

YORK-POQUOSON SHERIFF'S OFFICE	GENERAL ORDERS
SUBJECT: Accident Investigation	NUMBER: GO 2-20
EFFECTIVE DATE: January 1, 2023	LAST MODIFIED DATE: February 11, 2019
AMENDS/SUPERSEDES: GO 2-20, July 1, 2003	APPROVED: <u> <i>R.G. Mumford</i> </u> Sheriff
VLEPSC: OPR.07.05, OPR.07.06, OPR.07.07	

1 **INDEX WORDS**

2
3 Accident

- 4 • Investigation
5 • Reporting

6 Clearing the roadway

7 Control of property

8 Direction and control

9 Fire and hazardous materials

10 Scene responsibilities

11 Traffic

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13 **POLICY**

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15 It is the policy of the York-Poquoson Sheriff's Office that the Virginia State Police assume the
16 primary responsibility for investigating traffic accidents in the County of York. Since
17 circumstances may sometimes cause delays in State Police response, causing unacceptable levels
18 of service to the public, the Sheriff's Office may investigate vehicle accidents as outlined in this
19 policy. As such, this policy sets forth guidelines for deputy sheriffs when required to investigate
20 traffic accidents.

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22 **PURPOSE**

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24 The purpose of this order is to establish uniform procedures for the proper handling of traffic
25 accidents, including investigation and reporting.

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27 **PROCEDURES**

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29 • Accident report and investigation, general
- 30 ○ Code of Virginia requirements concerning the reporting of traffic accidents include:
 - 31 ▪ Section [46.2-371](#), Code of Virginia:
 - 32 ❖ The driver of any vehicle involved in an accident resulting in death or injury
33 shall immediately notify the law-enforcement officials.
 - 34 ▪ Section [46.2-373](#), Code of Virginia:
 - 35 ❖ A law-enforcement officer investigating an accident resulting in injury or
36 death or total property damage to an apparent amount of \$1500 or more shall
37 make a written report of it to DMV.

- 40 ▪ Section [46.2-373](#), Code of Virginia:
 - 41 ❖ Deputies who investigate an accident for which a report must be made, either
 - 42 at the time of and at the scene of the accident, or thereafter and elsewhere, by
 - 43 interviewing participants or witnesses, shall within 24 hours after completing
 - 44 the investigation forward a written report of the accident
 - 45
 - 46 ○ Deputy Sheriffs will respond to the following traffic accidents upon being dispatched
 - 47 and will carry out those responsibilities listed in this directive.
 - 48 ○ However, the Virginia State Police is the primary agency responsible for the
 - 49 investigation and reporting of these traffic accidents. The Virginia State Police shall
 - 50 be requested to respond to accidents involving:
 - 51 ▪ Death or injury.
 - 52 ▪ Reportable damage in the amount specified in the Section [46.2-373](#), Code of
 - 53 Virginia.
 - 54 ▪ Hit and run.
 - 55 ▪ Hazardous materials.
 - 56 ▪ Damage to public vehicles or property with injury or death.
 - 57 ▪ Property damage that is reportable damage of an amount specified in Section
 - 58 [46.2-373](#), Code of Virginia.
 - 59 ▪ Impairment of an operator due to alcohol or drugs.
 - 60 ▪ Major traffic congestion as a result of the accident.
 - 61 ▪ When directed by a supervisor, deputies may investigate accidents that create
 - 62 major traffic congestion and involve one of the following categories:
 - 63 ❖ Reportable damage of an amount specified in the Section [46.2-373](#), Code of
 - 64 Virginia.
 - 65 ❖ Drug or alcohol impairment.
 - 66 ❖ Property damage that is reportable damage of an amount specified in Section
 - 67 [46.2-373](#), Code of Virginia.
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 - 69 ○ Additionally, deputies will respond and investigate accidents involving County
 - 70 vehicles or public property damage without injury or death.
 - 71 ○ Supervisors will investigate accidents involving deputy sheriffs with no injury or
 - 72 death reported.
 - 73 ○ Deputies will also respond to accidents involving disturbances between principals
 - 74 (drivers/passengers) of the accident.
 - 75 ○ Deputies will facilitate the exchange of information involving non-reportable
 - 76 accidents on public or private property as supervisors may direct, using the York-
 - 77 Poquoson Sheriff's Office Non-Reportable Accident Form.
 - 78 ○ Deputies may, at their discretion, investigate any accident not involving serious injury
 - 79 or death if:
 - 80 ▪ The accident investigation can be completed prior to state Police arrival, or
 - 81 ▪ The State Police are otherwise unavailable, or
 - 82 ▪ The State Police have an extended response time.
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 - 84 ○ Deputies may investigate accidents involving serious injury or death under the
 - 85 following circumstances:

