

TRAFFIC ACCIDENT INVESTIGATIONS

Directive: **6.33**

I. ACCIDENT REPORTING AND INVESTIGATION

A. Procedures:

1. In Delaware, a reportable traffic accident is an unforeseen event that occurs while a motor vehicle is in motion, that results in a death, physical injury and/or property damage.

A non-reportable accident is defined as an accident in which there is less than \$500.00 in damage
 - a. The assessment of damage should be made of the vehicle not at fault
 - b. Should the Officer not be able to determine fault the amount should be assessed to the vehicle sustaining the more severe damage.
2. The resulting documentation of an accident investigation is the State of Delaware Uniform Traffic Collision Report, along with, any supplemental form, measurements, diagrams, statements, and photographs.
 - a. This information is to be used to establish culpability, or to objectively indicate the events of the accident where appropriate, pending criminal action or charges under Title 21.
3. Upon notification of a traffic accident, a police officer will be assigned to investigate the occurrence.
4. A collision report will be completed for the following incidents:
 - a. Fatal and or personal injury accidents (any complaint of injury will constitute “personal injury” whether medical attention is sought immediately or not)
 - b. Property damage accidents resulting in total damage in excess of \$500.00
 - c. All hit and run accidents
 - d. Impairment due to alcohol and/or drugs
 - e. Hazardous material

- f. Accidents involving city owned or city leased vehicles
 - g. Accidents involving city property
 - h. Any accident in which at least one party requests that a report be taken
5. Should an Officer have an occasion to investigate a non-reportable accident, and both parties agree to settle the incident between themselves, the officer should record all of the pertinent information in their notebook for future reference.

B. Officer response:

1. Officers will respond to the scene of accidents involving any of the following:

- a. death or physical injury
- b. hit and run
- c. operator impairment due to alcohol or drugs
- d. damage to public vehicles or property
- e. hazardous materials
- f. disturbances between principles
- g. major traffic congestion due to the accident
- h. vehicle damage to the extent that towing is required

2. 

3. The Traffic Division Accident Investigation Team shall complete the investigation of:

- a. all fatal or serious accidents
- b. all departmental accidents which involve personal injury
- c. all hazardous material accidents
- d. acts of legal intervention by Departmental personnel
- e. suspected intentional collisions of motor vehicles

(For further information on the deployment of the Traffic Division Accident Investigation Team see Paragraph IV of this Directive.)

4. Late reported traffic collisions
 - a. When a citizen reports a traffic collision and the collision's chain of events is broken,
 1. The citizen will be required to present the damaged vehicle at the Police station for inspection by an officer before a report is filed
 - a. [REDACTED]
 2. Except for a hit and run accident all parties involved must be present for an officer to take a report of the reportable accident
 - b. Leaving the scene of a collision to seek medical attention shall not be considered as a break in the chain of events.

C. Accident scene responsibilities for the first responding officer:

1. Protecting the scene from compounding or involving others
2. Administering basic life support measures pending the arrival of an ambulance or paramedics
3. Summoning additional assistance
4. Preserving short lived evidence
5. Establishing a safe traffic pattern around the accident scene
6. Locating witnesses and recording information
7. Expediting the removal from the roadway of vehicles, persons, and debris

D. Chain of Command at the Accident Scene

1. The first officer to arrive at an accident scene will be in charge of the scene until a supervisor or Traffic Division Accident Investigation Team member responds

E. Accident Scene Information Collection and Documentation:

1. Information to be collected at the scene may include, but is not limited to the following:
 - a. Interviewing principles and witnesses
 - b. examining and recording vehicle damage

- c. examining and recording the effect of the accident on the roadway
- d. ensuring that measurements are taken as appropriate
- e. ensuring that photographs are taken as appropriate
- f. collecting and preserving evidence
- g. exchanging information among principles

F. Accident Investigation follow-up activities:

- 1. Follow-up activities may include
 - a. collecting off scene data
 - b. obtaining and recording formal statements from witnesses
 - c. reconstruction of the accident
 - d. preparing formal reports to support any criminal or vehicular charges arising from the accident

