



COTTAGE CITY POLICE DEPARTMENT

GENERAL ORDER

SUBJECT: **ACCIDENT INVESTIGATION**

NEW REVISED RESCINDS

APPROVED: *GM*
GEORGIA MILTENBERGER
ACTING CHIEF OF POLICE

Effective Date 8/22/2018

I. POLICY

- A. It shall be the policy of the Department to respond to the scene of traffic accidents occurring within Cottage City and areas under contract that involve:
1. Death or injury;
 2. Hit-and-Run accidents that just occurred or those that occurred earlier and the striking vehicle or struck vehicle has not been moved, or if there is a witness or other evidence from which an officer can initiate an investigation;
 3. Impairment of an operator due to alcohol or drugs;
 4. Damage to publicly-owned vehicles or property;
 5. Hazardous materials;
 6. Disturbances between principals involved;
 7. Major traffic congestion as a result of the accident; or
 8. Damage to vehicles to the extent towing is required.

- B. One or more officers should respond quickly, but safely to the scene, in accordance with the designated response code, to provide emergency services, investigate the accident, record short-lived evidence, and restore the normal flow of traffic.
 - 1. In less serious accidents, officer response will be dictated by workload and availability of officers.
 - 2. The first officer on the scene will assume command of the scene and will direct other responding officers to locations to assist with traffic/crowd control, etc.
 - 3. The first officer on the scene will relinquish command of the scene when a higher ranking officer arrives on the scene.
 - 4. In the event a PGPD specialized unit, e.g. Accident Reconstruction Team, is called to the scene, command will shift to the highest ranking officer from that unit.

II. PROCEDURES AT THE ACCIDENT SCENE

- A. The first officer on the scene will identify the number, location, and nature of injured persons and administer emergency medical care. The officer will, if needed, provide basic life support, (monitor breathing and control bleeding), or begin advanced life support, (treat for shock, begin CPR, etc.).
- B. If injuries are sustained, summon an ambulance/medic unit through communications, describing for the dispatcher in as much detail as possible, the number of persons injured, nature and severity of injuries, and whether anyone is "pinned" (a part of the vehicle has pierced or impaled an occupant so that the person cannot exit the vehicle), or "trapped" (an occupant has not been pierced or impaled, but vehicle damage prevents this person from exiting the vehicle). This procedure ensures that Fire/Rescue responds with the proper equipment to deal with the scene.
 - 1. Fire/Rescue personnel often recommend that police officers not move accident victims from vehicles if neck and/or back injuries are claimed.
 - 2. A victim's neck and back must be kept in a relatively straight line, and must not be moved until a backboard (carried by ambulance personnel) can be secured to the victim, and traction can be applied.
 - 3. An exception to this procedure would be in life-threatening emergencies such as a vehicle is on fire or the administering of CPR is necessary.

4. Fire/Rescue personnel also recommend that in the event "live" wires are atop a vehicle, the officer should have the occupants stay in the vehicle, and make no attempt to get out.

If an emergency occurs, the car catches on fire, the officer should advise the occupants to jump from the vehicle, one at a time, in such a motion that ensures that both of the occupant's feet leave the vehicle simultaneously, and land on the ground simultaneously, and as far away from the vehicle as possible.

5. Officers providing basic or advanced life support are encouraged to wear rubber "examination" gloves, especially when attempting to control bleeding.
- C. Officers approaching or arriving on the scene will identify actual and potential fire hazards, and will immediately communicate this information to Fire/Rescue via communications.
1. When communicating the nature of the fire hazard to communications, officers will be specific in order to ensure an appropriate level of fire apparatus response. Examples of hazards include:
 - a. Leakage of fuels and/or other flammable liquids;
 - b. Smoke and/or fire visible;
 - c. Strange odor(s) coming from the vehicle; and/or
 - d. A "hissing" noise or any other type of noise that would indicate the possibility of an explosion.
 2. If a hazard is detected, officers should consider one or more of the following, as necessary and appropriate for the situation:
 - a. Request additional officers to assist with traffic/crowd control;
 - b. Shut-down the road and detour traffic around the accident scene and notify communications and the media of the road closure;
 - c. Refrain from using flares, use traffic cones if available.

