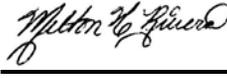


	PALACIOS POLICE DEPARTMENT	
	Policy 7.31 Traffic Accident Investigations	
	Effective Date:01/04/2021	Replaces:02/07/2006
	Approved:  Milton Rivera, Chief of Police	
	Reference: TBP: 7.16	

I. POLICY

An objective of the department is the reduction of motor vehicle accidents. To accomplish this, the department performs a variety of functions such as providing emergency service to the injured, protecting the accident scene, conducting accident investigations and follow-ups, preparing reports, and taking proper enforcement action.

The purposes of accident investigation are to determine the cause of an automobile crash and to use the information to develop enforcement that will reduce accidents. Accident reports are used by the Department of Public Safety and the Department of Transportation at the state level, and by the city locally to study the frequency of crashes at a given location and time, the causes of accidents, and the road conditions that existed when the accident occurred. The reports are also used to develop selective enforcement programs, to provide engineering studies, and to promote street and highway safety.

II. PURPOSE

The purpose of this policy is to establish guidelines for the proper handling of traffic accidents and for the collection and use of data that will reduce automobile accidents resulting in property damage, injury, and death.

III. PROCEDURES – General (TBP: 7.16)

A. Accident report and investigation, general

1. Texas Transportation Code requirements concerning the reporting of traffic accidents include the following:
 - a. TTC 550.026. The driver of any vehicle involved in an accident resulting in death or injury shall immediately notify law-enforcement officials.
 - b. TTC 550.062. A law-enforcement officer investigating an accident resulting in injury or death or total property damage to an apparent amount of \$1,000 or more shall make a written report of it to DPS.

- c. TTC 550.062. Officers who investigate an accident for which a report must be made, either at the time of and at the scene of the accident, or thereafter and elsewhere, by interviewing participants or witnesses, shall within 10 days after completing the investigation forward a written report of the accident.
2. An officer shall respond to and prepare a report of an accident involving any of the following:
 - a. Death or injury.
 - b. Property damage in excess of \$1,000.
 - c. Hit and run.
 - d. Impairment due to alcohol and/or drugs.
 - e. Hazardous materials.
 - f. Involvement of any city/county property, vehicles, equipment, facilities, or personnel.
 - g. Failure of either driver to produce a driver's license and proof of liability insurance.
3. Officers shall also be assigned to respond to the following:
 - a. Any accident involving disturbances between drivers or passengers.
 - b. Ones that create major traffic congestion.
 - c. Those in which vehicles are damaged to the extent that towing is required.
 - d. Patrol vehicles may be assigned to any other accident, not listed above, to assist persons involved with information exchange.
 - e. Time permitting, officers may investigate and report on accidents as supervisors direct.

B. Responding to the accident scene

1. Officers shall respond to the scene of a minor accident code one unless the dispatcher or supervisor directs otherwise.
2. Officers shall respond code three to major accidents where there exist injuries or major road or highway blockages, or where information provided indicates the immediate need for an officer on scene.
3. The officers responding shall park their vehicles in a manner that will protect victims and the accident scene while still leaving room for emergency service vehicles.

C. Accident scene responsibilities

1. The first officer to arrive at an accident scene shall perform the following:
 - a. Administer any needed emergency medical care (basic life support measures) pending arrival of rescue personnel.
 - b. Summon additional help as required (officers, EMS, fire department, wreckers).

- c. Protect the accident scene.
 - d. Preserve short-lived evidence (broken parts, skid marks).
 - e. Establish a safe traffic pattern around the scene.
 - f. Locate witnesses.
 - g. Record key accident information.
 - h. Expedite removal of vehicles, persons, and debris from the roadway except for fatal accidents, in which case the scene is not to be disturbed.
2. The officer assigned to an accident shall have the responsibility and authority to request assistance from any other officers as needed. He or she becomes the primary investigating officer in charge at the scene unless the supervisor determines that it is appropriate to assign these responsibilities to another officer.
 3. Accident reports need not be filled out if the accident occurred on private property and the damage does not exceed \$1,000 unless the supervisor specifically asks for a report.
 4. In case of extremely inclement weather where an accident involves only property damage, the dispatcher or officer may, with the supervisor's approval, perform the following:
 - a. Obtain information over the phone to complete the accident report and request that the involved drivers come to the department and file a report in person within 48 hours of the incident.
 - b. Complete a report showing the name, address, operator license number, and telephone number of each driver.

IV. PROCEDURES - Accident scene

A. Collecting information

1. At the scene of the accident, the investigating officer shall gather appropriate information for a report. Information to be collected at the scene may include, but is not limited to, the following:
 - a. Interview principals and witnesses and secure necessary identity/address/contact information.
 - b. Examine and record vehicle damage.
 - c. Examine and record the effects of the accident on the roadway or off the roadway on private or public property.
 - d. Take measurements as appropriate.
 - e. Take photographs as appropriate.
 - f. Collect and process evidence.
 - g. Make sure that the principals exchange information, such as insurance carriers, names, and phone numbers.

