




**WINCHESTER POLICE DEPARTMENT OPERATION ORDER**

**NOTE: This policy 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 case in an evidentiary sense, with respect to third party claims. Violation of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.**

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| <b>Number</b><br>2-14  |  | <b>Effective Date</b><br>April 17, 2018  | <b>Review Date</b><br>April 13, 2018 | <b>Reviewing Division</b><br>Administration  |
| <b>Subject</b><br><b>TRAFFIC CRASH INVESTIGATION</b>   |  | <input type="checkbox"/> New Policy<br><input type="checkbox"/> Amends<br><input checked="" type="checkbox"/> Replaces: WPD GO 430<br><input checked="" type="checkbox"/> Revised: April 17, 2012 III. A. 2. b. 4. 5. October 20, 2015 III.A.3.,B.2.3.,C.5.,D.1.d.,2.,3.May 24, 2017 III.A1.C, 4., 6., 7., 8. April 17, 2018 I., I., III., I.c., 3-8, B. I. A-b.,g., 2-3, C. 3-4., D. 2., 3., E. 1-3, 4. A-b., 5-7, F 1. -2. |                                      | <b>This policy shall apply to personnel assigned to the following divisions:</b><br><br><input type="checkbox"/> All Personnel<br><input checked="" type="checkbox"/> Patrol Division<br><input checked="" type="checkbox"/> Administration Division<br><input checked="" type="checkbox"/> Investigation Division |
| <b>References</b><br><br>VLEPSC: ADM.25.07, ADM.25.09, OPR.07.04, OPR.07.07 - .11<br><br>CALEA                         |  |  |                                      |  |
| <br><hr/> Chief of Police or Designee |  | <hr/> March 23, 2023<br>Date   |                                      |  |

**I. PURPOSE**

The purpose of this policy is to establish guidelines for the proper handling of traffic crashes and for the collection and use of data that will reduce motor vehicle crashes resulting in property damage, injury, or death.

**II. POLICY**

An objective of the Department is the reduction of traffic crashes. To accomplish this, the Department performs a variety of functions such as providing emergency service to the injured, protecting the crash scene, conducting traffic crash investigations and follow ups, preparing reports, and taking proper enforcement action. The purpose of traffic crash investigations is to determine the cause of a traffic crash and use the information to develop enforcement that will reduce crashes. Traffic crash reports are used by the Department of Motor Vehicles (DMV), the Virginia State Police, and the Virginia Department of Transportation at the state level, and locally to study the frequency of traffic crashes at a given location and time, the causes, and the road conditions that existed at the time. Traffic crash reports are also used to develop selective enforcement programs, engineering studies, and to promote street and highway safety.

**III. PROCEDURES**

**A. Traffic Crash Report and Investigation**

1. Virginia Code requirements concerning the reporting of traffic crashes include:
  - a. Virginia Code 46.2-371: The driver of any vehicle involved in a traffic crash resulting in death or injury shall immediately notify law enforcement officials.
  - b. Virginia Code 46.2-373: Officers who investigate a traffic crash for which a report must be made, either at the time of and at the scene of the crash, or thereafter and elsewhere, by interviewing participants or witnesses, shall within twenty-four (24) hours after completing the investigation, forward a written report of the crash.
2. An officer shall respond to a traffic crash and prepare the appropriate report involving any of the following:
  - a. Death or injury;
  - b. Crash which occurs on a public roadway resulting in damage of \$1,500.00 or more;
  - c. Hit and run;
  - d. Impairment due to alcohol and drugs;
  - e. Hazardous materials; and
  - f. Any crash involving City of Winchester property including vehicles, equipment, or facilities.
3. Officers do not need to complete a traffic crash report for private property crashes unless the crash involves a death or serious injury. The officer must respond to the scene of a non-reportable crash if requested, to ensure that information between drivers is exchanged.
4. Officers will be provided with an Accident Investigations Field Notebook to be utilized on all crashes/hit and runs they are assigned. The notebooks are assigned to each officer and maintained as a field notebook. The notebooks should be retained according to the Virginia Law Library standards. All exchanges of information are to be completed using the forms provided in the field notebooks.
5. In order to meet the standards of the Department, a traffic crash report is required to be completed on all public property traffic crashes resulting in damage of \$1,500.00 or more, and/or personal injury crashes.
6. For traffic crashes that occur on public property and do not meet the requirements described in Section III. A. 2. of this General Order, officers will not be required to complete a traffic crash report. However, officers

shall respond to the crash scene to ensure that information is exchanged between the drivers. Officers will utilize their Accident Investigations Field Notebooks for these traffic crashes to complete a rough sketch and written description of what occurred for their records. Officers are reminded that they may require this information later as a reference, should questions arise during a civil suit between drivers in which the officer is subpoenaed to testify.

7. Hit and run reports that occur on public property will require a Department incident report to be filed. If damage exceeds monetary damage set forth in this order a traffic crash report will also be completed and submitted.
8. Hit & Run reports that occur on private property will require a Department incident report only to be filed. Any exchange of information provided to the victim will be done according to III. A. 4.

