

THURMONT POLICE DEPARTMENT

GENERAL ORDER

Date Issued: December 15, 2020

Effective December 15, 2020

Order No: Chapter 35.3

Authority: Chief of Police

Gregory L. Eyer

Manual Page No:

Subject: **TRAFFIC CRASH INVESTIGATION**

Replaces Page No:

CALEA Standard: 61.2

Distribution: **ALL**

Amends: Order dated June 13, 2012

Number of Pages: 14

Related Documents: ACRS, Maryland Vehicle Code, Driver Witness Statement, Detailed Crash Investigation Manual, Photograph Record

Rescinds: Previous Order

I. PURPOSE:

To establish a standardized departmental method for investigating and reporting motor vehicle crashes.

II. POLICY:

The Thurmont Police Department (TPD) will conduct a thorough investigation of all motor vehicle crashes occurring on both public and private property within the corporate limits of Thurmont. The TPD shall, to the best of its ability, determine the cause of those crashes and take appropriate enforcement action.

III. DEFINITIONS:

M. V. C.: Motor Vehicle Crash

AC.R.S.: Automated Crash Reporting System

PRINCIPAL: Driver of a motor vehicle

MOTOR VEHICLE: Every vehicle that is self-propelled except on rails

INCLEMENT WEATHER: Frederick County issued Snow Emergency Plan

IV. PROCEDURES

Law Enforcement Officers are legally required to investigate and report traffic crashes. Legal requirements are located in the Maryland Motor Vehicle Code. An ACRS Report or Incident Report will be completed in detail for all traffic crashes as outlined below:

A. OFFICER RESPONSE:

1. At least one officer shall report to the scene of any M.V.C. involving:
 - a. Death or Injury,
 - b. Property Damage,
 - c. Government owned vehicles,
 - d. Town owned property,
 - e. Hit and Run,
 - f. Principal(s) impairment due to alcohol or drugs,
 - g. Hazardous Material.

B. Motor Vehicle Crash investigation / ACRS report required:

1. Property damage crashes with damage to Public or Government owned property.
2. Personal injury crashes.
3. Involving government owned vehicles; including all Departmental Vehicles and Town Owned Vehicles.
4. A Hit and Run Crash. (A hit and run crash will be documented on an Incident Report and then completed on an A.C.R.S. after the investigation has successfully identified the striking vehicle and/or operator.)
5. M.V.C. involving a struck deer or any other animal may be completed on an Incident Report if 1 through 4 listed above does not exist.
6. A Supervisor may waive the above requirements for ACRS due to inclement weather if not involving Personal Injury.
7. All other traffic crashes which do not require an ACRS report, such accidents

occurring on private property, will be completed on an Incident Report and the Report Number provided to all involved parties.

E. CRASHES INVOLVING A FATALITY:

A Supervisor shall notify the Frederick County Sheriff's Office or the Maryland State Police for any crash involving a fatality or severe injury which may cause a fatality, and request an Accident Reconstructionist to respond and conduct an investigation.

F. CRASH SCENE PHOTOGRAPHS:

1. Crash scene photographs shall be taken to show the perimeter of the scene to establish the location, each angle of impact and vehicles, and any road conditions or defects. Close-up photographs of specific evidence.
2. Primary photographs shall be made of the scene as the officer found it. The primary photographs shall not contain any scales or other foreign objects to the scene. Officer shall not in any way or for any reason move or replace any object once it has been moved or reconstruct the scene for any purpose. After primary photographs have been taken, secondary photographs may be taken which may include scales or identification markers.
3. Officers photographing any crash scene shall complete a TPD Photograph Record (TPD Form 6.1A), which shall be submitted with the case file.
4. Crashes involving a fatality: Photographs may be transported to the Office of the Chief Medical Examiner (OCME) with the body. The photographs shall show, if possible, the position of the body prior to removal, the condition of the body, the location of the body, and any possible mechanism of injury. All photographs submitted to the OCME will be in coordination with the Accident Reconstructionist.
5. All digital photographs shall be downloaded by the investigating officer to the "R" drive in the Photo folder with the sub-folder labeled with the case number by the end of the officer's shift or as soon as possible.
6. When any member of this department video records a scene under active investigation, whether on or off duty, using department or personal video equipment, the equipment shall have its audio recording device disabled or disrupted. **Note:** This paragraph does not affect or prevent the use of audio and video recording of suspected intoxicated or impaired motor vehicle operators, interviews of witnesses or suspects, or in-car videos during a traffic stop. The officer making the video recording shall submit a supplemental report detailing

the nature of the video and the type of equipment used. A copy of the video recording shall be placed on evidence under the case number of the case being investigated.

G. HIT AND RUN CRASH REPORTING AND INVESTIGATION:

1. In the case of a Hit and Run crash a Thurmont Police Department Incident Report will be completed. If the offender and striking vehicle information is known, the responding Officer shall transmit to the Frederick County Emergency Communications Center, a description with all pertinent offending principal and vehicle descriptions.

