

## **DEPARTMENT GENERAL ORDER 07-20**

OFFICE of the CHIEF OF POLICE  
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501.96.00

DATE: January 19, 2007

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### **TRAFFIC ACCIDENT INVESTIGATION/REPORTING**

#### **I. PURPOSE.**

To establish guidelines governing the investigation and reporting of traffic accidents, to include the preparation and submission of accident reports.

#### **II. DEFINITIONS.**

Traffic Accident Investigations - The collection of factual information identifying and describing people, roads, and vehicles involved; describing the results of the accident in terms of danger to vehicles and roadside objects; injuries to people, marks, and residue on the road surface, and final positions of the vehicles and bodies; interpretation of these facts in terms of behavior of the road users involved; and sometimes, an attempt to specify the particular combination of factors required to produce that specific accident.

Traffic Accident Reporting - The basic collection of information to identify and classify a traffic accident, to include: the persons, vehicles, time, location, and planned movements involved, and those possible contributing factors such as traffic law violations.

#### **III. COLLISION INVESTIGATION AND REPORTING REQUIREMENTS.**

Motor vehicle accidents will be investigated and reports prepared in accordance to the State Traffic Accident Reporting System (STARS). Officers will complete and submit traffic accident reports in a timely manner, and will subsequently submit same to their supervisor for review. It shall then be the supervisor's responsibility to ensure that the reports are complete and accurate.

In the event of an accident of a serious nature, or when accident reconstruction specialists are requested to assist with an investigation, the investigating officers may use additional documentation or report forms beyond that provided by the STARS system.

#### A. Statutory Requirements

RSMo 300.115 states, "the driver of a vehicle which is in any manner involved in an accident resulting in...bodily injury to, or death of any person, or total property damage to an apparent extent of five hundred dollars (\$500.00) or more to one person shall, within five days after such accident, forward a written report of such accident to the police department. The provisions of this section shall not be applicable when the accident has been investigated at the scene by a police officer while such driver was present there at."

RSMo 303.040 states, "operator or owner of every motor vehicle which is involved in an accident within this state, or the owner of a legally or illegally parked car which is in any manner involved in an accident within this state, with an uninsured motorist upon the streets or highways thereof, or any publicly or privately owned parking lot or facility generally open for use by the public, in which any person is killed or injured, or in which damage to property of any person, including himself, in excess of five hundred dollars (\$500.00) is sustained, and the owner or operator does not carry motor vehicle liability insurance shall, within thirty days after such accident, report (through the accident report form) the matter to the Director of Public Safety.

#### B. Occurrences on Public Property

All auto accidents on public property will be reported via the Missouri Uniform Accident Report form. However, the short form version of the standard auto accident form may be used with certain exceptions. To complete the short- form version, officers will provide the information requested in the dark-shaded spaces of the form. In addition, officers will provide the vehicle year, make, and model of the vehicles involved, as well as the GEO-code location of the accident. This information will be recorded in the appropriate spaces. The short form does not require a narrative but does require a diagram.

The following list of accident types require an investigation and the full completion of the Missouri Uniform Accident Report form.

1. Accidents with injuries or fatalities.
2. Any accident in which one or both vehicles require towing.
3. Accidents involving emergency vehicles.
4. Accidents involving hazardous materials.
5. Alcohol or drug-related accidents.
6. Leaving the scene accidents.
7. Accidents involving public conveyances or school buses.
8. Accidents resulting in damage to government property.
9. Accidents where one or more of the drivers lacks liability insurance.
10. Accidents resulting in property damage, at the discretion of the assigned officer.
11. Accidents involving a disturbance or assault between the principals.

All other accidents can be covered by the short-form version of the accident report; however, an officer may, at his/her discretion, elect to complete the long-form version of any accident report which he/she is responsible to investigate.

Delayed auto accident reports will no longer be taken unless an injury or "Leaving the Scene" was involved.

#### C. Occurrences on Private Property

Auto accidents on private property will not be documented by a collision report unless the accident involves a "Leaving the Scene," or injuries are present. In the case of the former, witnesses and/or evidence (debris, paint scrapings, etc.) must be present at the scene to substantiate the decision to initiate a Leaving the Scene report. Should such substantiating evidence be absent, and immediate investigation disclose no sign of criminal intent, the assigned officer will initiate an incident report documenting the event as "Damage to Private

Property.”

