

WATERTOWN POLICE DEPARTMENT GENERAL ORDER



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CHIEF OF POLICE

Effective Date: April 10, 2007	Rescinds: A171,B100,B120. Amends:	Number: B-125
Subject: Traffic Accident Investigation and Reporting		Re-evaluation Date: April 2009
Distribution: ALL PERSONNEL	Related CALEA Standards:	

1. Purpose
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1. PURPOSE

The purpose of this policy is to define the duties and responsibilities of Department personnel regarding traffic accidents.

2. POLICY

It will be the policy of the Department to provide primary control of traffic accident investigations occurring within the City limits, with the exception of Officer involved accidents under specified circumstances.

3. PROCEDURES

- A. It will be the position of the Watertown Police Department to serve as the primary investigating agency of traffic accidents occurring within the corporate City limits of Watertown.
- B. Citizens or Insurance Agents/Companies desiring a copy of an accident report will be instructed to contact the Watertown Police Department Records Office during business hours to obtain a copy of their accident report. The fee for provision of such accident reports will be in accordance with SDCL 32-34-13.1 and will be determined by the Chief of Police in an amount up to the maximum allowed by law. For reports supplied by the WPD, collected funds shall be accounted for pursuant to chapter 9-22 of SDCL
- C. Department personnel who respond to the scene of a traffic accident, or come upon a traffic accident, will notify the Communications Center of the exact location of, and apparent severity of the accident; i.e., multiple vehicles, injuries, fires, the need for wreckers. Department personnel will respond to the scene of accidents involving:
 1. Death or injury
 2. Hit and run
 3. Impairment of the vehicle operator due to alcohol or drugs
 4. Damage to vehicles or property
 5. Hazardous materials
 6. Disturbances between principals involved in the crash
 7. Major traffic congestion
- D. Communications Center personnel will notify other appropriate agencies of the information supplied by the Officer on the scene, or other agencies as requested by the investigating officer.
- E. Department personnel will park their vehicles in such a manner as to provide maximum protection to the accident scene without endangering the public or themselves. Officers will provide notice by activating emergency lighting to warn oncoming or approaching traffic to proceed with caution. Officers will wear Department issued reflective traffic vests and wear them during all accident related duties including traffic control, so long as the vehicles remain on a roadway.
- F. Department personnel, after arriving at a traffic accident scene will:
 1. Evaluate the accident, determine the number and extent of injuries at the scene, and request medical assistance as needed. Department personnel will render medical aid as their experience and training dictates.
 2. Identify and report to Communications Center personnel any special hazards to include fire, flammable substances, hazardous material, downed power lines, and debris on the roadway. In the

