as soon as the roadway is clear (i.e., all lanes are open to normal traffic flow).

12. The last officer(s)/Crash Investigator(s) on scene will notify 911 Dispatch as soon as the crash scene has been processed and cleared.

B. Interstate/Limited Access Highway Crashes.

1. In property damage and minor personal injury crashes on the interstate or a limited access highway (i.e., West Dodge Expressway), officers will:

a. Document and/or diagram the scene in field notes and attempt to have the vehicles driven or removed from the interstate as soon as practical when:

(1) The involved vehicles are movable.

(2) There are no serious injuries.

(3) The drivers are not impaired, illegally operating the vehicle (i.e., suspended or revoked license, etc.), or wanted.

b. Utilize crash investigations zones located on the I-80 off-ramps.

NOTE: Quick clearance is necessary to safely restore normal traffic flow and reduce the incidence of secondary crashes. In some circumstances, officers may remove disabled vehicles, cargo, and/or other property from the roadway, as provided in this policy.

2. When it is necessary to have a vehicle towed from the interstate, officers will:

a. Only utilize tow companies contracted with the City to remove vehicles from the interstate or limited access highway.

EXCEPTION: Officers may only utilize private tow companies when the City-contracted tow companies are unavailable or have insufficient equipment to remove the vehicle (i.e., large vehicle, etc.).

b. Contact the contract tow operator only when the tow operator will be able to fully hook and transport the vehicle to avoid unnecessary standby costs.

(1) If there are extraordinary circumstances or conditions that require a non-traditional tow and/or additional costs (i.e., flipped vehicle), officers will refer to the "Crashes — General Reporting" policy for additional reporting requirements.

3. Officers/Crash Investigators will notify 911 Dispatch when:

a. The crash has been cleared from the roadway (i.e., all lanes are open to normal traffic flow).

b. The crash scene has been processed and cleared.

NOTE: Officers will refer to Section IX of this policy for procedures when responding to crashes on Iowa-Nebraska Interstate Bridges.

C. All crashes involving hazardous materials will be reported on and handled in accordance with the OPD "IMS — Hazardous Materials — *Crashes*" policy.

III. Obtain the Facts

A. When the emergency is under control, officers/Crash Investigators will:

1. Establish the identity of the drivers, their condition, and obtain their driver's licenses.

2. Locate and identify any witnesses.

a. Officers will question witnesses immediately if the witness(es) must leave the scene.

b. For more serious crashes, if a Crash Investigator is enroute to the scene, the officer will have the witness(es) remain until the Crash Investigator arrives, if possible.

3. Examine the post-crash positions and condition of the vehicles involved for:

a. Possible mechanical defects.

b. Extent of damage to vehicles.

c. Any unusual conditions, odors, or items inside the vehicles.

4. Take charge of all personal property of significant value if the owner is unable to do so at the time.

5. If vehicles are still present at the scene, carefully examine the area of the crash for:

a. Tire marks.

b. Debris, oil spots, etc.

c. Scratches or gouges on the roadway.

6. Form a preliminary opinion of how the crash occurred.

IV. Record the Facts

A. A crash is usually comprised of a series of events called the "chain of events."

1. The statements of witnesses and drivers generally describe the crash from the earliest event to the last event in the chain, while the investigation of a crash is generally conducted from where it happened (from the last event to the earliest event).

B. Investigating officers shall ensure that all MVR and BWC devices are recording. Officers should make every attempt to activate these devices upon dispatch and prior to arriving on the scene, as audio from initial contact could be crucial to the investigation.

C. Officers/investigators may record the facts by making field notes and sketches of the crash scene.

1. Officers will then transfer these notes/sketches to an Electronic Crash Report (ECR) or, in the case of Electronic Reporting System failure, a paper "Investigator's Motor Vehicle Crash Report" (NDOT Form 40) either at the scene or at a later time (i.e., at their assembly, etc.).

2. See the OPD "Crashes — General Reporting" policy for reporting procedures.

NOTE: Officers will avoid completing reports in hazardous areas, such as interstate highways or shoulder areas.