#### D. Accidents Involving Department/City Vehicles

In those instances where a police vehicle may be involved in an auto accident within the City of Clayton, the following procedures shall apply:

1. The vehicle operator shall, if possible, notify communications of the incident, and give the location of the accident, and if there are any injuries involved.
2. Communications shall immediately dispatch an ambulance to the scene in the event of reported injuries, and shall assign a second marked patrol unit to handle the investigation and prepare a Missouri Uniform Accident Report.

Communications will also notify the on-duty supervisor of the incident, at which time he/she shall also respond to the accident scene.

The officer or uniformed employee involved in a traffic accident will exercise control over the scene only until the arrival of another officer. At that time responsibility will be surrendered to the reporting officer.

3. In those instances where there is contact between a police vehicle and another vehicle or property, yet there is no apparent damage, no indication of injuries or death, and no evidence or suggestion of a future claim of damage, injury, or death, no vehicle accident report will be taken, nor shall there be a need for an alcohol/drug screening test, unless:
  - a. The other party involved requests a report be made.
  - b. The supervisor, in his/her discretion, deems it advisable to have a report made.

Damage will include scratches and/or paint transfers.

The officer involved may not make this determination of his/her own volition, but must have a supervisor respond

to the scene. Upon a review of the facts, the supervisor will decide whether a report is warranted or not.

4. A field investigator shall respond to photograph all accidents involving police vehicles (to include the above) and perform such other processing as is deemed necessary.
5. Any police vehicle rendered undriveable as a result of a traffic accident shall be towed to the City of Clayton garage.
6. Upon securing from the scene, the on-duty supervisor shall escort the employee to a designated medical facility for an alcohol/drug screening.

The supervisor shall also complete a departmental "Employee Motor Vehicle Accident" report and will affix a copy of same to the Missouri Uniform Accident Report. Following processing, copies of the reports will then be forwarded to the commander heading the Vehicle Accident Review Board.

7. The Accident Review board will examine the facts surrounding the incident and forward a copy of the accident report and their findings to the Chief of Police.
8. Should an accident meet the criteria established in Paragraph 3 above, where there is no damage or injuries, etc. the supervisor will prepare an inter-office memorandum and forward it through the chain of command to his/her Bureau Commander. The memorandum will be accompanied by supporting photographs.

Upon review, the Bureau Commander will transfer the documents to the commander in charge of the Vehicle Accident Review Board, who shall retain same in a file for a period of a year.

Should a member of another City department become involved in an auto accident while operating a City-owned vehicle, this agency will respond and gather such information as is required to complete a Missouri Uniform Accident Report. A field investigator shall also respond and photograph the accident

scene. Upon completion of the investigation, a copy of the accident report will then be forwarded to the appropriate department head.

In those instances where a police vehicle may be involved in an motor vehicle accident outside of the corporate limits of the City of Clayton, the following procedures will apply:

1. The vehicle operator shall, if possible, notify communications of the collision, the location of the accident, and if there are any injuries involved.
2. Communications shall immediately notify the appropriate police jurisdiction of the auto accident, and if an ambulance may be required. The on-duty supervisor will then be apprised of the incident as soon as practical and shall respond to the scene.
3. A field investigator shall also respond to the accident scene to photograph same and assist with such processing as may be deemed necessary.
4. Any police vehicle not in a driveable condition shall be towed to the City of Clayton garage.
5. A Clayton report number shall be drawn and a Missouri Uniform Accident Report will be completed by a Clayton officer.
6. The on-duty supervisor shall request a copy of the official police report compiled by the outside jurisdiction. Upon receipt of the document, it shall be filed in the report jacket assigned to the in-house report.
7. The on-duty supervisor will escort the officer and/or employee involved to the designated medical facility for an alcohol/drug screening.
8. The on-duty supervisor will then complete a departmental "Employee Motor Vehicle Accident" report and affix same to the completed Missouri Uniform Accident Report. The documents will then be forwarded to the commander of the Vehicle Accident

Review Board. Upon completion of their review, a copy of the documents and the board's findings will be transmitted to the Chief of Police.

Should a member of another City department become involved in an auto accident while operating a City-owned vehicle outside of the corporate limits of the City, the procedures listed above shall apply, with the exception of Paragraph eight (8).

1). Accident Review Board

A Vehicle Accident Review Board will review all accidents involving City vehicles driven by department personnel. This Board will consist of one commander, one supervisor, and two non-supervisory department members.

The Accident Review Board will review all vehicle accidents involving department personnel to determine whether or not an employee was culpable and if the accident could have been avoided. In those instances where the Board determines that an employee was culpable, or that the accident could have been avoided, the Board will recommend to the Chief of Police appropriate action, including possible disciplinary action. As part of their deliberations, the Board will consider the circumstances of the accident, as well as the driver's past record of culpable accidents, prior to issuing a recommendation.