G. Use of expert and technical assistance in accident investigations:

- 1. The Traffic Division Accident Investigation Team shall be utilized as outlined in Paragraph IV of the Directive
- 2. The Department may on occasion utilize the services of the following:
 - a. Mechanics
 - 1. Utilized for the inspection of motor vehicles to determine mechanical failures
 - b. Physicians
 - 1. Utilized most often during personal injury or fatal accidents
 - 2. Utilized in determining the medical status of a person(s) involved in collisions

H. Accident investigation equipment and medical supplies:

- 1. The following items are supplied for use in all Patrol vehicles:
 - a. First aid kit

- b. Fire extinguisher
- c. Ample quantity of flares
- d. Tire iron

2. The Traffic Division Accident Investigation Unit's vehicles will additionally carry:

- a. still cameras
- b. measuring tapes
- c. templates
- d. safety cones

I. Traffic accident enforcement action:

- 1. Investigations at accident scenes will normally result in the detection of evidence necessary to support appropriate enforcement action, (i.e. warning, citation, criminal arrest).
 - a. Whenever enforcement action, in the form of a citation is taken, officers are to list the name and address of all witnesses, of the back of the first copy of the citation.
- 2. When presented with a traffic accident investigation involving a fatality, a fatality while impaired due to alcohol or drugs, or the likelihood of a serious injury or fatality, the investigating officer will contact the Attorney General for consultation.

J. Private Property accidents:

- 1. A collision report will be completed for the following accidents occurring on private property:
 - a. fatal accidents
 - b. personal injury accidents
 - c. property damage accidents resulting in damage in excess of \$500.00
 - d. hit and run accidents
 - e. impairment due to alcohol and or drugs
 - f. hazardous materials

- g. accidents involving city owned or city leased vehicles
- h. accidents involving city property

II. AT SCENE STABILIZATION ACTIVITIES

A. Traffic direction and control:

- 1. Traffic direction and control will be determined by the investigating officer
 - a. Flares and/or traffic cones will be deployed as needed
 - b. Additional officers will respond and assist as needed
 - c. The Department of Public Works will be notified for additional cones or barricades as needed

B. Procedures for handling Special Accidents:

- 1. Injuries
 - a. For accidents accompanied by injuries WILCOM will notify Fireboard and request an ambulance and rescue personnel as appropriate
 - b. On unknown accidents, officers will be dispatched to the scene to determine what, if any, emergency medical response is needed
 - c. Initial officers on the scene shall administer first aid to injuries persons until paramedics or ambulance personnel arrive
- 2. Fire hazards
 - a. On accidents involving any fire hazard or actual fire, initial officer(s) on the scene prior to fire department personnel will be responsible for the initial fire suppression efforts.
 - b. The initial officer shall ensure that the Wilmington Fire Department has been notified to respond
 - c. Additional officers will respond as needed
- 3. Hazardous Materials
 - a. On accidents involving hazardous materials the initial officers shall always approach the accident scene from an upwind direction.
 - b. Initial officers shall:

1. Notify WILCOM that the accident involves hazardous materials, utilizing the placard information displayed on the vehicle.
2. Make every effort to secure the safety of those involved in the accident. However, given the deadly nature of many hazardous materials, officers may need to wait for properly trained and equipped personnel to arrive before attempting the rescue of others.
3. Isolate the hazard area and evacuate non-essential personnel
4. Provide first aid assistance as needed
5. Coordinate traffic and crowd control. As large an area as possible should be isolated until the hazard danger is fully known

4. Explosives

- a. With the exception of trained Bomb Squad members of the Wilmington Department of Police, under no circumstances will any officer transport, handle, or distribute any explosive or suspected materials, military ordnance or devices
- b. Upon discovery of any explosives or suspected materials, military ordnance or devices, officers shall proceed as follows:
 1. [REDACTED]
 2. [REDACTED]
 3. Maintain security and the integrity of the scene without placing one's self in danger
- c. The following are examples of, but are not limited to, items defined as explosive materials, ordnance or other devices:
 1. Military ordnance assembled or disassembled. This includes rockets bombs, mortar shells, mines, grenades, explosives, or other items of weaponry associated with the military
 2. Improvised devices including pipe bombs, letter bombs or suspicious packages
 3. Commercial explosives consisting of dynamite, blasting caps, large quantities of black powder or fireworks.

