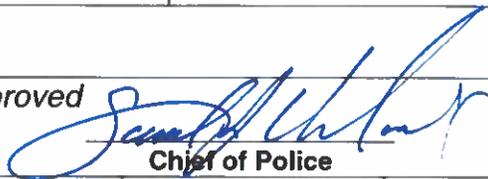


**LANCASTER POLICE DEPARTMENT  
GENERAL ORDERS MANUAL**

<b>Effective Date</b> August 26, 2015		<b>Amended Date</b> March 6, 2023		<b>Directive</b> 7.12.1	
<b>Subject</b> Accident Investigation and Crash Reports					
<b>Reference</b>			<b>Approved</b>  Chief of Police		
<b>Distribution</b> All Personnel City Manager City Attorney		<b>TPCA Best Practices Recognition Program Reference</b>  7.16; 7.17		<b>Review Date</b>  February 15, 2023	
				<b>Pages</b>  11	

**This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.**

**SECTION 1 PURPOSE**

The purpose of this policy is to establish guidelines and define individual responsibilities in the investigation of traffic accidents and processing of required accident reports.

**SECTION 2 POLICY**

It is the policy of the department to respond to and investigate motor vehicle crashes. Officers shall make a written report of a traffic crash under the following circumstances:

1. the crash resulted in injury to, or death of, a person; or
2. where there is damage to the property of any one person to the apparent extent of \$1,000 or more; or
3. where Class B misdemeanor or higher charges may be filed; or
4. where City equipment is involved

This policy complies with Section 550.041 "Investigation by Peace Officer" and Section 550.062 "Officer's Crash Report" of the Texas Transportation Code.

**SECTION 3 DEFINITIONS**

- A. **Hit and Run:** is the failure of an operator of a motor vehicle involved in a crash resulting in injury or death, or damage to an attended vehicle, to immediately stop at the scene or as close to the scene as possible; to immediately return to the scene if not stopped at the scene; remain at the scene until the operator complies with the requirements of Section 550.023 "Duty to Give Information and Render Aid," Texas Transportation Code.
- B. **Publicly Accessible Parking Lots:** are areas provided for customers by a business where motor vehicles can travel from one adjacent road to another; all government owned where public parking is permitted; free parking lots; drive-in customer parking; private schools; hospital, airport, arena,

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cemetery, etc. where no fee is charged; shopping center; hotel and motel where parking is done by customers.

- C. **Non-Publicly Accessible Parking Lots:** are areas that include private residence drives and garages-included single unit, duplex and apartments; business and government areas exclusively for employees; commercial parking lot where fee is charged; drive-in theaters, motor vehicle sale lots; garage storage and repair areas.
- D. **Delayed Reported Crashes:** for the purpose of this order, means any motor vehicle crash where the vehicles have been removed from the scene, or which was not immediately reported.
  - 1. This does not include instances where dispatch has asked the involved parties to move their vehicles out of the roadway for safety or where the involved parties move their vehicles out of the roadway for safety.

**SECTION 4 PROCEDURES**

**A. CRITERIA FOR INITIAL RESPONSE**

- 1. When requested, an officer will respond to any crash reported involving injuries or where vehicles are not operable and are blocking the public right of way or where a disturbance is taking place.
- 2. Officers will respond as soon as practical to the scene of a crash, involving any of the following which occurs in the city limits:
  - a. death or injury;
  - b. hit and run;
  - c. impairment of an operator due to alcohol of drugs;
  - d. damage to public/private vehicles or property;
  - e. disturbances between parties involved in the crash;
  - f. major traffic congestion as a result of the crash;
  - g. damage to vehicles to the extent towing is required;
  - h. hazardous materials

**B. RESPONSIBILITIES**

- 1. Communications
  - a. A service call with an event number is made for each crash reported to communications.

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- b. If there are no injuries reported and involved motor vehicles are operable, Communications will instruct the reporting person(s) to move their vehicles out of the roadway to a safe location.
- c. Communications will encourage involved parties to exchange information for minor, non-injury parking lot crashes only. If the involved parties continue to request an officer, an officer will be dispatched to the scene.

2. Police Officer

- a. Emergency Response "Code" (TPCA 7.16a)
  - i. Officers shall adhere to the response guidelines outlined in the Lancaster Police Department General Order Manual, Directive 7.11.1 "Operation of Department Vehicles."
- b. Crash scene responsibilities
  - i. At a minimum, the first officer to arrive at a crash scene shall perform the following actions:
    - 1. Administer emergency medical care (basic life support measures) as necessary, pending arrival of Emergency Medical Services (EMS) personnel (TPCA 7.16b);
    - 2. Officers shall summon EMS personnel when there are obvious injuries or anyone involved in the crash requests medical treatment (TPCA 7.16b);
    - 3. Summon additional help as required (officers, EMS, and/or wreckers);
    - 4. Identify and deal with fire hazards and/or hazardous materials;
    - 5. In the case of hazardous materials, the officer should ascertain the amount and type of material involved while maintaining a safe distance from any released material. A safe distance will depend on the severity of the incident, materials involved, and scene characteristics. If appropriate, the officer should initiate protective action to include:
      - a. locating any hazmat placards and referencing the Emergency Response Guidebook;
      - b. determining wind direction and speed for airborne hazards and remaining upwind of the incident;
      - c. determining the need to evacuate or isolate the immediate area
    - 6. Protect the crash scene (TPCA 7.16c);
    - 7. Preserve short-lived evidence (broken parts, skid marks) (TPCA 7.16c);

