

Germantown Police Department

Policies and Procedures

Number: 8-2
Effective Date: January 24, 2011
Subject: Motor Vehicle Crash Investigation
Previous Revisions: January 1, 2003; April 13, 2007; August 4, 2009

I. PURPOSE

The purpose of this policy is to establish guidelines to ensure that information concerning motor vehicle crashes, which occur within the corporate limits of the City of Germantown, are properly investigated, reported and recorded.

II. POLICY

It is the policy of the Germantown Police Department that officers will investigate and report motor vehicle crashes in accordance with established statutory guidelines, as well as departmental regulations, procedures and directives.

III. PROCEDURE

A. Responding to Crash Calls

1. Officers responding to the scene of a motor vehicle crash will drive in a safe manner so as not to endanger themselves or the public.
2. Officers will respond to the scene in either routine, urgent or emergency mode depending on the information provided by Communications.
3. Crashes involving injury or death will result in an emergency response, except when:
 - a. Other officer(s) or a supervisor has arrived on the scene and determined additional officers need not respond in emergency mode.
 - b. Medical personnel are already on the scene, or
 - c. Injured parties have been taken from the scene.
4. In non-injury crashes, officers will use an urgent response if vehicles are reported to be in the roadway or a routine response if vehicles are reported to be out of the roadway. If Communications has limited information

regarding a crash, the responding officer will presume the crash is in the roadway and involves no injuries, until advised otherwise.

B. Duties Upon Arrival:

1. Position patrol vehicle in a manner to protect the crash scene;
2. Administer first aid to injured parties until medical personnel arrive;
3. Establish safe traffic patterns around the scene;
4. Protect the scene from bystanders;
5. Locate persons involved in the crash and any witnesses;
6. Preserve and protect any evidence located on the scene;
7. Arrange for the removal of vehicles and debris from the roadway as soon as practical.

C. Responsibility for Investigation

The officer assigned to the call is responsible for the investigation of the crash and completion of the report, unless otherwise advised by a supervisor.

D. Critical injuries and fatalities—Investigation

If a motor vehicle crash results in critical injuries or a fatality, then the on-duty supervisor will direct that an officer with advanced crash investigation skills conducts the investigation. The on-duty supervisor will also be responsible for immediately notifying the Traffic Investigations supervisor.

If a crash victim is an elderly person, the on-duty supervisor shall consider the seriousness of the injuries received from the crash as reported by fire department paramedics, the injured party's health history and the impact received from the crash to determine if a traffic crash investigator should be called to investigate the crash.

The scene supervisor will ensure a condition report is obtained from the treating medical facility as soon as possible after the victim(s) has been transported.

E. Duties of Investigating Officer

The investigating officer shall be responsible for conducting a thorough investigation of the crash and completing all necessary reports. These duties include, but are not limited to, the following:

1. Interviewing drivers, occupants and witnesses;
2. Examining and documenting vehicle damage;
3. Determining damage, if any, to the roadway or other objects;
4. Taking measurements when necessary;
5. Taking photographs;
6. Collecting and preserving evidence;
7. Providing information to person(s) involved;
8. Preparing the crash report.

F. Crash Investigation Follow-Up

Crash investigation follow-up will normally be the responsibility of the officer who conducts the initial investigation and completes the initial report. However, a need for specialized personnel may be identified to ensure that a thorough follow-up investigation is conducted. In such cases, the officer's supervisor will be responsible for coordinating the follow-up.

G. Traffic and Criminal Software/Tennessee Integrated Traffic Analysis Network (TraCS/TITAN) and Tennessee Uniform Traffic Crash Report (TUTCR)

The Germantown Police Department currently utilizes the Traffic and Criminal Software (TraCS), as provided by the Tennessee Department of Safety. This system is connected to the Tennessee Integrated Traffic Analysis Network (TITAN), a repository for all state traffic and crash data, which is maintained by the Tennessee Department of Safety. This computerized crash reporting system will be used to document all motor vehicle crashes that occur on public roadways, or in certain circumstances private property.

In instances where the TraCS/TITAN program is unavailable, a supervisor may request that a crash be documented on the Tennessee Uniform Traffic Crash Report (TUTCR). This report will be completed using a black ballpoint ink pen and the use of correction fluid will be kept to a minimum. The report will be completed following the guidelines established in the TUTCR Instruction Manual.

H. Completion of Reports

All reports of investigated motor vehicle crashes will be made on the TraCS/TITAN crash reporting system and submitted to the officer's supervisor before going off shift, unless the officer is excused from doing so by their supervisor. Reports on hit

and run incidents with suspect information, and on crashes involving major damage, serious injury or death, will be made before going off shift, without exception. All reports must be completed and submitted to the officer's supervisor before the officer goes on days off or vacation.

I. Supervisor Review

Supervisors will review all motor vehicle crash reports for accuracy, completeness and neatness. Upon completion of this review, the supervisor will approve the report with either a written or digital signature and date. If the report was completed in the TraCS system, it will be forwarded to the TITAN system. If the report was completed using the TUTCR, it will be forwarded to the data entry section, which will then forward it to the State of Tennessee to be added to the TITAN repository. The report will then be accessible via the TITAN system for retrieval by the department or court system.