- event of fire, Officers will use their discretion based on abilities, training, and available equipment to control the fire until the arrival of fire personnel.
3. Secure the scene, protect any evidence, locate witnesses immediately available and ask them to remain at the scene. Officers will protect and safeguard the property of the injured, deceased, or incapacitated.
 4. Preserve or photograph short-lived evidence in accidents involving injury, leaving the scene, and substantial property damage. In-car video equipment should be used in addition to other equipment when available.
 5. Establish and maintain a safe traffic pattern. At their discretion department personnel may use traffic cones, or barricades to temporarily detour traffic.
- G. Hit and Run Accidents
Department personnel coming upon hit and run accidents will follow the same procedures as for other accidents, but will obtain a description of the suspect vehicle and driver and relay that information to the Communications Center for further distribution as rapidly as possible.
- H. Officers may mark the location of, and require drivers to move vehicles from roadway accident scenes where there is property damage only.
- I. Hazardous Material Incidents
Department personnel suspecting a hazardous material incident as the result of a traffic accident will:
1. Advise Communications Center personnel of the type of hazard (spill, leak, and fire), the vehicle description, vehicle container placards, or other pertinent information, such as injuries. Personnel will consult and make use of the issued hazardous material handbook. Communications personnel will advise the Watertown Fire Department and Codington County Office of Emergency Management, and any other departments as may be needed.
 2. Make every reasonable attempt to isolate the area to protect the public, victims, and themselves from the threat of injury.
 3. Secure the scene and consult with the Watertown Fire Department and Codington County OEM to determine any appropriate evacuations that may be necessary. Department personnel will assist with the evacuation of all nonessential personnel.
 4. On-duty Shift Supervisor will take all reasonable steps to ensure the safety of Department personnel, the general public, and the injured.
- J. Investigation of Traffic Accidents - Subsequent to arranging treatment for the injured and/or securing the scene, Officers will initiate an investigation, clear the roadway as soon as practical, and:
1. Obtain/record information required to complete appropriate accident reports.
 2. Interview separately and obtain the recorded or written statements of all witnesses whenever practical. This includes all passengers, drivers, and/or other witnesses. Document any spontaneous utterances offered by the participants in the Officer's presence.
 3. Examine the scene and:
 - a. Obtain measurements for an accident diagram if needed.
 - b. Arrange for photographs to be taken as necessary.
 - c. Collect, mark, and preserve physical evidence in compliance with Department operating procedures.
 - d. Obtain identification information from and assess damage to participant's vehicles or property.
 4. Thoroughly document findings and prepare the appropriate accident report. Such report will be generated in accordance with accident investigation instructions. Such report will be completed and submitted in accordance with the provisions of law. Diagrams will be depicted on accident forms when points of impact can be determined. Shift Supervisors may be consulted as necessary.
 5. Upon completion of an accident investigation, an Officer may take an appropriate enforcement action when a violation has been clearly established, the identity of the violator is known, and available evidence will allow each of the elements of the violation to be sustained. The preferred enforcement action is an appropriate uniform traffic citation. A written warning should be issued as a minimum. Enforcement action may be deferred or not taken when there is conflicting testimony between involved parties *without independent witness and/or evidentiary corroboration*. Enforcement action will not be taken relative to any traffic accident occurring on private property, except for a violation of SDCL 32-23-1, or any other law which state statute allows enforcement on private property. If guidance is needed, the on-duty Shift Supervisor will be consulted.

- a. Officers may arrest or issue a summons to any person, based upon probable cause and under the authority of SDCL 32-33-1.1, when it is reasonably believed that the person to be cited has violated a provision of Title 32 of South Dakota Codified Laws.
- b. Officers may issue a traffic summons citing violations of Watertown Municipal Ordinances, Chapter 19 only upon receipt of a signed complaint from any driver involved in a traffic accident or a witness to the accident provided that such accident occurred on a public road or right of way.
6. In fatal accidents, the Officer will refrain from filing routine infraction charges until after the Traffic Accident Investigator has completed his/her work and determined whether or not criminal charges are to be pursued. Officers will also consult with the States Attorney prior to filing minor infraction charges in any fatal accident. If in doubt, the on-duty Shift Supervisor will be consulted. For fatalities, if required by State Radio, arrange for a teletype message outlining the details of the accident to be transmitted to the South Dakota State Radio office in Pierre South Dakota.
7. Officers will arrange for the notification of next-of-kin of person(s) killed in traffic accidents, which they are assigned to investigate. Such notification will be delivered in person, not by telephone and ideally should be conveyed immediately after the investigation is concluded. Under no circumstances will the names of victims be released to the news media prior to notification of next-of-kin. When relatives of the victim(s) reside outside the city limits of Watertown, a teletype message will be sent to the appropriate law enforcement Department with an accompanying request for notification of next-of-kin. Officers will request notification that the message was delivered and next of kin has been notified.
8. Arrange for notification of medical examiners, prosecutors, and other officials as appropriate.
9. On-duty Shift Supervisors will be responsible for determining the need and directing follow up activities to include:
 - a. Collecting off scene data as necessary.
 - b. Obtaining / recording formal witness statements if any.
 - c. Traffic accident reconstruction requirements.
 - d. Preparation of formal reports to support criminal charges arising from the traffic accident investigation.
 - e. Review, date, and sign all accident reports before submission to Records Division.
10. Outside Department professional or technical assistance may be utilized consistent with investigatory needs. Outside Department expert technical assistance may likewise be made available to include but not be limited to the following professionals provided sufficient justification exists:
 - a. Surveyors.
 - b. Mechanics.
 - c. Physicists.
 - d. Physicians.
 - e. Traffic accident reconstruction specialist.
11. The dispatched Officer is designated as primary investigative officer unless relieved by a traffic accident investigator or the on-duty Shift Supervisor.
12. In the event those who are involved are removed from the scene of the accident either by ambulance or arrest, it will be the investigating officer's responsibility to secure said person's personal property, if their vehicles are impounded by a Watertown Police Officer at a Watertown Police storage facility. Officers are to note on a supplemental report, the existence of and disposition of any personal property being removed for safekeeping. This can be accomplished in the following manner:
 - a. Released to a relative/or friend at the owner's request, via property receipt.
 - b. Securely locked in the vehicle's trunk if able.
 - c. Transferred to Property Evidence Clerk for safekeeping.
 - d. Transported with person involved.
13. Assignment of Accident Investigator(s)

