

# **SANTA CLARA POLICE DEPARTMENT GENERAL ORDER 61.2**

## **TRAFFIC COLLISION INVESTIGATION**

**ISSUED APRIL 2006**

---

### **61.2.1 Collision Reporting and Investigation**

It shall be the policy of the Santa Clara Police Department to respond to all reported traffic collisions to provide assistance and to determine the need for formal reporting.

When an officer is called to the scene of a collision or when an officer comes upon a collision in the course of his/her patrolling, he/she shall prepare a collision report, regardless of the severity, if requested by the parties involved.

When a citizen reports a collision in person to the front desk or to the Traffic Division, a report shall be made if the citizen can show the other party's name, or if it is a hit and run.

Reports required to be taken shall be completed on the CHP 555 report in accordance with the policies and procedures set forth in the California Highway Patrol Investigation Manual 110.5 for the Statewide Integrated Traffic Records System (SWITRS). Certain reports (involving two or less vehicles, no injuries or prosecution desired, or hit and run without possible follow-up) can be taken on CHP 555-03 Property Damage Only report.

The 'investigative' format shall be used under the following conditions:

- All collisions resulting in death, injury or momentary unconsciousness excluding complaint of pain where all parties decline medical attention.
- All collisions involving a violation of 20001 or 20002 CVC or driving under the influence of alcohol, drugs, or combination thereof, occurring on public or private property.
- All school bus collisions without pupils on board (the California Highway Patrol is required to investigate all school bus collisions with pupils on board).
- All collisions involving City vehicles, City property, or where the possibility of City liability may exist.
- All collisions where the officer wishes to issue a citation.
- Any collision the officer or supervisor deems necessary, including those involving hazardous materials or those occurring on private property.

The 'report' format may be used in the following circumstances:

- Hit and run (20002 CVC) with no workable information.
- Officer observes property damage only collision, and issues a citation at the scene.
- Complaint of pain without visible sign of injury, medical attention is declined by all parties and emergency hospital treatment is not given.

## 61.2

When a dispute arises in the field over any of these procedures, a supervisor should be summoned to the scene.

### 61.2.2 Response to Collisions

#### Policy:

It is the policy of this Department to respond to traffic collisions, render emergency aid, manage the scene, collect data, and document traffic collision information.

#### Response:

For the purposes of this section, the term “officer” refers to either a Community Service Officer or a Police Officer.

Upon receipt of a report of a traffic collision, Communications shall obtain information regarding the location, type and severity of injuries, traffic blockage, and any other information required for appropriate response.

Motor officers assigned to the Traffic Unit will have primary responsibility for injury-collision reporting and investigation (when on-duty). When a motor officer is not available, a patrol officer shall be assigned to respond.

Whenever possible, non-injury accidents shall be investigated by CSO’s. If a CSO is not available, a motor officer will respond. If a motor officer is not available, a patrol beat officer will be assigned.

Officers will respond to all traffic collision incidents. Every vehicle collision resulting in the following, including those which have occurred on private property, shall be investigated:

- Death or injury\*
- A hit and run
- An impairment of the operator due to alcohol or drugs
- Damage to public vehicles or property
- Hazardous material spill
- A disturbance between principles
- Major traffic congestion as a result of the collision
- Damage to the vehicle(s) to the extent towing is required.

\*Injury is defined as any non-fatal bodily harm received from a motor vehicle collision. Injury includes:

- Bleeding wound, a distorted member or any condition that requires the victim to be carried from the scene of the collision.
- Other visible injuries such as bruises, abrasions, swelling, limping or other painful movement.

- Complaint of pain without visible signs of injury, or momentary unconsciousness.

