

## Traffic Crashes

### 409.1 VERSION

Review Date	Effective Date	Approving Authority
07/09/2021	07/09/18	Kelley Warner, Chief of Police

### 409.2 POLICY AND PURPOSE

It is the policy of the Harrisonburg Police Department to investigate traffic crashes, to determine whether these crashes were caused by traffic violations, and to prosecute these violations.

### 409.3 ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this policy. Responsibility rests with the supervisor to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated. This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

### 409.4 DEFINITIONS

**Crash** - A vehicle incident occurring either on or off a public highway, involving one or more vehicles, which results in property damage, personal injury or death.

**TREDS** – Traffic Records Electronic Data System; the manner by which the Department submits crash data to the Department of Motor Vehicles.

### 409.5 RESPONSE

Generally, the officer initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

#### 409.5.1 OFFICER RESPONSIBILITIES

Upon arriving at the scene, the responding officer should consider and appropriately address:

- (a) Traffic direction and control.
- (b) Proper placement of emergency vehicles, cones, roadway flares or other devices, if available, to provide protection for members, the public and the scene.
- (c) First aid for any injured parties if it can be done safely.
- (d) The potential for involvement of hazardous materials.
- (e) The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, hazardous materials response, tow vehicles).
- (f) Clearance and cleanup of the roadway.

# Harrisonburg Police Department

## Policy Manual

### Traffic Crashes

---

- (g) Protection of the accident scene for evidence preservation when required.
- (h) Maintain safety, control and order of all involved parties

#### 409.5.2 SUPERVISOR RESPONSE

A supervisor should be called to the scene when the incident:

- (a) Is within the jurisdiction of this department and there is:
  - 1. A life-threatening injury.
  - 2. A fatality.
  - 3. A City vehicle involved.
  - 4. A City official or employee involved.
  - 5. Involvement of an on or off-duty member of this department.
- (b) Is within another jurisdiction and there is:
  - 1. A City of Harrisonburg vehicle involved.
  - 2. A City of Harrisonburg official involved.
  - 3. Involvement of an on-duty member of this department.

#### 409.5.3 TRAFFIC CRASH INVESTIGATION

- (a) The Harrisonburg Police Department will have primary responsibility for the investigation of all crashes within the City of Harrisonburg.
  - 1. Crashes occurring on James Madison University property or on Interstate 81 will be investigated by JMU PD and the Virginia State Police (VSP) respectively, unless requested or if a city vehicle is involved.
- (b) In those cases where a State owned vehicle is involved, the responsibility will be with the Virginia State Police (VSP).
  - 1. In the event that a trooper is not able to respond, the Department officer(s) handling the crash investigation shall complete the FR-300 Crash Report.
  - 2. The Department reporting officer will meet with a trooper when one is available and provide the trooper with a copy of the completed FR-300 and any other pertinent information that will assist the VSP member in completing the required VSP Department report(s).
- (c) Commercial motor vehicle crashes may require assistance from a trained HPD Motor Carrier Safety Inspector to determine what safety problems may have contributed to the crash.
- (d) As a courtesy to outside jurisdictions, the investigating officer for all crashes involving non-City of Harrisonburg government vehicles, shall complete a FR-300.

#### 409.5.4 PROTECTING PERSONAL PROPERTY OF CRASH VICTIMS

- (a) The officer assigned to investigate a crash will be responsible for securing and protecting the property of victims at the scene of a crash.

# Harrisonburg Police Department

## Policy Manual

### Traffic Crashes

---

- (b) Generally, a crash victim's personal property will be secured or handled in the following ways:
1. If the victim is conscious and capable of controlling his/her property, such items shall be given to the victim(s) or turned over to Rescue Squad personnel in the presence of the victim to accompany the victim to the hospital.
  2. Items of significant value (e.g. jewelry, cash, etc.) and firearms will be held for safekeeping in the evidence room. Larger items, clothing, electronics, tools, etc., or similar items will be left with the vehicle when towed, after being noted on the Tow Form.
  3. If the victim is deceased, the officer shall take custody of his/her personal property and turn it into the Evidence Unit after the scene has been processed. All items of personal property that are on the deceased (e.g. wallets, large sums of money, expensive jewelry, etc.) will be left in place when the body is transported to Sentara Rockingham Memorial Hospital Emergency Room unless a family member is on location to safe guard the property. The family member's information will be noted on the Incident Report, as well as, all of the property that was on the deceased.
  4. The victim's vehicle and any remaining contents shall be towed and stored in accordance with the Department's Tow Policy. Once the towing company takes custody of the vehicle, the vehicle and its contents become the responsibility of the towing company.
  5. When a commercial vehicle wrecks and its cargo is released or becomes insecure, the investigating officer shall notify the shift supervisor who will notify the carrier or property owner to make arrangements to have property secured.