B. Traffic Crash Scene Responsibilities

1. The first officer to arrive at a traffic crash scene shall perform the following:
  - a. Administer basic life support measures pending arrival of medical or rescue personnel;
  - b. Protect the crash scene;
  - c. Preserve short lived evidence (broken parts, skid marks);
  - d. Establish a safe traffic pattern around the scene;
  - e. Locate witnesses and record key crash information; and
2. The officer assigned to a traffic crash shall have the responsibility and authority to request assistance from any other officers as needed. Accident Reconstructionist should be called on any fatality and/or serious injury as deemed appropriate. Consultation with a supervisor should be made if the officer is uncertain if a Reconstructionist is needed.
3. Officers will be assigned to respond to any traffic crash involving disputes between drivers or passengers or which create major traffic congestion as a result of the crash, or where vehicles are damaged to the extent that towing is required. Officers may be assigned to any other traffic crash not listed in this directive, to assist persons involved with information exchange.

C. Collecting Information

1. At the scene of a traffic crash, the investigating officer shall gather the appropriate information. Information to be collected at the scene may include, but is not limited to, the following:

- a. Interview principals and witnesses and collect necessary identity and address information;
  - b. Examine and record vehicle damage;
  - c. Take photographs as appropriate and log the images into the approved media storage format.
  - d. Collect and process evidence; and
  - e. Exchange information among principals involved.
2. In a particularly serious crash involving severe injuries, fatalities, or multiple vehicles, it may be necessary to summon expert or technical assistance from photographers, surveyors, mechanics, physicians, traffic crash team specialists, or other specialists. Expert assistance may be requested through the Chief of Police or his/her designee.
  3. At the traffic crash scene, except for death or serious injury, the officer may take immediate enforcement action and issue a Virginia Uniform Summons. In death or serious injury cases, the Commonwealth's Attorney should be consulted before any charges including traffic are placed.
  4. If the investigating officer concludes that the traffic crash was caused by a person driving under the influence of intoxicants (DUI) and the defendant is still at the scene, the DUI arrest shall be made before transport.
  5. If the driver is transported to a medical facility before the officer arrives and if the officer later concludes DUI, an arrest warrant shall be obtained. If the driver is hospitalized, then the warrant will be served when the driver is released from the medical facility.
  6. In other traffic related investigations, when the officer leaves the scene of the offense and later identifies an offender or offense, arrest warrants may be obtained. A summons can be issued at the medical facility after the traffic crash scene has been processed.

E. Traffic Crash Scene Procedures

1. Upon notification of a traffic crash, the officer assigned will have a normal driving response. Officers have the discretion for emergency response depending on the seriousness of the injuries reported at the scene.
2. The patrol vehicle will not be parked at the scene in a manner that will endanger pedestrians, motorists, or citizens. The officer will consider using the Department vehicle with vehicle emergency lights on as a shield to protect the scene and individuals.

3. Officers should wear safety vests while investigating crashes in the roadway. During periods of reduced visibility or darkness, the officer shall wear a reflector safety vest when investigating the crash. Officers may use flares to create an illuminated warning pattern to alert other drivers. Flares may be dangerous at crashes where hazardous materials are present.
4. In case of fire danger from leaking or ruptured gas tanks or where the traffic crash may involve hazardous materials, the officer shall summon the fire department. See GO 2-43, Hazardous Materials for further guidance on handling hazardous materials.
  - a. All Department vehicles are equipped with a copy of a current emergency response guidebook to aid in identifying vehicles carrying hazardous materials. The guidebook illustrates hazardous materials placards and identifies and describes the relevant hazard, appropriate emergency procedures, and evacuation procedures.
  - b. Any officer arriving at the scene of such a traffic crash who identifies hazardous materials placards shall immediately summon the fire department. Fire officials will assume control of any scene involving hazardous materials and all officers shall provide support as required. The investigation of the traffic crash will begin after approval by the fire official in command of the scene.
5. Any property belonging to traffic crash victims shall be protected from theft or pilferage and, if owners are not present, the items will be taken into custody, tagged, towed, and/or held for safekeeping until the owners claim the items.
6. Virginia Code requires any person clearing a wrecked or damaged vehicle from a highway to remove any glass or other injurious substance dropped upon the highway. Where the quantity of crash debris is too great for the towing service operator to remove the debris, the City of Winchester Environmental Maintenance Department will be requested. The fire department will assist in washing down combustible substances.
7. If either driver involved in the traffic crash is not present at the crash scene, officers should not assume that the incident is a hit and run situation unless further inquiry indicates this possibility. Officers will perform the following actions if the traffic crash appears to be a hit and run incident:
  - a. As soon as practicable, transmit the description of the hit and run vehicle and driver to the Emergency Communications Center, along with the direction of travel and time elapsed since the crash; and
  - b. Process the traffic crash scene as a crime scene.

F. Disabled Vehicles

1. Officers will not push or tow any vehicle with a Department vehicle.

2. To prevent unnecessary risks of damage to Department vehicle radio and emergency equipment, officers will not connect jumper cables to a Department vehicle to start another vehicle.