### **61.2.3 Collision Scene Responsibilities**

#### Scene Management

The first officer to arrive at the scene of a collision shall assume the responsibilities of Scene Manager until relieved by the assigned officer or other competent authority. Collision scene management includes, but is not limited to:

- Identifying/dealing with injured persons, administering emergency medical care and providing basic life support.
- Summoning the Fire Department, paramedics or additional assistance (i.e. officers, specialized personnel from City departments, other agencies, tow trucks, etc.).
- Securing the scene and, if a fire hazard exists, requesting the assistance of the Fire Department.
- Protecting the scene (use of flares, traffic cones, barricades).
- Preserving evidence.
- Establishing a safe traffic pattern around the scene.
- Locating and identifying witnesses and recording collision information.
- Expediting the removal from the roadway of vehicles, persons, and debris (when the removal will not interfere with the investigation).

#### Hazardous Material Involvement

The Santa Clara Fire Department is responsible for the collision scene management at any hazardous or toxic material spill, or related fire hazards. Pending the arrival of Fire Department personnel, the police will be responsible for any required emergency action.

Following arrival of Fire Department personnel, officers will assume a support role of assisting the Fire Department with perimeter control, establishing access routes for emergency equipment, and assisting in evacuations of non-contaminated areas.

When there is a hazardous or toxic material(s) spill, the immediate potential of a spill, or a related fire hazard, the following procedures are recommended:

- Report the incident as a possible hazardous material incident; give the exact location and request assistance.
- Stay up-wind and up-grade.
- Isolate the area of non-essential personnel.
- Avoid contact with liquid or fumes.
- Eliminate ignition sources (smoking, flares, running engines).
- When possible, identify materials without undue risk of exposure/contact.
- Initiate evacuation - from down-wind first.

## 61.2

- Select an up-wind site for assembly of evacuated persons and report the location of the site to Communications.

### Collision Scene Information Collection

Each driver and all witnesses will be interviewed by the investigating officer(s). All pertinent information will be obtained from all drivers and witnesses. The officer(s) will record all statements in detailed notes. The officer will permanently record all information on the appropriate traffic collision report form.

Investigating officers will examine each vehicle involved in the collision and determine the location of any damage. This information will be recorded on the report form.

Roadway damage, damage to signs, signals, or other equipment, as a result of the collision, will be documented on the collision report form. The appropriate agency will be notified to have the condition repaired or removed.

Investigating officers will check the collision scene for any items or markings that will assist in determining the cause of the collision, or identifying the vehicles or drivers. This may include, but is not limited to: debris, vehicle parts, paint, items carried on the vehicle and scattered, fibers or hairs, tire prints, footprints and fingerprints.

When appropriate, officers will obtain measurements. The measurements will include:

- The position of the vehicles on the roadway
- The position of any bodies
- The location and length of any skid marks
- The widths and lane divisions on the roadway
- Signs of maximum engagement
- Roadway defects and gouges
- Location of any obstructions
- Other pertinent evidence

When appropriate, officers will coordinate the taking of photographs with an evidence technician. Officers will note any photographs taken on the collision report. The exposed film will be placed into the film locker in the evidence room.

### Use Of Expert And Technical Assistance

Motorcycle officers, Traffic investigators or other department officers will be utilized according to their expertise and training.

When appropriate, the Lieutenant in charge of Traffic may approve the use of outside experts, which may include, but is not limited to:

- Reconstruction experts

- CHP vehicle inspection team (MAIT)
- Skid experts
- Traffic engineering
- Photographic personnel

When appropriate, reconstruction and skid analysis will be done by qualified Traffic Unit personnel.

#### **61.2.4 Follow-up Investigations**

The Traffic Investigators review all traffic collision reports, and perform the following duties:

- Verify accuracy of all traffic collision reports.
- Follow-up on hit and run collisions where information is available.
- Arrange for the mailing of citations to drivers in violation of the law when the citation was not issued at the scene.
- Maintain a logbook of all hit and run collisions.
- File all applicable felony and misdemeanor complaints with the District Attorney's office.

Maintenance of equipment for collision investigations is the responsibility of the Traffic Investigators. This equipment shall be contained in a case kept in the Traffic office.