#### **409.6 NOTIFICATION**

If a traffic crash involves a life-threatening injury or fatality, the responding officer shall notify a supervisor or, if unavailable, the Patrol Commander. The Patrol Commander or any supervisor may request the Accident Reconstruction Team or other appropriate personnel to investigate the incident. The Patrol Commander will ensure notification is made in accordance with the Major Incident Notification Policy.

##### **409.6.1 NOTIFICATION OF FAMILY**

In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with the department chaplain or another suitable person. Notification should be made as soon as practicable following positive identification of the victim (Va. Code § 32.1-309.1).

The identity of any person seriously injured or deceased in a traffic crash should not be released until notification is made to the victim's immediate family.

#### **409.7 MINIMUM REPORTING REQUIREMENTS**

A crash report shall be taken when:

# Harrisonburg Police Department

## Policy Manual

### Traffic Crashes

---

- (a) A fatality, any injury (including complaint of pain), driving under the influence or hit-and-run is involved (Va. Code § 46.2-894).
- (b) The crash results in a collision with an unattended vehicle and/or damage to property other than a vehicle and the owner of that vehicle or property cannot be located (Va. Code § 46.2-896).
- (c) There is property damage of at least \$1,500 (Va. Code § 46.2-373).
- (d) An on-duty member of the City of Harrisonburg is involved.
- (e) The crash results in any damage to any City-owned or leased vehicle.
- (f) The crash involves any other public agency driver or vehicle.
- (g) There is damage to public property.
- (h) Prosecution or follow-up investigation is contemplated.
- (i) Directed by a supervisor.
- (j) Involving a pedestrian, bicycle, or other transportation method (other than motor vehicle).

#### 409.7.1 PRIVATE PROPERTY

If the traffic crash occurred on private property, a report need only be taken if the traffic offense falls under Va. Code §46.2-894 - 46.2-899.

#### 409.7.2 CITY VEHICLE INVOLVED

A traffic crash report shall be taken when a City vehicle is involved in a traffic crash that results in property damage or injury.

A general information report may be taken in lieu of a traffic crash report at the direction of a supervisor when the incident occurs entirely on private property or does not involve another vehicle. The employee operating the vehicle shall complete a memorandum detailing the events and forward it through the appropriate chain of command.

Whenever there is damage to a City vehicle, a vehicle damage report (Air-table) shall be completed and forwarded to the appropriate Commander or designee. Photographs should be taken of the scene and the vehicle damage.

#### 409.8 INVESTIGATION

When a traffic crash meets minimum reporting requirements, the investigation should include, at a minimum:

- (a) Identification and interview of all involved parties.
- (b) Identification and interview of any witnesses.
- (c) A determination of whether a violation of law has occurred and the appropriate enforcement action.
- (d) Identification and protection of items of apparent evidentiary value.

# Harrisonburg Police Department

## Policy Manual

### *Traffic Crashes*

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- (e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence, reporting) on the appropriate forms.

#### **409.9 ENFORCEMENT ACTION**

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the crash, officers may issue a summons or arrest the offending driver, as appropriate.

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

#### **409.10 EXTREME WEATHER POLICY**

In cases where extreme weather conditions cause numerous traffic crashes in a short time period, the Department will only respond and investigate those crashes that involve significant immobilizing damage, block the highway or cause personal injury.

The shift supervisor will contact ECC and implement this policy at his/her earliest convenience when inclement weather conditions make it unsafe for officers to respond to crashes. The ECC will advise motorists to exchange information and report the minor crashes to their insurance company.