D. All crash scenes that involve fatalities or life-threatening injuries will be video recorded.

1. Crash Investigators will use their assigned/designated video recording equipment to document the scene.

    a. The Crash Investigator will make a copy of the original recording to be kept for their use during their investigation.

    b. The original recording shall be booked into the Evidence and Property Unit (EPU) as evidence.

2. If the on-scene Crash Investigation supervisor determines the crash scene needs to be video-recorded by the OPD Forensic Investigations Unit, the following procedure will be followed:

    a. A Forensic Investigations Technician will be called to the scene of the crash.

    b. The Crash Investigator will direct the Forensic Investigations Technician around the scene and indicate what the Forensic Investigations Technician will record.

    c. The Forensic Investigations Technician will return to OPD Headquarters upon completion at the scene and:

        (1) Make a copy of the original recording.

        (2) Book the original recording into the OPD EPU as evidence.

        (3) Contact the Crash Investigator and make arrangements for them to pick up a copy of the recording to be used in their investigation.

E. Officers will evaluate the area to determine if sources of possible video evidence, such as nearby businesses' or residences' security camera systems, might exist.

1. If possible, video evidence sources are identified, officers shall contact the individuals and/or businesses to request to view and recover video, when necessary. Officers shall attempt to review the video, recover it, and document their findings in a Supplementary Report.

F. Officers will adhere to the "Mobile Audio/Video Recorders — In-Car Video Recorders" policy when conducting roadside contacts to investigate crashes and interview involved persons and/or witnesses.

1. The statements of witnesses and drivers generally describe the crash from the earliest event to the last event in the chain, while the investigation of a crash is generally conducted from where it happened (from the last event to the earliest event).

V. Determine How/Why the Crash Happened

A. Additional study of all the facts involved may be unnecessary if entirely satisfactory explanations can be obtained from all of the following sources:

1. Statements of drivers/witnesses agree.

2. Damage corroborates statements.

3. Position of vehicles, debris, tire marks, etc. corroborates statements.

B. If statements from reliable and neutral witnesses/drivers cannot be obtained, determination of how/why crash happened may be informed by the:

1. Condition of drivers.

2. Type of damage.

3. Roadway evidence.

C. Damage to the vehicle(s), road surfaces, and other property is generally the most reliable indicator of what occurred at the scene.

1. The officer will look for possible vehicle mechanical defects, such as:

a. Broken or loose steering mechanism.

b. Faulty brake system.

c. Excessively worn, low, or punctured tires.

NOTE: Punctured tires on the side or area away from the points of damage may indicate why the crash happened.

2. Damage can help the officer/Crash Investigator determine:

a. Direction of travel of one or more vehicles.

b. Speed (low or high).

c. Points of contact.

d. Color of vehicles in contact with other vehicles.

e. Possible evasive action taken by one or more of the vehicles.

VI. Follow-Up Investigations

A. Follow-ups are investigations that are not conducted at the scene at the original time of the crash. Examples include:

1. Interviewing passengers, drivers, or witnesses at hospitals or other points away from the scene.

2. Checking parts of vehicles in more detail that are not currently at the scene.

3. Verifying statements or documents provided by witnesses or other involved parties.

4. Returning to the scene for more details at a later time.

5. Final completion of diagrams and additional reports.

6. Final analysis of the total crash situation.

7. Notification of official personnel that may be required based on the situation (i.e., the County Attorney and/or Coroner, etc.).

B. The Traffic Unit will follow-up on any fatal or serious injury crashes that result in an extreme amount of damage.

1. A detailed hospital follow-up will be a part of the investigation.

C. Only Crash Investigators certified in the use of a data collector may attempt vehicle information extraction from the Crash Data Retrieval (CDR) system.

VII. Enforcement Action

A. Officers/Crash Investigators will take necessary enforcement action and initiate any arrests or issue any citations based on the circumstances.

1. This applies to all crashes that occur on public streets, alleys, and highways that are open to the public for vehicular traffic as a matter of right.