In the event the Watertown Police Department is the primary investigating Department every effort will be made to assign the appropriate personnel to investigate traffic accidents based upon the seriousness of the accident.

 - a. Normally, the district Officer will be assigned to respond to an accident and complete the investigation.
 - b. Under ideal conditions, the WPD Accident Investigation Team will be assigned to conduct fatal accident investigations. Under this scenario, the dispatched patrol officer will conduct the accident investigation and the WPD Accident Investigation Team will conduct the traffic

homicide investigation. If the WPD Accident Investigation Team is unavailable, a minimum of (2) two Patrol officers will conduct the investigation. One Officer will conduct the accident investigation and a second Officer will conduct the traffic homicide investigation.

- c. Criminal Investigative Division personnel will assist with interviews, collection of evidence, and crime scene processing as necessary.
 - d. Investigating officers will evaluate the seriousness of the accident and will request the Watertown Accident Investigation Team to respond to the scene in all cases involving a known fatality. The Watertown Accident Investigation Team should also be requested in the event that a fatality appears likely. In cases of crashes involving serious injury, criminal use of the vehicle, unusual circumstances, or the likelihood of felony charges being made as a result of criminal use, the Shift Supervisor and the Accident Investigation Team Supervisor will be consulted. An example of criminal use would include "Vehicular Battery", "Vehicular Homicide", "Manslaughter", or "Aggravated Assault" involving a motor vehicle.
14. Hit and Run Investigations
- a. Fatalities - Responsibility for conducting follow-up investigations for accidents involving actual or impending death to one or more persons will be vested in a Traffic Accident Investigator. Such investigations will be pursued:
 - (1) In accordance with the Officers level of training, i.e. Advanced Accident or Accident Reconstruction training.
 - (2) Until available leads have been fully explored or until appropriate supervisory personnel have made a decision that further investigative effort is unlikely to be productive.
 - b. Personal Injury/Property Damage - follow up investigations for hit and run accidents, involving property damage or injury which does not result in a reasonable prognosis of actual or impending death for the victim, will be handled by Officers assigned to investigate the collision.
 - (1) In attempting to determine whether additional investigation effort is warranted, the on-duty Shift Supervisor will consider whether or not any of the following information factors are available:
 - (a) Has a reliable witness to the incident been located?
 - (b) Is the suspect known or can he/she be identified?
 - (c) Has an identifiable description of the suspect vehicle been obtained?
 - (d) Was any physical evidence recovered?
 - (e) Will recovered evidence tie the suspect/vehicle to the incident under investigation?
 - (2) If a negative response is obtained to each of the questions referenced in section (1) immediately above, further investigative effort will not in all likelihood be successful.
 - (3) Follow-up reports on all open investigations will be required at no more than 30 day intervals.