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8. Establish a safe traffic pattern around the scene;
9. Locate witnesses and record key crash information;
10. Expedite removal of vehicles, persons, and debris from the roadway except for confirmed fatal or potentially fatal crashes. Officers will facilitate clearing the roadway by summoning wreckers regardless if an accident report is required.
11. Officer should refrain from making any statement concerning liability or fault in connection with the accident other than those related to traffic law violations.
12. Controlling property belonging to collision victims.
  - a. Victim's property in the vehicle may be left in the vehicle to be taken into custody by the wrecker service.
  - b. Items of obvious high dollar value and those that present a potential danger, such as firearms, shall be taken and entered into property in accordance with established procedures.
  - c. Items of contraband shall be seized and entered into evidence/property in accordance with established procedures.
  - d. Items of property, other than contraband, may be released to verifiable members of the victim's immediate family. Such release shall be indicated in the officer's report and shall include the item(s) released, the relationship of the person to the victim, and the address of the person.
13. The initial officer dispatched to the crash is deemed to be in charge of the scene unless that officer is relieved by a superior officer, at which time that superior officer will assume control of the scene, summoning additional units, directing traffic flow, etc. Generally, the initial officer will maintain responsibility of conducting the investigation while the supervisor maintains control of the crash scene.
  - ii. The officer assigned to a crash shall have the responsibility and authority to request assistance from any other officers as needed. He or she becomes the primary investigating officer in charge at the scene unless the supervisor deems it more appropriate to assign another officer these responsibilities.

**C. MOTOR VEHICLE CRASH INVESTIGATION**

1. Section 550.041 "Investigation by Peace Officer," Texas Transportation Code states in part: "A peace officer who is notified of a motor vehicle crash resulting in injury to or death of a person or property damage to an apparent extent of at least \$1,000 may investigate the crash and file justifiable charges relating to the crash without regard to whether the crash occurred on property to which this chapter applies."

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2. In compliance with the above statute, officers will investigate a motor vehicle crash and make a written accident report when one or more of the following prerequisites are met:
  - a. crashes that involve death or personal injury and these involvements are reported at the crash scene;
  - b. crashes that involve a criminal charge of class B misdemeanor or higher offense;
  - c. crashes involving impairment due to alcohol or drugs;
  - d. hit and run crashes when the victim vehicle is occupied;
  - e. crashes involving hazardous materials;
  - f. crashes involving property damage to an apparent extent of at least \$1,000;
  - g. any Federal, State or Local government owned property;
  - h. parking lot crashes that involve death or injury;
  - i. when an officer or supervisor deems it necessary
3. Officers will not investigate or make a written accident report for the following circumstances:
  - a. parking lot crashes that do not involve injury or death at the crash scene;
  - b. delayed reported crashes; (If in doubt, contact a supervisor)
  - c. hit and run crashes that involve unoccupied vehicles or property damage only (The Texas Department of Public Safety no longer recognizes these as reportable crashes)
4. During periods of inclement weather causing an influx of traffic crashes, i.e., ice on the roadways; officers are permitted to refer drivers involved in minor crashes with property damage only and no injuries to the 'Blue Form' for self-reporting.
5. Traffic Crashes Involving Commercial Vehicles
  - a. Any officer working a motor vehicle traffic crash involving a commercial motor vehicle as defined by Section 522.003, Texas Transportation Code shall complete the Commercial Motor Vehicle section in the accident module.
6. Vehicle Crashes Involving Bicyclists and/or Pedestrians
  - a. The Texas Legislature (77<sup>th</sup> Session, HB 2204) has mandated that Texas Department of Public Safety records incidents information involving bicyclists and pedestrians. Texas Department of Public Safety created the Bicycle/Pedestrian Crash Form, TR-11, to comply with this mandate.