2. Officers/Crash Investigators will rely upon the objective facts and circumstances of the violation when they select a disposition.

a. Aggravating Circumstances and Mitigating Factors, as listed in the OPD "Citations" policy, will be considered.

b. Officers/Crash Investigators will be consistent in citing for violations whenever appropriate.

3. Two dispositions are available for crash-causing traffic violations:

a. Official Citation or Physical Arrest: Used for routine traffic violations, or whenever aggravating circumstances are present.

b. No Enforcement Action Taken: Used when no driver is at fault, or fault cannot be established after a thorough investigation.

4. On occasion, there may be extenuating circumstances that may render a citation clearly inappropriate or impractical. The investigating officer's supporting rationale for citing or not citing shall be specifically articulated in the crash report or supplementary narrative.

EXAMPLE: "There are no independent witnesses, nor any evidence to support either driver's contradictory claims as to the status of a traffic signal color."

5. If sufficient evidence of an involved driver "texting" at the time of the crash exists, officers will cite the driver with "Texting While Driving", Nebraska Revised Statute (NRS §60-6, 179.01) as a secondary offense to the crash-causing violation.

B. During all crash investigations, the drivers and the vehicles will all be checked for possible warrants on file prior to leaving the scene or being released.

C. When the driver of a motor vehicle involved in a crash refuse to give information to the investigating officer, the appropriate enforcement action will be taken.

VIII. Hit-and-Run Investigations

A. A Hit and-Run investigation is a criminal investigation arising from a crash.

1. Hit-and-Run fatalities will be investigated by Traffic Unit Crash Investigators.

B. Leaving the scene of ANY crash is a Hit-and-Run.

C. Leaving the Scene of a Personal Injury crash is a Felony (NRS §60-697).

1. Officers will document the incident as a Personal Injury (P/I) crash if there is any complaint of injury expressed by any involved party.

2. A Crash Investigator or Traffic Unit command officer shall be notified in all cases of Hit-and-Run Personal Injury crashes, and shall be consulted prior to booking any Hit- and-Run Personal Injury suspect(s).

D. Leaving the scene of a property damage crash without immediately stopping and exchanging the required information with the owner of the struck property and the driver or occupant(s) of any other involved vehicle is a Class II Misdemeanor (NRS §60-696).

E. Nebraska law (NRS §60-696) requires that the driver of any vehicle involved in a crash on a public highway, private road, or private drive resulting in damage to an unattended vehicle or property must:

1. Immediately stop the vehicle at the scene of the crash and give to the property owner, or leave in a conspicuous place in or on the unattended vehicle or property, a written notice containing the following:

a. Name, address, telephone number, and operator's license number of the driver.

2. In addition, the driver must, without unnecessary delay, report the crash by telephone or other means to a police officer.

F. Leaving the scene of a property damage crash that results in damage to an unattended vehicle or property without leaving the required notice in a conspicuous place in or on the unattended vehicle or property and without reporting the crash to a police officer is a Class II Misdemeanor (NRS §60-696).

1. After an officer arrives on the scene of a Hit-and-Run crash, the officer will attempt to locate or inquire about such written notice left in or on the unattended vehicle or property. This will determine whether or not the crash is considered a Hit-and-Run.

G. If a person has one or more convictions for violations of NRS §60-696 in the twelve years prior to the date of the current conviction for this violation, they will be guilty of a Class I Misdemeanor.

H. In addition to following the standard OPD procedures for responding to traffic crashes as outlined in this policy, officers/Crash Investigators responding to a call to investigate a Hit- and-Run will:

1. Be especially watchful while enroute to the scene for the run vehicle.

2. Carefully search the scene for any possible damaged or broken parts left at the scene that may have come from the run vehicle.

3. The investigating officer and/or another officer will make a reasonable survey along the route of the vehicles involved in the crash to try to establish the presence of any witnesses or visible video cameras on nearby business or residences that may have captured evidence.

a. If possible, video evidence sources are identified, officers shall contact the individuals and/or businesses to request to view and recover video, when necessary. Officers shall attempt to review the video, recover it, and document their findings in a Supplementary Report.