The on scene responsibility for explosives, ordinances, or devices shall be under the direction of the Department's Bomb Technicians.

5. Toxic Substances

a. The following procedures shall be followed in dealing with quantities of a suspected toxic substance

1. [REDACTED]

2. [REDACTED]

3. [REDACTED]

4. No toxic substances shall be placed into evidence. [REDACTED]
[REDACTED]
[REDACTED] Delaware Department of Natural Resources and Environmental Center (D.N.R.E.C.) should be notified for assistance for seizure, removal and disposal

6. Flammable Substances

a. The following procedures shall be followed in dealing with amounts of suspected flammable substances. Upon discovery of large quantities of flammable substances, within a residence or a building's exterior area, the initial officer shall:

1. [REDACTED]

2. [REDACTED]

7. Radioactive Substances

a. The following procedures will be followed upon discovery of radioactive materials

Upon visual observation of a radiation hazard identification tag and field officer shall:

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]

C. Property of Accident Victims:

1. Initial officers at the accident scene shall safeguard every victim's property from theft or pilferage
 - a. Any valuables discovered shall be held for safekeeping. If the owner is unable to retrieve them, or name a designee, these items will be tagged as personal property and turned in to the Records Division as outlined in Directive 6.12

III. ACCIDENT REPORTS AND RECORDS

A. Use of Accident reports and supplementary report forms:

1. All officers shall utilize the Delaware Uniform Collision Report (UTCR) for recording initial information concerning accidents
2. The Uniform Collision Supplement and Continuation Form (IIR) shall be utilized for recording additional accident information.
3. Officers shall utilize an Exchange of Information for to distribute needed information to the operators or owners of involved vehicles.
4. The Commercial Vehicle Supplement Report Form (if applicable)
5. The use of these forms is outlined in Chapter 4 of this manual

B. Classification System:

1. The Department's accident classification system will be in conformance with the Manual on Classification of Motor Vehicle Traffic Accidents

This manual is available for review in the Traffic Division

IV. PROCEDURES FOR DEPLOYMENT OF THE TRAFFIC DIVISION ACCIDENT INVESTIGATION TEAM

- A. When working, the Traffic Division Accident Investigation Team will be responsible for investigating the accidents according to the following priority list:

1. Fatal accidents
2. Near fatal accidents
3. Accidents involving city owned or city leased vehicles with personal injury
4. Serious personal injury accidents
5. Accidents involving city owned or city leased vehicles
6. Personal injury accidents
7. Property damage accidents

If a member of the Accident Investigation Team is investigating a lower priority accident and a more serious accident occurs, the accident currently being investigated will be reassigned, and the Accident Investigation Team member(s) assigned to the more serious accident.

- B. When the Traffic Division Accident Investigation Team is not working the on-duty shift commander will notify the Traffic Division Supervisor working the second shift and advise him/her if any of the following accidents occur:

1. Fatal accidents
2. Near fatal accidents
3. Serious personal injury accidents involving city owned or city leased vehicles
4. Any accident involving unusual or peculiar circumstances (i.e. train accidents)

It will be the decision of the Traffic Supervisor as to whether the Accident Investigation Team will respond.