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- b. The form is to be given to any bicyclists or pedestrian involved in a vehicle crash, whether it is on a public street, bicycle path or private property.
  - c. The bicyclist or pedestrian can also submit the form by going to the Texas Department of Public Safety website at [www.txdps.state.tx.us](http://www.txdps.state.tx.us) under the Online Services Download Forms.
  - d. If the bicyclist or pedestrian was a minor, the parent or guardian must submit the form.
7. If a reportable amount of hazardous material is released at a crash scene the Fire Department will be responsible for federal and state required reporting of the incident.
8. Photographs will normally be taken only at accident scenes being investigated that involve serious bodily injury, fleet accidents, driving while intoxicated, hit and run, and other situations the investigating officer deems necessary. Witness statements can be taken at the scene.
9. Non-contact units are vehicles or pedestrians that contribute to an accident but strike nothing. The investigating officer will determine by independent means that the non-contact unit existed. This is done by either physical evidence at the scene or by an unbiased witness statement. If the non-contact unit cannot be proven, the officer will investigate the accident without listing the non-contact unit on the report other than in the summary.
10. In cases where it cannot be determined whether another vehicle caused the reported damage and such damage is found on an unoccupied parked vehicle, mailbox or other fixed object, the officer may complete an information report in the offense/incident module of the Records Management System.

**D. SAFETY EQUIPMENT**

1. Officers should use the following safety related equipment when applicable and when the equipment is available.
- a. Traffic cones
  - b. Road flares
  - c. Reflective Vest
    - i. All sworn personnel shall be issued a reflective vest.
    - ii. Officers shall wear a department approved reflective vest when either directing traffic or working a crash scene in the public roadway. (TPCA 7.17)

**E. REQUIRED REPORTS**

1. Motor Vehicle Crash Reporting

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- a. An officer that investigates a motor vehicle crash, which meets the requirements of this directive, shall complete an accident report on the TXDOT Crash Records Information system website.

2. Motor Vehicle Crashes Not Requiring Officer Investigation

- a. A blue form with written instructions shall be given to all drivers involved in a crash where an investigation is not required by this procedure.
- b. An officer is not required to stay with the drivers to ensure blue form compliance. However, if any person involved is displaying the tendency to not remain civil, the officer shall remain to preserve the peace.

F. ENFORCEMENT (TPCA 7.16d)

1. Citations

- a. Officers are encouraged to issue regulatory citations regardless if an accident report is completed.
- b. Regulatory citations include but are not limited to:
  - i. Failure to Maintain Financial Responsibility (public roadway or publicly accessible parking lots)
  - ii. Expired Registration (public roadways only)
  - iii. No, Expired or Invalid Driver License (public roadways only)

G. TOWING/IMPOUNDING ACCIDENT VEHICLES

1. Vehicles involved in an accident that cannot be driven from the scene and which are on a public road may be towed at the owner's expense using a contract wrecker, or wrecker of their choice. The vehicle will be towed to a location of the owner or driver's choosing; otherwise the vehicle will be taken to the wrecker company lot. Information concerning the tow will be documented on the officer's accident report.
2. Vehicles involved in an accident that cannot be removed from the scene and which are lawfully left on private property will not be towed without the owner's consent unless it is involuntarily impounded due to arrest procedures or as evidence or an instrumentality of a crime. The vehicle owner however may be civilly liable for any damage to the private property caused by the accident or by the removal of the vehicle after the accident.
3. Officers shall follow all directives under Lancaster Police Department General Orders Manual, Directive 7.03.1 "Vehicle Impounds" when impounding a vehicle.

H. FATALITY ACCIDENTS

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1. If there is an accident resulting in a fatality or possible fatality, the on-duty supervisor will be notified.
2. The on-duty supervisor is responsible for the scene of all fatality or possible fatality accidents. The supervisor will authorize the notification of an accident investigator.
3. Pending the arrival of an accident investigator, the on-scene officers should secure the scene as follows:
  - a. Direct traffic around the scene to avoid damaging evidence;
  - b. Leave vehicles and any other evidence relating to the accident in place (such as vehicle parts, fluids, etc.). Do not call wreckers to the scene; the accident investigator will be responsible for calling when needed.
  - c. Retain witnesses for accident investigator. Releasing of witnesses should only be done when absolutely necessary. If they must be released, officer's on-scene should obtain the witnesses name, address, phone numbers (home, work, cell), driver license or identification card number, employment information, email address and a written statement.
  - d. Contact the appropriate department for temporary traffic control devices when necessary to close a road or reroute traffic.
4. The accident investigator will proceed to the accident scene, assess the situation, and request assistance from the supervisor on-duty, as needed. Complicated accidents may require the presence of additional accident investigators or detectives as determined by the accident investigator. If the accident investigator determines additional investigators or detectives are needed, the accident investigator will advise the on-duty supervisor of what is needed and the reason why they are needed. The on-duty supervisor may call in additional resources needed.

**I. CHANGES TO ACCIDENT REPORTS**

1. A change in or modification of a written report of a motor vehicle accident prepared by a peace officer or the operator of a vehicle involved in an accident that alters a material fact in the report may be made only by the peace officer or person who prepared the report.