- D. If hazardous materials are involved, officers should refer to their Emergency Response Guidebook to identify the material, in order to take the appropriate actions prior to the arrival of the Fire Department.
1. Officers must make communications aware of the fact that hazardous materials are involved, and what type, in order to ensure the appropriate level of Fire/Rescue and Hazardous Incident Response Team response.
 2. To ensure officer and bystander safety, follow the below listed United States Department of Transportation recommendations for "first responders":
 - APPROACH CAUTIOUSLY - resist the urge to rush in to the actual scene because police officers are not adequately equipped with self-contained breathing apparatus or protective clothing. Therefore, an officer cannot help others until the officer knows exactly what he/she is facing.
 - IDENTIFY THE HAZARDS - placards, container labels, shipping papers and/or knowledgeable persons on the scene are valuable sources of information. Officers must evaluate all of them and then consult the recommended Emergency Response Guidebook page so that no one, including the officer gets placed at risk.
 - SECURE THE SCENE - without entering the immediate hazard area, the officer should do whatever is reasonable and appropriate to isolate the area and assure the safety of the officer, other persons, and the environment. Move and keep people back and away from the scene and the perimeter. Allow enough room to move and remove necessary equipment to control the scene.
 - OBTAIN ASSISTANCE - by notifying communications to have other officers respond as necessary or as determined by protocol.
 - DECIDE ON SITE ENTRY - any efforts an officer makes to rescue persons protect property or environment, must be weighed against the possibility that the officer could just as easily become part of the problem.
 - ABOVE ALL - do not walk into or touch spilled/leaked materials. Avoid the inhalation of fumes, smoke, and vapors, even if no hazardous materials are known to exist. Do not assume that gases or vapors are harmless if no odor is present.

3. Approach the accident scene from "upwind" if possible and stay clear of all spills, vapors, fumes, and smoke.
 4. Since police officers are not equipped with protective clothing, and because fire/rescue apparatus usually arrives in five minutes or less, fire suppression and rescues should be left to properly equipped and trained fire/rescue personnel.
 5. Be cognizant of how and where the police vehicle is positioned or parked in relation to the scene because the vehicle could provide a means of ignition for a spilled/leaking substance or vapor.
 6. Consider establishing a command post until the arrival of the Fire Incident Commander, who will then assume command of the scene.
 7. Advise the on-duty shift supervisor of the situation.
 8. Avoid the use of road flares as they could provide a source of ignition. Use traffic cones if available.
 9. If a vaporous cloud is prevalent, keep bystanders as far back as possible and upwind. It may be safer to keep them inside their homes or buildings instead of evacuating them.
 10. When attempting to identify the material, refer to the inside cover and page 1 of the Emergency Response Guidebook.
- E. After the scene has been stabilized, efforts must be made to preserve short-lived evidence and to otherwise protect the scene.
1. The officer in-charge of the scene will direct where he/she wants additional officers.
 2. If the use of flares is deemed appropriate, a safe traffic pattern around the scene should be established. If flares are not appropriate, traffic cones should be used.
 3. Police vehicles should be positioned in such a manner that they sufficiently protect the scene, without unnecessarily impeding the traffic pattern established around the scene.
 4. If the accident is serious, and it is determined that the roads leading to the scene should be closed, the officer-in-charge will notify communications of the closure and direct the positioning of other officers.

5. The use of yellow roll tape to define and protect a scene should be considered if the accident will require processing.
- F. After the accident scene is stabilized and it is determined that a report is required; the investigating officer can begin to collect as much information as possible in order to begin an investigation and complete a report. Depending upon the nature of the accident, the collection of information may include:
1. Identifying the drivers and passengers;
 2. Making preliminary tests for intoxication;
 3. Locate, identify, and separate possible witnesses;
 4. Measure to locate marks on the road and debris;
 5. Measure and mark final positions - "final resting place" of the vehicle(s) involved;
 6. Measure and mark the location of bodies of person killed or incapacitated;
 7. Photograph marks and debris on the road at the scene;
 8. Photograph external damage to vehicle(s) and roadside objects;
 9. Photograph final positions of vehicle(s);
 10. Make an attempt to match tires to tire-marks on the roadway;
 11. Examine the condition and functioning of traffic control devices and other road equipment;
 12. Make a preliminary examination of the condition of vehicle equipment, i.e., lamps, tires, steering gear;
 13. Make an attempt to match damage of vehicle(s) to marks on the road, and damage on vehicle to that on another;
 14. Examine occupant restraints for function; (seatbelts/airbags)