V. PROCEDURES FOR REPORTING ACCIDENTS INVOLVING CITY OWNED, CITY LEASED VEHICLES AND POLICE EMPLOYEES

- A. On-duty Accidents:

1. Employee responsibilities

Whenever an employee of the Department of Police is involved in a motor vehicle accident while working, as either an operator or passenger, he/she will:

- a. Immediately notify his/her on duty supervisor
- b. Conform with the procedures for stabilizing the accident scene (Paragraph II of this Directive)

- c. Upon completion of the at scene investigation will submit a Department Information report detailing the incident

2. Supervisor responsibility

Whenever a supervisor is notified of an accident involving city owned vehicles, city leased vehicles or Police employees he/she will:

- a. Respond to the scene of the accident
- b. Determine if criteria for notification of the Traffic Division Investigation Team are met. If so he will notify the Watch Commander of the circumstances
- c. Will ensure that all reports are completed, and appropriate reports forwarded through the Chain of Command including:

1. Delaware Uniform Collision Report
2. Any Continuation or supplement (as appropriate)
3. Accident Information exchange forms

(Note: In that the City of Wilmington is a self-insured Municipality, proof of insurance cards will not be maintained in the individual city owned or leased vehicle)

4. Departmental Information reports from any employee present at the time of the accident
5. **A Departmental Information report will be submitted by the supervisor notified and will include:**
 - a. **circumstances of his notification of the accident**
 - b. **the involvement of alcohol or drugs in the accident**
 - c. **any arrest action taken by investigating officer**
 - d. **a conclusion as to the cause of the accident and**
 - e. **a recommendation as to disciplinary action(s) against the officer, if applicable**
6. An Employee's First Report of Injury Form (if appropriate)
7. A departmental Initial Report of Damage form

B. Off-duty accidents within the corporate limits of the City of Wilmington:

1. Employee responsibilities

Whenever a member of the Department of Police is involved in a reportable traffic accident while off-duty and within the corporate limits of the City of Wilmington, he/she will notify the on-duty Patrol Lieutenant or his designee.

2. Supervisor responsibility

The on-duty Patrol Lieutenant or his/her designee shall be responsible for ensuring that a supervisor is dispatched to the scene and that the investigation complies with procedures set forth in this directive.

C. Off-duty accidents within New Castle County but outside of the corporate limits of the City of Wilmington

1. Employee responsibilities

Whenever a member of the Department of Police is involved in a reportable off-duty accident within New Castle County but outside of the corporate limits of the City of Wilmington, he/she will:

- a. notify the on-duty patrol Lieutenant immediately
- b. request that a copy of the completed accident report be forwarded to Chief of Police, City of Wilmington

2. Supervisor responsibilities

The on-duty Patrol Lieutenant shall:

- a. at his discretion, cause a supervisor to respond to the scene of the incident
- b. make note of the incident in the duty report

D. Off-duty accidents outside of New Castle County:

1. Employee responsibilities

Whenever a member of the Department of Police is involved in a reportable off-duty accident outside of New Castle County in the State in the Union, or the District of Columbia, he/she shall:

- a. In cases of serious accidents, cause for the on-duty Patrol Lieutenant to be notified as soon as possible

- b. In cases of minor accidents, notify the on-duty Patrol Lieutenant as soon as practicable. This notification may be made by any of the following means:
 - 1. telephone
 - 2. telegram
 - 3. teletype from the investigating agency
- c. In cases of relatively minor accidents, the officer may delay this report until his return to the greater Wilmington area.

2. Supervisor responsibilities

The on-duty Patrol Lieutenant shall:

- a. In cases of serious accidents that occur within a reasonable distance from the City of Wilmington, may cause for a supervisor to respond to the scene of the accident, after having received prior approval from a higher authority
- b. make note of the incident in the duty report

E. General requirements for off-duty accidents:

- 1. In all cases of off-duty accidents departmental information reports to the Chief of Police, will be submitted
 - a. The report submitted by the officer will detail:
 - 1. the date, time, and location of the accident
 - 2. the circumstances surrounding the accident,
 - 3. and the name, address, and vehicular information on all parties involved
 - b. The report submitted by the supervisor notified will include:
 - 1. circumstances of his notification of the accident
 - 2. the involvement of alcohol or drug in the accident
 - 3. and any arrest action taken by the handling agency

VI. SCHOOL BUS RELATED ACCIDENTS

The following procedures will be strictly adhered to when investigating traffic accidents involving

school buses

- A. All traffic accidents involving a school bus will be reported, regardless of the estimated damage
 - 1. A copy of all collision reports will be forwarded to, and maintained by the Traffic Division