I. Officers may return to the scene at the same time of day as that of the original crash to attempt to find witnesses (i.e., delivery persons, etc.).

NOTE: Officers may find it especially effective to return to the scene on the exact day and time of the crash the following week.

J. The key to solving most Hit-and-Run crashes are quickly locating the run vehicle in order to identify the driver. This will reduce the likelihood of the driver or owner of the run vehicle establishing an alibi.

K. Once the run vehicle is located, officers will check the vehicle for freshly damaged or repainted areas.

1. In most felony Hit-and-Run (personal injury or fatality) cases, further tests will be made for fingerprints, blood, hair, etc. These tests will be directed by a Crash Investigator from the Traffic Unit.

L. When an officer/Crash Investigator locates the run vehicle, they will attempt to establish the following:

1. Identity of the person driving the vehicle at the time of the crash.

2. Whether the driver knew or should have known they were involved in a crash.

3. Whether the driver evaded their legal responsibility.

M. If officers/Crash Investigators are unable to locate the run car driver, they will impound the run car and place it on hold for the CIPS as a Hit-and-Run Vehicle.

IX. Crashes on Iowa-Nebraska Interstate Bridges

A. Officers will adhere to the following procedures when responding to crashes on Iowa-Nebraska Interstate Bridges in order to expedite response times and to better protect the safety of injured persons and rescue squads:

1. If a personal injury crash occurs in the westbound lanes of any interstate bridge between Nebraska and Iowa, officers will determine the accessibility of the scene to rescue squads based on the traffic flow.

a. If the rescue squad can reach the crash scene by driving against the normal traffic flow, the officer will contact 911 Dispatch to contact the Council Bluffs Police Department to shut down the westbound interstate.

b. Once the interstate is shut down and there is no hazard to rescue squad personnel, the Council Bluffs Police Department will advise 911 Dispatch that the roadway is clear and that OFD rescue squads may be dispatched to the scene.

2. If the OPD receives a request from the Council Bluffs Police Department to block eastbound interstate traffic, the OPD will assign cruisers to block all eastbound interstate traffic.

a. Once the eastbound interstate is clear, officers will advise 911 Dispatch that the eastbound interstate is clear. 911 Dispatch will then contact the Council Bluffs Police Department to notify them that Iowa rescue squads may proceed to the crash scene.

3. Whenever possible, rescue squads will transport injured parties to the investigating jurisdiction's hospital. For example, if the OPD is investigating the crash, injured parties should be transported to an Omaha hospital.

NOTE: Injured parties may be transported to the nearest hospital for treatment if necessary.

X. City-Owned Vehicles

A. All crashes that involve vehicles owned or leased by the City of Omaha and operated by an employee of the City will be investigated according to standard OPD policies and procedures with the following exception:

1. No citations or arrests are to be made at the time, except as described in this policy for OPD vehicle crashes.

B. All injury crashes or Hit-and-Run crashes involving City-Owned vehicles that occur on private property will be investigated by Crash Investigators.

C. The investigation of motor vehicle crashes that occur on public property that involve equipment belonging to any other City department are to be completed by Crash Investigators. If no Crash Investigator is available or on duty, a UPB officer will be dispatched.

1. If the scene indicates there is extraordinary liability, on-scene command can make the decision to contact the on-call Traffic Unit Sergeant.

D. A UPB command officer will not need to be present during the investigation of non-OPD City Department vehicle crashes on public or private property.

EXCEPTION: This does not apply to the investigation of OPD vehicle crashes.

E. Crashes Involving City Snow Plows.

1. During winter months, UPB officers are sometimes dispatched to minor, non-injury Hit-and-Run crashes involving City-owned snow removal equipment which has struck a citizen's vehicle or mailbox. The State of Nebraska does not consider these incidents a Hit-and-Run. A police investigation is not required for crashes involving City-owned snow removal equipment during times of inclement weather.