Members of the Vehicle Accident Review Board will be assigned by the Chief of Police and will serve a period of time as designated by same.

2). Alcohol/Drug Screening

Employees involved in a motor vehicle accident may be subjected to a alcohol/drug screening in accordance with established City and department procedures.

E. Arrests at Accident Scenes

In those instances where a custodial arrest is made in conjunction with an auto accident investigation (e.g. DWI, fugitive, etc.), the arrest, with the exception of a Leaving the Scene" arrest, will be covered in a separate Incident Report. In addition, the only reference made to the arrest in the accident report should be that a DWI (or other) investigation was conducted in relation to the

accident and is covered under report number \_\_\_\_\_.

Arrest, processing, and tow procedures shall all be conducted in accordance with department procedure.

#### F. Issuance of Citations at Accident Scenes

Upon arrival at an accident scene, the investigating officer will determine the facts of the incident through proper investigative methods. This will include an assessment of the following:

1. Statements of the drivers, non-motorized vehicle operators/riders, and pedestrians.
2. Statements of any passengers.
3. Statements of witnesses.
4. Review of all physical and circumstantial evidence.
5. Review of other contributing circumstances.

If at the end of this assessment process, the officer concludes that probable cause exists to believe that a driver committed an ordinance or statutory violation, the officer shall have full authority to issue a citation to the vehicle operator determined to have committed a traffic violation. Officers shall also have discretion in any situation where the establishment of probable cause is in doubt, or there are other circumstances which can be articulated to justify not issuing a citation.

The investigating officer shall ensure that the accident report includes all pertinent information, to include the documentation of all circumstances leading to the issuance of a citation. Additionally, the officer will complete the appropriate section of the accident report which indicates the specific ordinance violation, summons number, court of jurisdiction, and court date.

A copy of the citation and completed police report shall then be submitted to the City's Prosecuting Attorney for review.

It should be noted that the issuance of citations at accident scenes is intended to address the violation of Municipal Ordinances and/or State Statutes which occur in conjunction with vehicle accidents. The purpose is not to assess blame for traffic accidents.

#### IV. ACCIDENT RESPONSE PROCEDURES.

One or more officers will routinely be directed to respond to the scene of all reported vehicle accidents. The types of accidents and associated situations to which an officer will specifically respond are covered in Section III, Paragraph B of this order. On occasion, the on-duty supervisor may be directed to respond also.

The type of response will depend upon the severity of each incident. Fatalities, injuries, road blockage, fuel spills, etc. will routinely require an emergency response, while minor property damage incidents should be approached in adherence to traffic control devices and the normal flow of traffic.

At the time, an officer or officers are dispatched to an accident, communications will routinely supply the responding officer(s) with the location of the accident, the severity of the accident, traffic or lane blockage, disturbance among participants, and if additional support units (police, fire, and/or public works) are enroute to the scene.

Upon arrival at the scene, officers will be expected to prepare a report in regard to the collision, investigate as necessary, record short-lived evidence, provide and/or summon emergency services, summon towing services as needed, and restore the normal flow of traffic.

Should an officer be unavailable to respond to an accident in his/her assigned patrol area, another unit shall be dispatched to handle same. This agency will not accept accident reports via mail, over the phone, or that are delayed.

##### A. Suspension of Accident Response/Reporting Requirements

Departmental response and reporting procedures in regard to routine vehicle accidents shall be suspended following a Declaration of a State of Emergency within the City, and shall remain in force during the emergency period. Vehicle accidents involving injuries will be handled in compliance with normal procedures.

#### V. SCENE RESPONSIBILITIES.

Command and control responsibilities at accident scenes will entail the performance of a variety of different tasks. Depending upon the severity of the incident and/or other surrounding circumstances, these tasks may be performed by the officer assigned to the event, an assist officer or officers, technical specialists, or members of another department (e.g. Fire Department, Public Works).

##### A. Scene Command

Command of an accident scene will generally be performed by the officer assigned to the call by the Communications Unit. Such assignments will generally be given in accordance to established patrol area, but will also be influenced by location and availability factors.

At the time a supervisor or commander arrives on the scene, command shall automatically pass to the superior officer. However, in the event circumstances necessitate the initiation of a criminal investigation in regard to a collision, members of the Criminal Investigations Division shall assume full and complete responsibility for the investigative portion of the case in accordance with the department's command protocols.