15. DUI Accident Investigations

- a. Officers are to carefully observe all parties involved in a traffic accident, paying particular attention to the behavior, attitude, speech, physical condition, balance and other characteristics that may indicate impairment on the part of driver.
 - b. If signs of impairment are observed, the officer will, at the conclusion of the traffic accident investigation, conduct a criminal investigation to determine if probable cause for DUI exists.
 - c. When probable cause for DUI exists, the driver will be arrested.
- K. Investigative/Reporting Methods
1. The "State Accident" report form will be the only form used by the Watertown Police Department to document traffic accidents occurring within the city limits of the City of Watertown.
 2. Officers will investigate and document on the "State Accident" report form, all traffic accidents which involve at least one motor vehicle within a trafficway (includes the entire area within the right of way) or outside the trafficway if control was lost within the trafficway and which meet the criteria in sections a-f below.
 - a. Bodily injury to or the death of any person.
 - b. Any property damage to an apparent extent of one thousand dollars or more to any one person's property or two thousand dollars per accident.
 - c. A violation(s) of Section(s) 32-34-3, 32-34-6, and/or 32-23-1, South Dakota Codified Law.
 - d. Hazardous material incidents, involving the actual/suspected release of toxic substances into the environment, or other unusual conditions, which pose a significant threat to public safety.

- e. Accidents, which result from the commission of a criminal offense (robbery, auto theft, etc.) or from any pursuit.
 - f. In the event of a traffic accident meeting the criteria outlined in sections a-f above, the "State Accident" form will be filled out completely, on both sides including the use of the overlay, a diagram, and a narrative.
 - g. Officers should complete reports within 2 days or by the end of business on the day before their days off, whichever ever comes first.
 - h. Officers will issue red tags with the Vehicle Identification Number (VIN), date, and their name noted on the tag.
 - i. Officers will advise citizens to contact WPD records personnel during business hours to obtain a copy of the accident and of any fee required to obtain the copy.
3. Officers will investigate and document on the "State Accident" report, traffic accidents which occur within the city limits, within a traffic right of way or outside the trafficway if control was lost within the trafficway and which do not include any of the criteria specified in section 1 above, but do involve:
- a. Damage to any vehicle or other property in an apparent amount of less than one thousand dollars to any one person's property or less than two thousand dollars per accident.
 - b. Damage incurred to any vehicle upon removal of a vehicle from traffic by towing when a Watertown Police Officer requested the tow.
 - c. Serious, potentially violent arguments, disturbances or confrontations involving principles or other persons present at the scene. This information will be noted on an Incident Report Form. (If such altercations involve the commission of a criminal offense, or enforcement action, preparation of "Offense/Incident/Arrest" reports may also be required.)
 - d. Accidents meeting the criteria of this section will be documented on the "State Accident" report form but it will not be necessary to use the overlay to complete the boxes on the form margins.
 - e. Officers should complete reports within 2 days or by the end of business on the day before their days off, whichever ever comes first.
 - f. Officers will issue red tags with the VIN number, date, and their name noted on the tag.
 - g. Officers will advise citizens to contact WPD records personnel during business hours to obtain a copy of the accident and of any fee required to obtain the copy.
4. In the absence of investigative criteria specified above, where traffic accidents occur entirely on private property, Officers may, if requested by a party involved or if in the officer discretion one is needed:
- a. Complete only those sections of "State Accident" report titled "LOCATION", "UNIT 1" and "UNIT 2", and the Officer and Agency information boxes on the back of the form.
 - b. Informational boxes specifically for Commercial Vehicles in the sections titled "unit 1" and "unit 2" do not need to be completed.
 - c. Officers will issue red tags with the VIN number, date, and their name noted on the tag.
- L. Accidents Involving City Vehicles
1. Police Department - if a WPD Officer is operating a vehicle owned by the City and is involved in an accident within the City, the guidelines below will apply:
- a. The South Dakota Highway Patrol will be requested to investigate the accident if there are injuries.
 - b. The South Dakota Highway Patrol will be requested to investigate the accident whether or not the accident occurs on private or public property, if the estimated damage to property other than City owned property exceeds \$1,000.
 - c. The Codington County Sheriffs Office may be requested to investigate the accident whether or not the accident occurs on private or public property, if the estimated damage to property other than city owned is less than \$1,000 and if the on-duty Shift Commander opts to after carefully considering the totality of the circumstances and a Trooper from the South Dakota Highway Patrol is not readily available.
 - d. The South Dakota Highway Patrol or other appropriate law enforcement agency will investigate those accidents occurring outside the City limits.
 - e. A sworn police supervisor will investigate minor accidents involving only City property, no injury, and/or damage to non-City owned property in the estimated amount of \$1,000 or less.
 - f. Mishap reporting and Drug testing will be undertaken as governed by City policy.