2. If the vehicle or property is determined to have been damaged by a City-owned or City-contracted snow plow, officers should ask 911 Dispatch to contact the on-duty Public Works Foreman (402-444-4919).

a. It is the responsibility of the snow plow driver and the Public Works Department to be certain that information is exchanged, and a claim for damage is completed. Public Works is also responsible for taking photos.

3. In cases that involve personal injury, a Crash Investigator will be dispatched to investigate the crash.

a. No citations or arrests are to be made, except as outlined in this policy for OPD vehicle crashes.

4. Officers who respond to personal injury crashes involving City-owned snow removal equipment will handle the incident in the same manner as other City-owned vehicles.

F. City-owned vehicles do NOT include Metro buses or privately-owned vehicles that are under contract services by the City of Omaha.

G. All individuals who believe they have a claim against the City as a result of a crash involving a City vehicle will be notified to file a claim with the City Clerk's Office.

H. See the "Crashes – General Reporting" policy for specific reporting requirements for crashes involving City-owned vehicles.

NOTE: Officers will NOT make statements to citizens that the City will or will not pay for damages. The City Law Department will review each claim and make a final determination after examining the facts of each case.

XI. Crashes Involving Vehicles Owned by DCSO

A. Crashes involving DCSO vehicles shall be investigated by OPD officers, to include witness interviews, evidence collection, reporting, etc. (See the OPD "Crashes —General Reporting" policy for procedures). The primary difference in procedure shall be that the DCSO Crime Lab will be asked to respond to the scene to take photos.

1. When the investigation and reporting is completed, the investigating OPD officer(s) shall ensure information and copies of reports related to the crash are provided to DCSO.

XII. OPD Vehicle Crashes

A. Moving or Crash Causing Violations.

1. In all motor vehicle crashes involving OPD vehicles, no charges for moving violations or crash-causing violations will be filed by the investigating officer at the scene (either by the issuance of a citation or arrest and booking) except in the following situations:

a. Drivers suspected of DUI.

b. Arrests for violations, such as willful reckless driving, etc.

c. Drivers operating with:

(1) Suspended driver's license.

(2) No driver's license.

(3) Improper license plates.

B. Non-crash-causing violations (i.e., no proof of insurance, expired plates, expired registration, etc.).

1. The investigating officer will cite or arrest and book the driver according to standard OPD policies and procedures.

C. A UPB command officer will supervise the investigation of the crash scene.

D. All traffic crashes involving police vehicles will be reviewed by the City Prosecutor, where formal filing of charges against the person at fault will be made.

1. Notification of these persons is the responsibility of the Prosecutor's Office.

E. If a crash involves an OPD vehicle and the incident occurred on a public roadway, or if it was a Hit-and-Run on private property, then the crash will be investigated by a Crash Investigator. If no Crash Investigator is available or on duty, a UPB officer will be dispatched.

1. If an injury occurred and no Crash Investigator is available or on duty, officers shall inform UPB Command. UPB Command shall contact the on-call Traffic Unit commander, who will contact a Crash Investigator to be called in.

a. If the crash was on private property and resulted in an injury, even if it wasn't a Hit-and-Run, then a Crash Investigator shall be called-in.

F. All vehicles owned or leased by the City of Omaha that are operated by an OPD employee who is involved in a crash on private property will be investigated in the same manner as described above.

G. See the "Crashes – General Reporting" policy for specific reporting requirements for crashes involving OPD vehicles.

XIII. Quasi-Public Property and/or Private Property Crash Investigations

A. OPD officers dispatched to quasi-public property or private property to obtain a report of a motor vehicle collision will NOT investigate the collision as a crash except in the following situations:

1. Leaving the scene of a property damage or personal injury crash on quasi-public property and private property.

2. Incidents in which a motor vehicle leaves the roadway and crosses a yard and is unintentionally involved in a collision with any object.

a. It is the investigating officer's responsibility to determine if the act was accidental or intentional from evidence gathered at the scene (i.e., witness accounts, tire marks, etc.).

b. If the investigating officer determines that the collision was unintentional, the incident will be investigated as a crash.

c. If the investigating officer determines that the collision was intentional, the incident will be investigated as a criminal Destruction of Property incident.