**J. POLICE FLEET ACCIDENTS INITIAL RESPONSE**

1. It is the intent of this department to establish policy and procedure for the investigation and documentation of fleet accidents. The department recognizes that accidents are inevitable in the operation of such vehicles, and guidelines should be established for repair or replacement of damaged equipment.
2. Immediately following an accident in a police vehicle, three (3) actions shall be taken:
  - a. the vehicle shall stop and the involved officer shall remain at the scene, even when occurring in the pursuit of another vehicle;

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- b. unless incapacitated, the employee will immediately notify communications or their supervisor of any accident;
  - c. the on-duty supervisor will respond to the scene of the accident as soon as possible
3. Secondary actions include the following:
- a. the on-duty supervisor will ensure that the involved employee's Division Commander is immediately notified when there is injury to any person or significant damage to any property;
  - b. the Dallas County Sheriff's Office or jurisdictional agency will be notified immediately and will respond to the scene unless there are no injuries, no third party damage and only cosmetic damage to the police vehicle;
  - c. additional police units and other emergency units as required will be dispatched to the scene of the accident;
  - d. the on-duty supervisor will take photos of the accident scene, department vehicle and other vehicles or property involved
4. In the case of injury accidents, the shift supervisor shall make notification with the Division Commander. The shift supervisor may delegate the notification duty, depending on the circumstances, but will ensure that all notifications are completed and that they are timely and the information conveyed is accurate.
5. Any police vehicle accident that occurs in the City of Lancaster, involving any damage to another vehicle, damage to property, or any claim of injury will be investigated by the Dallas County Sheriff's Office, whenever possible. If the Dallas County Sheriff's Office cannot respond then the investigation will be conducted by a neighboring agency. If the accident occurs outside the City of Lancaster, the investigation can be done by the agency with jurisdiction.
6. If an accident occurs in a department vehicle while the vehicle is being driven outside the city limits but within a reasonable distance of the City of Lancaster, supervisory personnel shall be notified and shall respond to the scene. Photos of the accident scene and involved vehicles should be obtained if possible.
7. Any employee involved in a motor vehicle accident or witnesses an employee involved in a motor vehicle accident will write a memorandum to the on-duty supervisor explaining what occurred.

**K. DISPOSITION OF DAMAGED VEHICLES**

- 1. In the event of a police vehicle fleet accident and the police vehicle is disabled, then the dispatcher will notify the contract wrecker service and have the vehicle towed to vehicle maintenance to be parked inside the fence.

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2. If a supervisor assess the damage to the vehicle and determines that the vehicle can be safely driven, then the vehicle shall be driven directly to vehicle maintenance for future damage assessment and repair. If it is after hours, then the supervisor must open the gate and ensure that the vehicle is parked inside the fence near the back of lot so that it can be inspected by Fleet Services personnel.
3. All weapons and personnel belongings shall be removed from the vehicle.
4. **DO NOT** leave the keys in the vehicle.
5. The supervisor shall notify the City Fleet Manager via a phone call or e-mail explaining the incident.
6. Fleet accidents occurring outside the city limits shall be handled in the same manner as long as the wrecker request doesn't conflict with the procedures of the jurisdiction where the accident occurred. In the event of a conflict, you shall abide by the procedures of the jurisdiction and request that the police vehicle be towed to vehicle maintenance.

**L. ADMINISTRATIVE RESPONSIBILITY**

1. The on-duty supervisor will conduct an investigation into the accident and complete any necessary worker's compensation forms needed for treatment.
2. The supervisor shall prepare a memorandum to the Chief of Police, via chain of command, that shall include the following information:
  - a. details of the accident or injury and contributory factors to the crash or injury;
  - b. statements of witnesses;
  - c. name and insurance information on involved drivers and others involved in a crash, and the nature/seriousness of injuries and/or property damage;
  - d. any recommendations that would help prevent similar crashes in the future
3. The supervisor shall forward the officer's memorandum, supervisor's memorandum, photos, in-dash video (if available), copy of accident report, copy of offense/incident report, workers compensation forms and any other pertinent information to the Chief of Police, via the supervisor's chain of command.
4. It is the responsibility of the on-duty supervisor to secure the officer's equipment in case of injury.
5. It is the responsibility of the on-duty supervisor to secure the removable equipment from a police vehicle in the event of wrecker storage.

**M. POST ACCIDENT/INJURY SUBSTANCE ABUSE TESTING**

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1. Employees operating city vehicles will be required to undergo post accident substance abuse testing when such testing is required by Section A-2, City of Lancaster PRIDE Policies and Procedures.
2. Substance abuse testing will be conducted at a designated facility as soon as practical but no later than twenty-four (24) hours following an accident.

**N. SCOPE OF RESPONSIBILITY**

1. All members of the department shall know and comply with all aspects of this directive.
2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.