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- When directed to do so by the patrol supervisor or higher authority;
 - When requested by the Commonwealth’s Attorney, through the Sheriff.
- Accident scene responsibilities
 - The first deputy to arrive at an accident scene shall have the responsibility and authority to request other assistance as needed.
 - When deemed expedient by a supervisor, he or she may be assigned as the primary investigating officer.
 - The first deputy sheriff arriving at an accident scene shall perform the following:
 - Request the Virginia State Police respond to work the accident through the 911 Emergency Communications Center.
 - Determine the scope of the accident and who will be in charge of and/or investigating the accident. In most cases, the Virginia State Police will be requested to investigate accidents.
 - If the State Police is delayed, the supervisor will determine whether or not the accident will be investigated by the Sheriff’s Office.
 - Identify the presence of injuries, deputies will administer emergency medical care within their scope of training, and request County EMS.
 - Identify fire hazards or the presence of hazardous materials and request additional help as required (County Fire Department, Department of Emergency Services, etc.).
 - Protect the accident scene and preserve evidence.
 - Maintain traffic flow and establish a safe traffic pattern around the scene.
 - Locate witnesses and collect key accident information.
 - In cases of extreme inclement weather where an accident involves property damage at or above the damage amount specified in Section [46.2-373](#), Code of Virginia:
 - Deputies shall follow the directives above.
 - In case of extreme inclement weather where an accident involves only property damage, the deputy may, with the supervisor's approval, perform the following:
 - In the case of single vehicle accidents, with damage below the damage amount specified in Section [46.2-373](#), Code of Virginia, with no second party damage:
 - ❖ Deputies may treat the accident as a non-reportable accident and inform the driver to contact his or her insurance company and complete a Sheriff’s Office non-reportable accident form.
 - In the case of single vehicle accidents involving second party property damage, with damage below the damage amount specified in Section [46.2-373](#), Code of Virginia:
 - ❖ The deputy may treat the accident as a non-reportable accident and advise the driver to contact his or her insurance company and complete a Sheriff’s Office non-reportable accident form.
 - ❖ Additionally, the deputy will follow-up with the owner of the damaged property and provide information on the responsible driver, if possible.

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- In the case of an accident involving two or more vehicles, with damage below the damage amount specified in Section [46.2-373](#), Code of Virginia:
 - ❖ The deputy may investigate the accident or have drivers exchange information and contact their respective insurance companies and complete a Sheriff's Office non-reportable accident form.

PROCEDURES

- Accident scene
 - Collecting information
 - At the scene of the accident, when a deputy is assigned to investigate, he or she shall gather appropriate information for the report.
 - Information for the report shall include but is not limited to, the following:
 - ❖ All statements will be written as they are given and at the time they are made.
 - ❖ All drivers' statements will be taken in the presence of other drivers when possible.
 - ❖ All statements will be read by (or to) the person interviewed and then signed by that person, if possible.
 - ❖ If the person interviewed refuses to sign the statement, or is unable to do so, the deputy will ask if the statement is accurate and then will note the response at the bottom of the statement.
 - ❖ If anyone giving a statement requests, additions, deletions, or other changes in their statement, the changes will be made prior to them signing the statement.
 - ❖ The deputy will ensure that the parties involved have exchanged pertinent information.
 - ❖ The information shall include, but not be limited to:
 - The party's names;
 - Addresses;
 - Dates of birth;
 - Telephone numbers;
 - Operator's license and vehicle registration numbers;
 - The names of all insurance companies representing the parties involved;
 - The insurance policy numbers of the parties involved.
 - Accident reports will be considered incomplete until all witnesses are interviewed, regardless of whether charges are placed.
 - Additional information or evidence to be collected or documented at the scene may include, but is not limited to, the following:
 - ❖ Examine and record vehicle damage;
 - ❖ Examine and record the effects of the accident on the roadway or off the roadway on private or public property;
 - ❖ Take measurements as appropriate;
 - ❖ Take photographs as appropriate;
 - ❖ Collect and process evidence;