H. CRASH RESPONSE:

1. Upon arrival at a crash scene the responding Officer shall:
 - a. Position his police unit to protect the crash scene, while still maintaining traffic flow through the area if possible.
 - b. Ask all parties involved if they are injured, and require medical assistance.
 - c. Determine if other units are necessary to assist with the crash or for traffic control.
 - d. If the vehicles are drivable, and it appears that a crash re-constructionist will not be needed, the Officer may direct the principals to move the vehicles from the roadway to complete their investigation.
 - e. Ensure each driver is properly licensed and each vehicle properly registered.
 - f. Facilitate the exchange of required information among all involved parties by utilizing the ACRS Exchange of Information form.
 - g. If the crash involves a fatality or serious injury, the vehicles and all other at-scene evidence, to include but not limited to, the deceased victim(s), vehicles, vehicle fluids, vehicle parts, bodily fluids, skid marks, or any other items that may be of an evidentiary value, shall not be moved from its observed location. The officer shall photograph those items as soon as possible, and contact the supervisor to request the assistance of a crash re-constructionist from an allied agency.
 - h. If extrication of victim(s) becomes necessary, or fuel spills occur the officer will request the assistance of the Fire Department through FCECC.

- i. Aid to victims will be given by the officer at the scene prior to the arrival of the Fire/Rescue personnel.
 - j. Locate and interview principals and witnesses by using the TPD Driver/Witness Statement Form.
 - k. Request tow services, if needed, to clear the roadway of vehicles and debris, while restoring the normal traffic flow as soon as possible.
 - l. Once the investigation has been completed, take appropriate enforcement actions.
 1. In crashes involving a fatality or serious injury the officer shall contact the Frederick County State's Attorney's Officer (FCSAO), through FCECC, while on scene to inform them of the crash to determine if they will respond to the scene. The FCSAO shall be consulted prior to placing any criminal charges.
 2. In the case of a fatality, request, through FCECC, that a representative from the Office of the Chief Medical Examiner (OCME) respond to the scene. The body of all deceased victims shall not be moved from their final rest position until the arrival of the representative from the OCME and the Accident Re-constructionist.
2. TECHNICAL CRASH INVESTIGATION AND RECONSTRUCTION:
- a. Officers who have received advanced training in crash investigation may be utilized and, at the discretion of the Chief of Police, Deputy Chief of Police or their designee, be summoned to the scene to conduct the investigation of:
 - (1) All fatal crashes.
 - (2) Serious personal injury crashes.
 - (3) Other crashes where the Chief of Police, Deputy Chief of Police or their designee deems serious enough for a crash re-constructionist to be called to the scene.

I. REMOVAL OF VEHICLES FROM THE SCENE:

1. If the crash is property damage only and the vehicles are drivable, the Dispatcher may instruct the principals to move their vehicles to a safe area to maintain normal traffic flow.

J. OFFICER OR INVESTIGATOR IN CHARGE OF THE SCENE:

1. The officer assigned to the crash shall be in charge of the scene until relieved by a supervisor.
2. If a crash re-constructionist is utilized, they shall be in charge of the scene unless relieved by the Chief of Police, Deputy Chief of Police, or their designee.

K. M.V.C. INFORMATION COLLECTION:

1. Every officer at the scene of any M.V.C. shall submit a Supplemental Report detailing their involvement in the investigation and accurately complete all necessary forms and reports, the information to include but is not limited to:
 - a. Interviewing principals and witnesses, using the TPD Driver/Witness Statement Form.
 - b. Examining and documenting vehicle damage.
 - c. Examining and documenting effects of crash on the roadway.
 - d. Take measurements as necessary.
 - e. Take photographs as necessary.
 - f. Collect and preserve evidence.
 - g. Exchange information among principals.

L. INCLEMENT WEATHER CRASH REPORTING:

1. When the Snow Emergency Plan is activated for Frederick County or where inclement weather makes it difficult for an Officer to respond to the scene or an officer is unavailable, the Supervisor may implement the Emergency Crash Reporting Procedure.
2. Emergency Crash Reporting Procedure – the Supervisor will notify the Frederick

County Emergency Communications Center (FCECC) to instruct the principals to exchange information at the scene, including location, date, and time of the crash, only when the following conditions are met:

- a. There are no personal injuries.
- b. All principal vehicles are drivable.
- c. All principals involved are present at the scene.

M. EXPERT AND TECHNICAL ASSISTANCE:

1. The Thurmont Police Department may seek technical or expert assistance from an outside agency or company, in order to properly gather or interpret data that may arise during a crash investigation.
2. The Officer may contact any or all of the following for assistance or advice:
 - a. Physicians.
 - b. Surveyors.
 - c. Engineers.
 - d. Mechanics.
 - e. Photographers.
 - f. Other technical specialists or experts.

N. TRAFFIC CRASH EQUIPMENT AND SUPPLIES:

1. Every TPD patrol vehicle shall contain the following equipment. At the beginning of the officer's shift, they shall inspect the following items to assure they are fully stocked and available for use:
 - a. Fire Extinguisher.
 - b. Road flares (Minimum of 20).
 - c. Reflective traffic vests.
 - d. First Aid Kit.