15. If, upon the officer's arrival, the accident is determined to be a minor property damage accident, the officer should have the involved parties move their vehicles to a safe location nearby where the officer can assist with an exchange of information and collect the necessary information for a City Accident Report.
- G. In accidents of a serious or complex nature requiring an in-depth investigation, a brief account will be obtained at the scene, and subsequently a formal and comprehensive statement should be taken at a more suitable location, preferably Department facilities. (CALEA 61.2.4)
1. Officers will question persons connected with the accident as soon as practical after the accident; however, the questioning of a particular person may be delayed until he/she has received medical attention, regained emotional stability, or attended to other urgent personal business.
 2. When interviewing persons connected with the accident, the interviewing officer(s) will be objective and exhibit stability, diplomacy, and understanding.
 3. Interviewing officers will reflect a professional attitude and demeanor, and avoid conflict, profanity, and sarcasm.
 4. The interviewing officer(s) should be alert to any physical or emotional impairment (temporary or permanent) which may have affected the person's driving ability. This will include, in particular, being alert to evidence of alcohol and/or drug impairment.
 5. Officers should question drivers about the point at which danger was perceived and what the driver was doing at that point, any evasive action taken, etc.
 6. Vehicle occupants, although not "independent witnesses", should still be questioned about their seating position and what they saw.
 7. A significant challenge for the investigator is to determine whether deficiencies noted in the vehicle existed prior to the accident, contributed to the accident, were a result of the accident, or merely a circumstance that was present but not a contributing factor.
 8. The investigating officer(s) will check and record the damage obviously sustained in the collision of each vehicle. A thorough examination and evaluation of the damaged areas may coincide with other evidence and statements as to how the accident occurred.

9. During the course of the investigation, officers should consider checking and recording the following, as the situation warrants:
- **TIRES** - should be checked for proper inflation, tread-wear, and any indication of "blow-out". Sidewalks should be checked for recent scrapes, cuts, or marks which would indicate breaking or a sideward sliding action of the vehicle. Wheels should be checked for recent damage, marks and dents.
 - **LIGHTS** - should be checked to determine if they were on or off during the accident, if they were functional, and the position of their switches.
 - **GLASS** - should be checked for proper visibility, including windshield and all windows, for evidence of any impairment to the driver. The glass should be checked immediately (and should be considered "short-lived" evidence) for obscuration due to fogging, snow, or frost. The glass should also be checked for discoloration, and stickers which may have created view obstructions.
 - **INTERIOR** - should be checked for any loose material that may have interfered with the driving ability of the driver.
 - **MIRRORS** - should be checked to ensure their presence and overall conditional and effectiveness.
 - **FRAME AND BODY** - should be checked for any indication of alterations in the frame, suspension, and steering.
 - **CONTROLS** - should be checked and their condition noted relative to the position of the gear shift lever, position of accessory switches, light switches, speedometer, proper operation of pedals, horn, condition and presence of seatbelts, and the presence and condition of sun visors.
 - **FAULTY EQUIPMENT** - should be noted if it warrants a more in- depth examination, and the vehicle should be impounded and a "hold" placed on it until more qualified personnel examine the vehicle, particularly if defects are suspected in the braking and steering mechanisms of the vehicle. (CALEA 61.4.3)
- H. In a serious accident involving severe injuries, fatalities, multiple vehicles, etc., it may be necessary to summon expert or technical assistance from photographers, surveyors, mechanics, physicians or other specialists.

1. PGPD Accident Reconstruction personnel can be contacted via communications.
2. Building inspectors, in the event a vehicle strikes a building or other structure, can be summoned via communications but often times, the responding Fire/Rescue unit will request someone with this expertise.
3. Photographers can be summoned from PGPD Technical Services Section via communications.
4. Maryland State Troopers assigned to the Automobile Safety Enforcement Division can be contacted through the State Police Barracks in College Park (301) 864-3101.