B. The following procedures regarding motor vehicle crashes on private or quasi-public property will be followed:

1. Initial reports will be completed, and a follow-up investigation will be made on all Hit-and-Run motor vehicle crashes.

2. Deaths that result from motor vehicle crashes on private property or quasi-public property will be investigated as criminal homicides by the Homicide Unit.

EXCEPTION: All Hit-and-Run fatalities will be investigated by Traffic Unit Crash Investigators.

3. Injuries that result from motor vehicle crashes on private or quasi-public property that are not Hit-and-Run crashes will be documented on an Incident Report (OPD Form 189).

   a. Proper medical treatment response will be offered.

4. If a vehicle crosses a lawn or any ground, private or public property, and causes damage without any other collision, the incident will be classified as Destruction of Property based on the complaint of the property owner.

XIV. Statistical Blood, Urine, and/or Breath Tests for Drivers in Fatal Crashes

A. A chemical test of blood, breath, and/or urine will be requested of any surviving driver or pedestrian sixteen (16) years of age or older who is involved in a motor vehicle crash in which a person is killed (NRS §60-6,103).

B. Blood or urine samples will be obtained in all such cases.

XV. Rights Advisory

A. Officers shall advise the driver or suspect of their Miranda Rights in any of the following types of crashes or charges:

1. Motor vehicle homicide.

2. Hit-and-Run personal injury.

3. Hit-and-Run property damage crash.

4. Operating a motor vehicle while under the influence.

5. Driving while operator’s license is suspended.

B. Whenever an officer’s actions or statements lead the suspect to believe they are in custody and are no longer free to leave of their own choice, the officer shall give the Miranda Warnings.

1. If there is a doubt in the officer's mind whether or not they should give the Miranda Warnings, the officer shall advise the person of the Miranda Warnings.

C. Upon arrival at the scene, an officer is entitled to ask "What happened?" of anyone at the scene.

1. It is not necessary to give any Miranda Warnings in this instance.

XVI. Evidence

A. When any item of value as evidence in connection with a crash is held, the officer will book the property into the OPD Evidence and Property Unit (EPU) per OPD policies and procedures.

1. Officers are reminded to book large and/or extremely dirty items of property at the OPD Vehicle Impound Lot.

XVII. Controlling Property of Crash Victims

A. The officer in charge at the scene of a crash will make certain that property belonging to crash victims is protected and is removed for safekeeping.

1. Property belonging to injured crash victims (i.e., purses, wallets, etc.) who are transported from the scene by Omaha Fire Department Medic Units or personnel shall be turned over to hospital custody as the patients' personal effects.

2. Any other portable property of significant value will be booked into the OPD EPU for later retrieval.

3. Portable property that is damaged, trapped in, or attached in some way to the vehicle, or is of a lesser value will be noted on the Crash Towing Agreement report (OPD Form 90) and left in the vehicle.

4. All property will be inspected by the investigator.

    a. Property determined to be personal will be returned to the owner or booked into the EPU as personal property.

    b. Property determined to be evidentiary will be processed as described in this policy and in accordance with OPD policies and procedures.

REFERENCES:

I. Laws

A. Nebraska Revised Statutes (NRS): §25-21, 186, §60-6, 103, §60-6, 179.01 and §60-696.

II. Previous OPD Orders

A. Previous General Orders: #63-74, 83-85, 121-88, 12-90, 42-90, 27-92, 54-94, 6-97, 8-99, 13-99, 13-99 Supplement #1, 30-01, 54-01, 21-02, 9-15, 3-16, 30-17, 54-17, 8-19, 24-20, 30-21, 52-23, 11-25, and 70-26.

III. Accreditation Standards

A. Relevant CALEA Accreditation Standards: 41.2.1, 61.2.1, 61.2.2, 61.2.3, 61.3.2, and 83.2.2.

IV. Other

A. PPM Monthly Updates: #11-2017.