#### **409.11 POLICE VEHICLE CRASH INVESTIGATION**

It will be the responsibility of the on-duty supervisor to conduct any investigation of an officer involved crash. If the supervisor is involved, any supervisor of the same rank or above will be called to investigate the crash. The investigating supervisor will be tasked to determine the facts of the investigation or whether or not the crash was preventable. The Harrisonburg Police Department Police Vehicle Crash Investigation Report ( 242- Police Crash Investigation Report.pdf ) will be utilized as a guide to require investigative actions, to include:

- (a) Submitting photos
- (b) A Crash Report (FR300)
- (c) Employee's written statement
- (d) VML Judging Accident Form ( Judging Vehicle Accidents Effectively fillable pdf.pdf )
- (e) Investigation Report/Findings
- (f) Drug/Alcohol Testing if there is disabling damage, injury or death (<http://citycentral.harrisonburgva.gov/sites/default/files/hr/Policies/Section%2011%20-%20Alcohol%20and%20Controlled%20Substances%20-%202019-07-01.pdf>)
- (g) Blue Team entry
- (h) Email recent Vehicle Inspection Forms (from Guardian)
- (i) Repair estimate if under \$3,000

# Harrisonburg Police Department

## Policy Manual

### Traffic Crashes

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- (j) Workers comp report if injured

If a supervisor needs additional guidance, they can contact the Senior Program Support Specialist.

#### 409.11.1 FOLLOW-ON ACTION-PREVENTABLE CRASHES

If the crash is determined to be preventable, the reviewing Commander shall conduct an inquiry for the purposes of determining whether there was any violation of statutes, ordinances, policies or regulations. The Commander will forward their recommendation and findings along with the supervisor's report to the Harrisonburg Police Department's Safety Committee. The committee will review the case and forward its recommendations of remedial or disciplinary actions to the Chief of Police and to the Professional Standards Unit.

The course of action will be documented in Guardian under the confidential folder to Professional Standards.

#### 409.12 REPORTS

Officers shall utilize forms approved by the Department of Motor Vehicles as required for the reporting of traffic crashes.

Traffic crash reports shall include (Va. Code § 46.2-373):

- (a) The name or names of the insurance carrier or the insurance agent of the automobile liability policy on each vehicle involved in the crash.
- (b) The speed of each vehicle involved in the crash.
- (c) The types of vehicles involved in all crashes between passenger vehicles and vehicles or combinations of vehicles used to transport property.
- (d) Whether any trucks involved in such crashes were covered or uncovered.

The Harrisonburg Police Department uses the TREDIS system to record the facts on all reportable and certain non-reportable crashes. If criminal violations are also involved in the traffic crash, an IBR Incident Report shall also be completed. All FR-300's will be reviewed by the shift supervisor. After supervisor approval, a written, approved FR-300 will be sent to the Records Unit.

#### 409.12.1 REPORT MODIFICATION

Crash reports go through several stages of processing before they are considered complete and final. During these processing stages, officers may be required to revise their reports to ensure they accurately reflect the details of the crash events and that they conform to state and jurisdictional reporting requirements.

Some common stages where crash reports need to be revised include:

- (a) When you submit a crash report with an error and realize it needs to be corrected
- (b) When a supervisor rejects a crash report due to errors or omissions
- (c) When a supervisor-approved crash report (that is, a report already sent to DMV for final processing) is incorrect due to new or changed information about the crash

# Harrisonburg Police Department

## Policy Manual

### *Traffic Crashes*

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- (d) When a supervisor-approved crash report is incorrect due to errors that prevent DMV from processing it

A change or modification of a written crash report must be done at the direction of or with permission of a supervisor. The officer must log into TRENDS, find the original report, and create a new report from the original using the "open as a template" function. The new report will then be submitted for supervisor view and approval.

Officers who need guidance on the steps in the modification process, can reference "Revising Crash Reports in ReportBeam-Quick Guide on the Self-Help Resources Page. ( Revising Crash Reports in ReportBeam-Quick Guide.pdf )

#### 409.12.2 TRAFFIC SUPERVISOR RESPONSIBILITIES

The responsibilities of the Traffic Supervisor include, but are not limited to:

- (a) Ensuring the monthly and quarterly reports on traffic crash information and statistics are forwarded to the Special Operations Commander or other persons as required.
- (b) Ensuring that the crash report is filed with the VSP within 24 hours after the investigation is complete (Va. Code § 46.2-373).