B. Follow-up activities

1. Follow-up activities that may be necessary include the following:
 - a. Obtain and record formal statements from witnesses.
 - b. Reconstruct the accident.

- c. Submit evidentiary materials for laboratory examination.
 - d. Prepare accident or offense reports to support charges arising from the accident.
2. In a particularly serious accident involving severe injuries, fatalities, or multiple vehicles, it may be necessary to summon expert or technical assistance from photographers, surveyors, mechanics, physicians, accident-crash team specialists, or other specialists. Expert assistance shall be requested through a supervisor.
3. At the accident scene, the officer may take immediate enforcement action and issue a citation for observed violations or violations witnessed and supported by the investigative process. In death cases, the district attorney may decide the appropriate charge.
4. If the investigating officer concludes that the accident was caused by a person driving under the influence of intoxicants (DWI) and the defendant is still at the scene, the DWI arrest shall be made before transport.
5. If the driver is transported to the hospital before the officer arrives and if the officer later concludes that the driver was intoxicated, an arrest warrant shall be obtained. If the driver is hospitalized, the warrant will be served when the driver is released.
6. In other traffic-related investigations, when the officer leaves the scene of the offense and later identifies an offender or offense, arrest warrants may be obtained. The citation can be issued at the hospital after the accident scene has been processed.

C. Accident scene procedures

1. Upon notification of an accident, the officer assigned shall proceed promptly to the scene. If injuries have been reported, every effort should be made to avoid delay.
2. The patrol vehicle shall not be parked at the scene in a manner that will endanger pedestrians or motorists. The officer shall consider using the vehicle as a shield to protect the scene, those involved in the accident, and others working the scene, including the officer.
3. The officer shall leave the vehicle emergency lights on.
4. At all times when investigating an accident on the streets or highways, the officer shall wear a reflector safety vest.
5. Officers shall use flares (available in each patrol vehicle) to create an illuminated warning pattern to alert other drivers. Note that flares may be dangerous at accidents where hazardous materials are present.
6. In case of fire danger from leaking or ruptured gas tanks or where the accident may involve hazardous materials, the on-scene officer shall summon the fire department.
 - a. All patrol vehicles are equipped with a copy of the current emergency response guidebook to aid in identifying vehicles carrying hazardous materials. The guidebook illustrates hazardous materials placards and identifies and describes the

relevant hazard, appropriate emergency procedures, and evacuation procedures.

- b. Any officer arriving at the scene of such an accident who sees hazardous materials placards shall immediately summon the fire department. The fire chief will assume control of any scene involving hazardous materials and all officers shall provide support as required. The investigation of the accident shall begin after approval by the fire chief.
7. Any property belonging to accident victims shall be protected from theft or pilferage and, if owners are not present, it shall be taken into custody, tagged, and held for safekeeping until it is claimed by the owner.
 8. City code requires any person clearing a wrecked or damaged vehicle from a highway to remove any glass or other injurious substances dropped upon the highway. Where the quantity of accident debris is too great for the wrecker operator to do this, the city public works services shall be requested. The fire department shall assist in washing down combustible substances.
 9. If either driver is not present at the accident scene, do not assume that it is a hit/run unless further inquiry indicates the possibility. Perform the following actions if the incident appears to be a hit/run.
 - a. As soon as practicable, transmit the description of the vehicle and driver to dispatch, along with the direction of travel and time elapsed since the incident.
 - b. Process the accident scene as a crime scene.

D. Accident report

1. A report shall be filed on all accidents that occur on public property, or publicly accessed private property within the city if it meets any of the normal reporting criteria (death, personal injury, property damage in excess of \$1,000, or involvement of government-operated vehicles).
 - a. Public property is any highway, roadway, street, or public parking lot maintained by the state, county, or city.
 - b. Publicly accessed private property is a private access way or parking area provided for a client of a business, but not residential property or private parking where a fee is charged for parking.
2. In the event of an accident that occurs on private property, an accident report may be filed if it meets any of the normal reporting criteria (death, personal injury, property damage in excess of \$1000, or involvement of government-operated vehicles).
3. Accidents that do not meet reporting requirements may still be reported by the vehicle operators using the "Texas Blue Form."

E. Disabled vehicles

1. Officers shall not push or tow any vehicle with a patrol vehicle

2. Owing to the risk to radio and emergency equipment, officers shall not connect jumper cables to a patrol vehicle to start a person's vehicle. Officers should summon a wrecker if a jump-start is required.
3. Officers shall direct motorists who are low on gas to the nearest station. If a vehicle is completely out of gas and no station in town is open, summon a wrecker on behalf of the motorist.