III. ACCIDENTS REQUIRING A REPORT

- A. A M.A.A.R.S. Report will be completed in accordance with the M.A.A.R.S. Manual if the accident meets at least one of the following criteria:
 1. FATAL ACCIDENT - is an accident in which at least one person (driver, passenger, pedestrian, bicyclist, etc.) dies within 30 days of the accident date.
 2. PERSONAL INJURY ACCIDENT - is any accident involving incapacitating, non-incapacitating, and/or possible injuries.
 3. HIT-AND-RUN ACCIDENT - that has just occurred, or occurred earlier and the vehicle struck or striking vehicle has not been moved, or there is a witness or other physical evidence of any type warranting further investigation.
 4. ACCIDENT INVOLVING D.W.I./D.U.I.- includes an accident involving a driver's impairment due to alcohol and/or drugs, or involving other "must appear" traffic violations (i.e. driving while suspended, revoked, refused or canceled, or driving uninsured, etc.
 5. ACCIDENT INVOLVING A VEHICLE HAULING HAZMAT.
 6. ACCIDENT INVOLVING ANY GOVERNMENT-OWNED VEHICLE OR PROPERTY REGARDLESS OF THE LEVEL OF GOVERNMENT.
 7. PROPERTY DAMAGE ACCIDENT - that occur on the public roadway, parking lots open to the public, or private property open to the general public for vehicular traffic, i.e. a shopping center, etc., when:

- a. Any of the vehicles involved must be towed or cannot leave the scene under its own power, or
 - b. Cannot be driven safely from the scene.
 - c. A M.A.A.R.S. Report is not required if a vehicle's damage consists only of a flat tire which can be changed to get the vehicle back in motion, as long as no other involved vehicle has to be towed.
- B. A M.A.A.R.S. Report will not be written for accidents occurring on private property not open to the public for vehicular traffic i.e. the driveway of a private residence or open field, but depending on the nature and severity of the accident, the investigating officer should write an CCPD Event Report or CCPD Incident Report describing the circumstances of the mishap.
- C. Accidents not covered above require officers to write a Cottage City Accident Report when they arrive on the scene and an accident has occurred. This policy includes Cottage City and all areas under contract.

IV. FATAL TRAFFIC ACCIDENTS

- A. A "fatal injury" is any injury that results in a death at the scene, at the hospital after having been transported from the scene, or within 30 days of the motor vehicle accident.
- 1. After the scene has been secured by appropriate means, and it has been determined that the accident involves, or will potentially involve a fatality, notifications will be made as soon as practical, via communications to the following:
 - a. Chief of Police
 - b. PGPD Shift Supervisor
 - c. PG PD Traffic Section and/or Homicide Section especially if it is a fatal "Hit-and-Run".
 - d. PGPD Technical Services Section.
 - 2. If the accident will require reconstruction, the investigating officer will contact PG PD Reconstruction Team via communications.
 - 3. Photographs, both Polaroid, 35mm, or digital will be taken of fatal accident scenes and serious personal injury accident scenes when there is a probability of death.

4. If PGPD Technical Services is enroute, the scene will be preserved for the T.S.S. Technician.
 5. The next of kin shall be notified in-person by the investigating officer as soon as possible in all fatal and serious personal injury accidents, unless relieved of that responsibility by a detective or officer of higher rank.
 6. When the investigating officer believes that the accident was caused by a mechanical defect in the vehicle or a mechanical defect contributed to the cause of the accident, the officer should contact via telephone the Automobile Safety Enforcement Division of the Maryland State Police at (301) 768-1735. The phone call should be followed-up with a letter asking for an inspection of the vehicle(s) involved and mailed to:

A.S.E.D.
6601 Ritchie Highway, N.E.
Glen Burnie, MD 21062
 7. When the inspection results are received by the investigating officer, the details should be included in a Supplement Report.
 8. A M.A.A.R.S. Report will be completed and submitted in accordance with the M.A.A.R.S. Manual. Any scale diagram or other diagram of the accident designed to depict the scene in more detail will be included with the case file and station file.
 9. If the accident results in death on the date of the accident, or within 30 days after the accident, the investigating officer will be responsible for sending a teletype or having a teletype sent.
- B. In the event charges are anticipated by the investigating officer in a fatal or serious personal injury accident, he/she will consult with the State's Attorney's Office as soon as possible to determine what, if any, charges are to be placed, and by what means, citation, indictment, etc.
- C. In the event a D.W.I. is involved in a fatal accident, officers shall comply with all requirements of Title 16, Sub-Title 205.1 of the Maryland Transportation Article.