Similarly, should an accident reconstruction specialist team arrive at the scene per the department's request, the officer in charge will surrender command of the scene to the reconstructionist team leader until such time as the field portion of their investigation is complete. Command will then revert back to the department.

Should a fire or hazardous materials situation exist or arise as a result of an vehicular accident, the Fire Department shall assume full command of the scene upon their arrival and will retain same until the hazard has been eliminated or controlled. At that time, scene command shall revert back to the appropriate police officer.

In the case of overlapping or contiguous jurisdictions, officers will be expected to cooperate with outside law enforcement agencies in a constructive and positive manner. Once a determination has been made as to which agency has jurisdiction, the appropriate officer will assume command of the scene.

## B. Injured Persons

The first officer on the scene should check for any fatalities or injured persons. Should same exist, the officer shall request that medical assistance respond to the scene. Basic life support and/or first aid should then be administered until paramedics arrive at the scene. However, officers should not attempt to render medical assistance which exceeds their level of training, nor permit untrained civilian volunteers to administer medical assistance of any kind. While providing medical assistance, the officer will utilize all appropriate protective clothing/equipment to shield the officer against communicable disease (e.g. AIDS, Hepatitis A).

Upon the arrival of an ambulance, the care of injured persons shall be entrusted to the paramedics manning same. Similarly, the ambulance will transport the injured party or parties to the nearest medical facility, or contingent upon the type and severity of the injuries, to the hospital most suited to deal with same.

In accordance with current general orders, officers will not be used to transport sick or injured individuals except:

1. Following a disaster such as an earthquake or tornado, when life may be endangered by delay, and no ambulance is readily available.
2. When a department employee may require immediate medical attention for an injury or illness and delay may endanger the employee's life.

#### C. Fire Hazards

In the case of an actual or potential fire, the officer assigned to the accident scene shall request assistance from the Fire Department, and then take appropriate action to attempt to stabilize the scene. This will include, isolating the immediate area, removing civilians from the area of the hazard, suppressing and/or extinguishing the fire if possible, and controlling/diverting traffic as necessary.

With the arrival of the fire personnel and equipment, the officer will render such assistance as is requested and/or necessary.

Should a fuel spill or other substance require a wash-down, the officer will again request the Fire Department assist at the scene. Upon their arrival, the officer(s) will provide such support as is needed.

#### D. Hazardous Materials

In the event of a hazardous materials spill or leak, the responding officer will attempt to make a preliminary identification of the cargo based on:

1. The warning placards attached to the vehicle.
2. Interview with the driver.
3. Review of cargo manifest/bill of lading.

This identification effort should be conducted from a safe distance and from upwind, if at all possible. As necessary the officer should utilize the

Hazardous Materials Response Guide located in each patrol vehicle to assist in the identification process. Should this be inconclusive or ineffective, the communications unit will be instructed to contact CHEMTREC or the REJIS information system for assistance. Once the substance has been identified, its effects, characteristics, and other pertinent information shall be transmitted to the Fire Department and other responding assist units.

Under no circumstances should an officer approach a hazardous materials carrier that has smoke, flame, steam, fluid, or an odor emanating from same.

Upon the arrival of the Fire Department, the officer and any additional assist units will surrender command of the scene to that agency and render assistance in accordance to the provisions presented in Annex A and B of the City of Clayton Emergency Operations Plan.

#### E. Information Collection

The degree and types of information to be collected at an accident will be contingent upon the severity of the event, the existence of any unusual circumstances, or the potential for criminal charges to be filed against one or more of the participants. For those traffic accidents which require an in-depth investigation, the types of evidence and/or information to be collected will include, but not be limited to:

1. Statements of drivers, passengers, involved pedestrians, and witnesses.
2. Events, maneuvers, and anticipated actions just prior to the collision.
3. Examination of:
  - a. Vehicle components.
  - b. Matching types and location of damage from vehicle to vehicle and against fixed objects.
  - c. Interior and surrounding area of each involved vehicle for contraband substances (alcohol and/or drugs).
4. Location and measurement of skid marks for speed determination.
5. Accurate descriptions of vehicles and damage.

6. Examination of visibility and/or other possible contributing circumstances.
7. Photographs of scene, to include:
  - a. Final position of vehicles involved.
  - b. Damage to vehicles.
  - c. Tire or skid marks.
  - d. Damage to roadway or other objects.
  - e. Resting place of bodies (if any).
  - f. Evidence or potential evidence.
8. Collection of any other information which may ensure the completeness of the investigation.