Any witness, leaving the collision scene prior to the police arriving and who can be identified, will be contacted for a statement. When the statement is obtained, it shall be attached to the collision report. If any witness is not contacted, witness information will be documented in the collision report and noted with "no contact". The Traffic Investigators shall contact the witness(es) and obtain their statement(s). The statement(s) will be attached to the collision report.

All information collected by the Traffic Investigators subsequent to the original collision report shall be included in a formal supplemental report. The supplemental report shall be attached to the original collision report.

#### **61.2.5 Control of Property Belonging to Victims**

When it is not practical for personal property to accompany its owner and the owner does not authorize other disposition, the property shall be taken into safekeeping, be properly tagged, and placed into an evidence locker. The disposition of any property taken into police custody shall be documented in the report.

#### **61.2.6 Collision Classification System**

The Santa Clara Police Department complies with the statewide collision classification system, as set forth in the CHP Collision Investigation Manual.

#### **61.2.7 Collisions Involving Department Vehicles**

## 61.2

A member of the Department involved in a traffic collision or incident resulting in any damage or injury whatsoever to a City owned vehicle, or other property, or to a Department member or any other person, while operating a Department vehicle, shall notify their supervisor immediately. This notification shall be done so that the required investigation and reports may be made in a timely manner by the Department member, supervisors, and assigned investigative unit. At no time shall the assigned investigative unit be an involved party to the collision or incident.

The following procedures shall be used as a guide for the proper investigation, documentation, and notification of the collision or incident:

- Any involved Department member shall accurately and thoroughly document the collision or incident on the appropriate report form. This form or report may include, but not be limited to, an Interoffice Memorandum, Supplementary Collision Report form, Vehicle and Equipment Damage Report and/or Injury Report form.
- A supervisor shall respond to the scene of the collision to insure that the appropriate procedures are followed, photographs are taken, and the necessary reports in accordance with the provisions of this manual and/or City Manager Directives are made.
- The immediate supervisor for the involved Department member shall provide a written review of the collision or incident, and shall establish responsibility, if possible, and make recommendations, when appropriate, to minimize or eliminate the recurrence of the collision or incident. The review should also indicate what action was taken with the employee (counseling, warning, reprimand, etc.).
- A Division Lieutenant for the involved Department member shall review and submit the completed reports and documents of the collision or incident, and shall present a written evaluation and recommendation to the Division Commander.
- The Division Commander will then review the reports and documents and forward the documents to the Chief's office along with a recommendation.
- Copies of such reports and/or documents, when appropriate, will be sent to the City Attorney's Office for their review. Based on the documents and information presented, the City Attorney shall determine the action to be taken on behalf of the City in handling claims for or against the City, arising from the collision or incident.
- A copy of the collision report and Vehicle and Equipment Damage Report, along with other pertinent documents and photographs, shall be forwarded to the Vehicle and Equipment Collision Review Committee of the City of Santa Clara for their evaluation. Refer to [CMD #45](#).

The procedure set forth in this section shall be followed in the event an on-duty Department member is operating any vehicle, regardless of its ownership or origin.

Procedures are additionally outlined in [CMD #2](#) "Procedures for Reporting Injuries and Property Damage." Refer to that directive for details.

Collisions with death or serious bodily injury to another, involving Department vehicles, equipment, or on-duty members of the Department:

Notwithstanding any other section or procedure set forth in the manual, the following guidelines shall be followed for the investigation and documentation for injury or fatal collisions which involve Department vehicles, equipment or on-duty members of the Department:

- Injury or fatal collisions involving Department vehicles or equipment, subject to the laws and rules of the California Vehicle Code, or any vehicle operated by an on-duty member of the Department within the City of Santa Clara, shall be investigated by the California Highway Patrol. The Highway Patrol shall also investigate collisions of a controversial nature, if an on-duty Department member is involved. If the Highway Patrol is conducting an investigation into the collision, the Santa Clara Police Department **will not** do an investigation.
- The Highway Patrol shall have no such duty to investigate collisions involving on-duty personnel from other City departments.
- A Traffic supervisor for the Department shall be notified immediately of any such collision. The Traffic supervisor shall determine, based upon the information available, whether or not the Traffic Unit investigative team or member will respond to monitor the investigation.
- It shall be the responsibility of the on-duty Watch Commander, or watch supervisor in the absence of a Lieutenant, to insure the proper notification of the California Highway Patrol and Traffic supervisor.
- The Watch Commander or supervisor shall also be responsible for the collection and preservation of a sample of the involved Department member's blood or urine, as described below.
- The involved Department member shall be required to provide a sample of their blood or urine at the direction of the Chief or his/her designee, in any traffic collision involving an employee operating a City-owned vehicle which results in death of another, or any traffic collision involving an employee operating a City-owned vehicle which results in serious bodily injury to another, and the employee appears to be the proximate cause of the collision.

("Designee" is defined as any sworn Santa Clara Police officer with the rank of Assistant Chief, Captain, Lieutenant or Sergeant.)

("Serious bodily injury" is defined as a serious impairment of physical condition, considerably beyond a complaint of pain or minor injury that requires immediate professional medical treatment at a hospital or similar facility.)

- A Department member shall be required to provide a sample of his/her blood or urine at the direction of the Chief of Police or his/her designee in all other collisions involving the operation of a City-owned vehicle, wherein the Chief of Police or his/her designee has a reasonable belief, based upon objective symptoms, that an employee is in violation of the Department's policy on the use of drugs or alcohol.

(Any verbal order to submit to a blood or urine test based upon such a reasonable belief shall set forth the reasons for the test(s) and shall be followed at the time the test is administered by a written statement of the order. The order shall also be consistent with the employee's [MOU](#)).

## 61.2

- All tests required under this Section shall be administered in a medically approved manner and as soon as practical after being ordered, but no later than six (6) hours after the incident, whether the Department member is off duty or on duty at the time of the occurrence.
- Nothing in this Section shall prevent any Department member from voluntarily requesting or providing a chemical sample if deemed appropriate by the member.
- The Department member shall also provide a written statement of the details of the collision, and this should accompany other documents and reports set forth in this manual.
- No written or oral statement, according to City policy, shall be provided to the California Highway Patrol at the scene, or immediately following the collision. A written or oral statement of the details of the collision may be provided to them only after a review of the collision by the City Attorney's Office.
- The results of the investigation may be forwarded to the District Attorney's Office for evaluation.

### **Accident Review Committee**

The function of the Vehicle and Equipment Accident Review Committee is to review all accidents and incidents involving damage to or caused by City-owned automotive equipment or property and to determine the cause of and the responsibility for the accident.

The Committee makes appropriate recommendations and findings with the aid of the actions and opinions of the department involved.

In order to provide the Committee with sufficient information to make appropriate recommendations and findings, the reports submitted by the involved Department must be thorough and reflect the actions taken as a result of the damage.

Department members shall not make statements at the scene of an accident, nor shall they admit liability or discuss the accident except with the City Insurance Representative, City Attorney, or as directed in this manual or City Manager's Directive.

### **Responsibility**

#### Supervisor or Watch Commander

- See that the Vehicle-Equipment Damage form is completed with the aid of the involved employee.
- Complete supplementary reports if necessary to explain fully the damage incident and to submit an opinion as to the employee's responsibility or negligence.
- Indicate any action taken with the employee (example: counseling, warning, verbal reprimand).
- Submit copies of all reports to the Division Commander concerning the damage.

#### Division Commander

- Review reports and indicate clearly an opinion as to employee responsibility or negligence. Submit recommendation and any action taken at division level with the employee as a result of the damage.
- Submit all reports and supplements to the Department Head.

Police Chief

- Reviews reports and completes Department Head section based on investigation and recommendations submitted.
- Forwards completed reports to Vehicle and Equipment Damage Review Committee.