V. ISSUING CITATIONS

Title 26, Sub-Title 201 of the Maryland Transportation Article, authorizes a police officer to charge a person with a violation of the Maryland Vehicle Law if the officer has probable cause to believe that the person has committed or is committing the violation. TA 26-201 also specifies that the charges to be placed shall be written on a traffic citation.

- A. When an officer investigates an accident and completes an M.A.A.R.S. Report, the appropriate citation(s) should be issued (at the officer's discretion) if evidence exists to satisfy all elements of a particular violation.
- B. Officers charging a motorist with a violation related to the accident by way of a traffic citation will indicate the fine on the citation that the current District Court of Maryland's "Fine Schedule" shows.
- C. Officers issuing citations related to a traffic accident must check the "Witness" block in the upper left corner of the citation and complete the reverse side of the top copy of the citation to ensure that witnesses receive summonses to testify, if the matter is to be heard in Traffic Court.

VI. PROPERTY BELONGING TO ACCIDENT VICTIMS

Property belonging to accident victims that is in plain view and/or of obvious value that is not permanently affixed to the vehicle, should remain with the victim(s) unless it is contra band, seized as evidence, or its ownership is questionable or cannot be determined.

- A. If the victim is transported to a medical facility, the investigating officer should take the property to the facility and give it to the victim when the officer responds to the hospital as part of the officer's follow-up activities.
- B. If the victim is unable to accept custody of the property, it can be given to family members, or as a last resort, submitted to the station Property/Evidence Room for safe-keeping until it can be reunited with its owner.
- C. When transported to the station, the property will be submitted to the Property/Evidence Custodian in person before the end of the officer's shift or placed in a temporary storage locker if the Chief is not available.
- D. The submitting officer will complete a Property Transmittal Form or Evidence Transmittal Form describing the property and indicating the circumstances under which it was taken by the officer.

- E. The property will be packaged in a suitable container i.e. sealed envelope, heat-sealed plastic bag, brown paper bag stapled shut, or boxed taped-up, and labeled by the submitting officer with the victim's name, Report Number, date the property was taken into custody, and the officer's name.
- F. The Property/Evidence Custodian, upon receiving the property, will ensure that it is logged into Department records to reflect that it is in the Department's custody.
- G. If the property is exceptional, valuable, or sensitive in nature, or any other property requiring extra security measures, the Property/Evidence Custodian will place it in the safe located inside the Chief's office.
- H. The submitting officer will be responsible for initially notifying the victim of the property's location and if no one responds after 30 days to retrieve the property, the Chief will attempt to contact the victim by phone, and/or certified letter, if necessary, advising them of the property's location and the Department's procedures for retrieving it.
- I. In the event an item of property has evidentiary value and needs to be transported to Court or elsewhere for an official purpose i.e. to test-fire a gun, substance to be lab-tested, etc., it will be signed out by the officer removing the item and signed back in when the officer resubmits it to the Chief.
- J. If the property is not evidence, or no longer has evidentiary value, and can be released pursuant to Department policies and applicable laws, the property will be released to the victim/owner with proper identification, proof of ownership, and/or any other documentation the victim/owner can provide to establish ownership.
- K. If after 60 days has passed since a victim/owner was notified that they were entitled to retrieve their property and do not, the Property/Evidence Custodian will take steps to dispose of the property pursuant to the provisions of the Cottage City Charter and applicable laws.
- L. If possible, and if authorized by the State's Attorney's Office, property seized as evidence that can be released i.e., stolen tags, should be photographed and immediately returned to the victim/owner.

VII. ANALYSIS OF REPORTS

General Order 6-3 identifies several monthly and annual reports that are prepared describing accident reports and traffic enforcement activities. The Sergeant will review these reports and if a trend is identified or an accident pattern emerges, he will direct that appropriate enforcement activity occurs.