J. Private Property Crashes

1. Officers will respond to calls for service regarding motor vehicle crashes that occur on private property. Under Tenn. Code Ann. 55-10-106, Immediate Notice of Crash, drivers are required to notify the police department when involved in a crash on the roadway or the premises of any shopping center, apartment complex or other area generally frequented by the public at large.
2. If a motor vehicle crash occurring on private property involves damage over \$400, injury or death, then it will be investigated and documented on the TraCS/TITAN system. When there are no injuries and damage is estimated to be less than \$400, a Private Property Crash Form will be used to document the incident. Completed Private Property Crash Forms will be forwarded to data entry for recordkeeping.

K. Traffic Citations— Determining Charges

1. Under Tenn. Code Ann. 7-63-107, officers are authorized to issue traffic citations when they make a personal investigation at the scene of a traffic crash and have reasonable and probable grounds to believe that the driver of any vehicle involved in the crash has violated any traffic ordinance, law or regulation.

The investigating officer will determine, through a complete investigation, the applicable city ordinance or state statute that he/she has probable cause to believe was violated and led to the crash. Officers will refrain from using the broad charges of failure to maintain safe lookout or control, when a more specific charge is appropriate.

2. Private Property: Traffic citations should not be issued for violations occurring on private property, except as outlined in Chapter 8, Section 5 of this manual.

L. Leaving the Scene of a Motor Vehicle Crash

An officer is not justified in making an arrest for leaving the scene where the officer does not witness the offense. Under Tenn. Code Ann. 40-7-103, for the charge of Leaving the Scene of a Motor Vehicle Crash, an arrest may be executed only after an arrest warrant has been secured. A misdemeanor citation for this offense will **NOT** be used, except if the motorist involved appears at the scene after the completion of the investigation or at the Germantown Police Department and admits he/she committed the crime of leaving the scene of a crash which did not involve personal injuries, then and in such event a misdemeanor citation may be used.

Tenn. Code Ann. 55-10-102 requires that a motorist stop and remain at the scene of any crash involving death, personal injury or property damage.

Tenn. Code Ann. 55-10-103 states that a person accused of leaving the scene of a crash, after being arrested on a warrant or by an officer who has witnessed the offense, shall be taken without unnecessary delay before a magistrate or judge.

When the identity of the suspect is determined after several days, then officers should obtain an arrest warrant for the suspect. A warrantless arrest should not be made under circumstances where the officer would have an opportunity to obtain an arrest warrant.

M. Hit and Run Investigations

The primary investigating officer will gather as much information and evidence as possible at the scene of hit and run crashes. Follow up investigations will be conducted and completed as assigned by a supervisor.

N. Crashes Involving Trains

For procedures and guidelines related to crash investigations when a train is involved, refer to Section 3 of this chapter.

O. Hazardous Materials

Motor vehicle crashes involving hazardous materials will require the assistance of the Fire Department unit trained in handling such incidents. Responding officer (s) will take necessary action to contain and limit access to the area. Officers should:

1. Determine the type of hazardous material involved from the identification placard;

2. Stay upwind of the location and direct other responders to arrive upwind;
3. Not enter the affected area;
4. Route traffic away from the immediate area.

P. City Vehicles

1. All motor vehicle crashes involving City of Germantown vehicles will be investigated and reported. Photographs of all vehicles and the scene will be taken.
2. Department vehicles: Minor crashes involving Department vehicles will be investigated as determined by a supervisor. Serious or injury crashes will be investigated by a specially trained crash investigator. Detailed photographs of the scene and vehicles will be taken. It shall be the responsibility of the on-duty supervisor to notify the Traffic Investigations supervisor of all city and departmental vehicle crashes involving injury or death.

Q. Crashes Involving Public Vehicles or Property

Motor vehicle crashes involving government vehicles or property (i.e., buses, vans, other agencies) will be fully investigated. In many cases, the governing authority over the vehicle or property will send a representative to the scene to investigate. Officers will allow those representatives on the scene as long as they do not interfere with the investigation or the scene itself.

R. DUI Investigations

1. Motor vehicle crashes involving suspected DUI drivers require complete and accurate investigations. If injuries occur in a crash involving a suspected DUI driver, officers will gather all pertinent evidence and consult with a supervisor regarding appropriate charges. Officers will summon a DUI technician to the scene or medical facility for appropriate testing procedures.
2. Drivers can be charged with DUI up to four (4) hours after the time of the crash.
3. DUI drivers that require hospitalization may be issued a misdemeanor citation and given a booking/processing date.
4. Investigating officers will be responsible for preparing warrants when necessary to complete an investigation (i.e., search warrant for blood, arrest warrant). In some cases, the DUI technician may assist in preparing and/or securing the warrant.

S. Mutual aid

If an officer responds to a crash scene and determines that the crash occurred outside of the City of Germantown, the officer will advise the dispatcher to contact the appropriate agency to investigate the crash.

IV. REVIEW PROCESS

An annual review of this policy shall be conducted to determine if it should be revised, cancelled or continued in its present form.

This order shall remain in effect until revoked or superseded by competent authority.