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- Follow-up activities
 - Follow-up activities which may be necessary include the following:
 - Obtain and record additional statements from witnesses.
 - Reconstruct the accident.
 - Submit evidentiary materials for laboratory examination.
 - Prepare accident or offense reports to support charges arising from the accident.
 - At the accident scene, the deputies may take immediate enforcement action and issue a Virginia Uniform Summons at their discretion.
 - If the investigating officer concludes that the accident was caused by a person driving under the influence of intoxicants (DUI) and the defendant is still at the scene, the DUI arrest shall be made.
 - In traffic-related investigations, once the deputy leaves the scene of the offense and later identifies an offender or develops probable cause to make an arrest, an arrest warrant shall be obtained from a magistrate
 - Traffic direction and control
 - Upon notification of an accident, the deputy assigned shall proceed to the scene.
 - The patrol vehicle shall not be parked at the scene in a manner that will endanger other pedestrians, motorists, or citizens.
 - The deputy shall consider using the vehicle as a shield to protect him or herself, as well as other personnel on the scene.
 - Upon arrival, the deputy shall activate the vehicle emergency lights or leave them on if the response dictated their use.
 - Deputy Sheriffs shall wear a reflective safety vest at all times when working at the scene of an accident or directing traffic.
 - Deputies shall use emergency vehicles, cones or flares as temporary traffic control devices to create an illuminated warning pattern to alert other drivers. Note that flares may be dangerous at accidents where hazardous materials are present.
 - During periods of adverse road and/ or weather conditions, deputies must be cognizant of additional hazards as well as those outlined above.
 - Deputies must be proactive in making decisions during these conditions that will maximize the safety of themselves and all others at the accident scene.
 - This is especially true during traffic direction and control activities.
 - See [GO 2-21, Traffic Control](#), for additional guidelines.
 - Danger from fire and hazardous materials
 - In case of the danger of fire from leaking or ruptured gas tanks, or where the accident may involve hazardous materials, the on-scene deputy shall summon the fire department.
 - See [GO 2-24, Hazardous Materials](#), for further guidance on handling hazardous materials.
 - All patrol vehicles are equipped with a copy of the current Emergency Response Guidebook to aid in identifying vehicles carrying hazardous materials.
 - This guidebook illustrates hazardous materials placards and identifies and describes the relevant hazard, appropriate emergency procedures, and evacuation procedures.

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- Deputies arriving at the scene of such an accident who sees hazardous material placards shall immediately notify dispatch for fire department response.
- The Fire Chief or his designee will assume control of any incident involving hazardous materials.
- Law enforcement operations will be coordinated with the Fire Department incident commander.
- Control of property
 - Any property belonging to accident victims shall be protected from loss or theft.
 - If the owners are not present and the vehicle is towed, the property shall be inventoried and all procedures followed as outlined in [GO 2-33, Towing of Vehicles](#).
 - Upon completion of the property inventory, all valuables, including jewelry, firearms, cash, etc., unless turned over to the vehicle operator or property owner shall be taken into custody and handled in accordance with [GO 2-15, Evidence Procedures](#).
 - Wallets, handbags, and purses shall be given to immediate family or fire and rescue personnel to be taken to the medical facility with the patient.
- Clearing the roadway
 - Section [18.2-324](#), Code of Virginia, requires any person clearing a wrecked or damaged vehicle from a highway to remove any glass or other injurious substance dropped upon the highway.
 - Where the quantity of accident debris is too great for the wrecker operator to handle, the Virginia Department of Transportation (VDOT) shall be contacted.
 - The Fire Department also may be requested to assist in washing down the roadway if needed.
- Accident reporting
 - When assigned to investigate an accident, deputies shall complete and file a Commonwealth of Virginia Police Accident Report through the T.R.E.D.S. (Traffic Records Electronic Data System) computer system for all accidents investigated, which are required by law.
 - In the event of an accident that occurs on private property, a York County Sheriff's Office Non-Reportable Accident Form shall be completed and submitted to the Office.