#### F. Protection of Accident Scene

Officers will use the emergency lights on marked, unmarked police vehicles, flares, cones, and any other appropriate warning devices to protect an accident scene and alert approaching traffic. This is especially important if the drivers and vehicles involved are still in the roadway and are at risk from approaching vehicles. However, as the use of flashing lights, flares, etc. have a pronounced tendency to cause non-involved drivers to slow down to view the scene, their use should be prudent and necessary.

Consistent with the need to investigate and preserve evidence, officers will clear the roadway of all persons, vehicles and debris as rapidly as possible. This is to prevent congestion and allow the free and safe movement of emergency and non-emergency vehicles. To accomplish this goal, officers will direct the vehicles involved to be moved to the shoulder of the roadway, or off the roadway, as soon as possible.

In those accidents where potential criminal charges exist, the officer will preserve the scene intact until such time as same has been photographed and processed.

Full or partial lane closures may be required due to an accident, and should such be the case, one or more officers assigned to the scene shall direct and control traffic activities, to include diverting traffic onto an alternate route. Officers assigned to such tasks will wear reflective traffic vests in an effort to

be as visible as possible.

Officers will be ever alert to actual and potential dangers which may threaten the integrity of the accident scene and the persons located therein. When such actual or potential dangers are noted, appropriate remedial and/or preventive action will be taken to avoid additional collisions.

#### G. Property Control

Consistent with other priority tasks and responsibilities associated with traffic accident investigation/reporting, the officer in charge of the accident scene shall be responsible to safeguard the personal property of any victim(s). This responsibility is further heightened when the victim(s) may be deceased or otherwise incapacitated.

Property contained in a vehicle which needs to be towed shall be inventoried in accordance with department procedure. Other personal property shall be seized, and where the vehicle operator/passengers are unable to assume or maintain control of same, and returned to this department. Such property shall then be inventoried and packaged in compliance with established regulations. The property will then be placed into the property control vault until such time as the owner, or an agent thereof, can retrieve same. This transfer of custody will again be conducted in accordance with established policy.

#### H. Issuance of Citations

The initial officer assigned to respond to a vehicle accident scene shall generally be responsible to make a determination to issue a citation relative to the collision or not. Should existing probable cause warrant a citation, same will be issued in compliance with Section III, Paragraph F, above.

#### I. Scene Clearance Activities

Upon the completion of priority investigative and reporting tasks, officers will arrange for the prompt and safe removal of vehicles and debris from the collision site. When vehicles are driven or towed from the scene (including emergency vehicles), officers will assist the drivers in entering traffic lanes, as necessary. Officers will also ensure that all warning devices (e.g. flares, cones, etc.) used at the scene are removed and properly disposed of.

In the case of extensive vehicle debris or glass littering the roadway, which the

officer cannot remove him/herself, the officer will request assistance from either Public Works or the Fire Department in eliminating the hazard.

## VI. COLLISION INVESTIGATION FOLLOW-UP ACTIVITIES.

The initiation of follow-up investigations in regard to traffic accidents will generally be conducted in those instances where there is a death involved, or as support for potential criminal prosecution (e.g. Leaving the Scene of an Accident-RSMo 577.060, Involuntary Manslaughter-RSMo 565.024, or Second Degree Assault-RSMo 565.060). When warranted, follow-up investigation should include:

1. Collection of off-scene data.
2. Re-interview and collection of witness statements.
3. Reconstruction of the accident scene.
4. Solicitation and use of technical assistance.
5. The preparation of Investigative Reports to support criminal charges arising from the vehicle accident.
6. Any other pertinent data/information in regard to the principals, conditions, and/or circumstances surrounding the accident.

Follow-up investigation activities may be performed by both uniformed personnel and detectives as necessary. In this regard, once a case has been referred to the Criminal Investigations Division for follow-up investigation, the commander or supervisor of that unit shall be responsible to provide overall control and direction to all investigative activities related to the incident. As part of this process, those members of the department who have received specialized training in accident investigation, etc. will be utilized as needed. Should expert or other technical assistance be required, the department will retain the personnel necessary to handle those facets of the investigation. Potential expert assistance may include: 1). Certified Accident Reconstructionists, 2). Professional Photographers, 3). Surveyors, 4). Vehicle Mechanics, and 5) Physicians.

This department will not perform follow-up investigation services in support of civil litigation, unless such litigation is directed at the department or City.

BY ORDER OF:

THOMAS J. BYRNE  
Chief of Police

TJB:dld

CALEA Reference: 61.2.1/61.2.2  
61.2.3/61.2.4