O. AT SCENE STABILIZATION ACTIVITIES:

1. The Officer at the scene may utilize police vehicles, town owned vehicles, fire apparatus, flares, barricades, reflectors, or traffic cones to direct traffic and protect the scene and safely detour traffic away from the area.
2. Once the Officer arrives on scene of any crash and determines the crash involved personal injury, fire, or hazardous material, the Officer will request the Fire Department. The officer shall:
 - a. To the best of their ability, offer aid to the victims until relieved by Fire/Rescue personnel.
 - b. Attempt to extinguish the fire prior to the arrival of the Fire/Rescue personnel.
 - c. Not enter the scene of any HazMat incident, but will attempt to identify the substance, notify FCECC, and make an attempt to evacuate the area and secure the scene until the arrival of the Fire/Rescue personnel.
3. Crashes occurring on or within 100 feet of an at-grade railroad crossing or involving any over-head railroad structure, the officer shall notify the FCECC of the railroad crossing ID number or structure number and the crossing street. FCECC shall notify the appropriate railroad company. Once the incident has been cleared the officer shall notify FCECC, who shall notify the appropriate railroad company the incident has been cleared.

P. CONTROL OF CRASH VICTIMS PROPERTY:

1. In the event of injury to the principal or passengers, the responding Officer shall be responsible for the safe keeping of the injured persons' property. The options available to the Officer are as follows:
 - a. Retain control of the property and return it to the victim at the hospital.
 - b. Return to the Police Department and inventory the property as required by the General Order on Property and Evidence Control. The Officer shall then make all reasonable attempts to return the property to the victim or victim's family.
 - c. The Officer is responsible for notifying the involved persons of all pertinent information regarding the crash, location of vehicle and location of personal property.
 - d. If the victim's clothing or other property is to be used as evidence, the officer shall retain control of that property while following the General Order on

Property and Evidence Control.

Q. DEPARTMENTAL CRASH INVESTIGATIONS

1. Any employee of the Thurmont Police Department involved in a motor vehicle crash, no matter how minor, while operating or a passenger in a town-owned vehicle, shall immediately notify the FCECC of the incident. In addition, the member involved, if capable, shall provide medical assistance necessary and request fire and rescue assistance through FCECC if required.
 - a. Notification shall be made to supervisory personnel with the Department to respond. Thurmont Police Department vehicle crashes within the corporate boundaries of the Town of Thurmont will be investigated by Departmental supervisors. In the event a departmental crash is outside of the boundaries, the crash will be investigated by an agency having jurisdiction of the location in which the accident occurred.
 - b. In all cases of a departmental crash, the supervisor shall ensure that notification is made to the Chief of Police or Deputy Chief of Police as soon as possible.
2. The investigator shall be responsible for conducting the investigation and completing the ACRS report. The Supervisor shall be responsible for initiating an Internal Investigation and assigning the next sequential Internal Investigation number.
3. Personnel involved in a departmental crash will submit a memorandum giving a detailed account of the incident. All reports and pertinent paperwork will be forwarded to the Chief of Police through the chain of command with proper endorsements. In cases where the officer is physically unable to do so due to injuries sustained, the supervisor will submit a report. Upon recovery the involved employee shall submit a memorandum detailing the incident.
4. Accident of Unsafe Practices Testing
 - a. Employees involved in on-the-job accidents or who engage in unsafe on-duty activities that pose a danger to others or the overall operation of the Department may be subject to testing. The employee's immediate supervisor, with the approval of the Chief of Police may initiate testing when such circumstances of the accident or unsafe practice give reasonable suspicion that drug or alcohol use may have been a contributing factor.

- b. Employees will not be “routinely” tested as a result of their involvement in motor vehicle collisions.
- 5. The collision will be investigated to determine the at-fault principal as well as any possible negligence or liability to the Town of Thurmont.
 - a. The submitted reports shall include the investigator’s objective findings and determination of which party is at fault.
 - b. Collision reconstructions will only be completed on departmental collisions involving a fatality or serious injury or those crashes where the Chief of Police or Deputy Chief of Police deems necessary.
 - c. For Department personnel, the supervisor will make a recommendation as to how the collision should be classified based on the following three categories:
 - (1) Preventable/Chargeable**
 - (2) Preventable/Non-Chargeable**
 - (3) Non-Preventable/Non-Chargeable**
 - d. The involved employee’s supervisor shall include in their endorsement:
 - (1) The number of years driving type of vehicle.
 - (2) Previous preventable collisions and dates.
 - (3) MILES printout of driver’s record.
- 6. Guidelines for determination of preventability:

A preventable collision is any collision in which the driver failed to do everything they might have done to avoid it.

- a. **Intersections** – It is the responsibility of town vehicle drivers to approach, enter and cross intersections prepared to avoid collisions that might occur through the action of other drivers. Complex traffic movement, blind intersections, or failure of the “other driver” to conform to laws or traffic control devices will not automatically discharge a collision as “non-preventable.” Intersection collisions are preventable even if the driver has not violated traffic regulations. His failure to take precautionary measures prior to entering the intersection is a factor to be studied in making a decision.
- b. **Vehicle Ahead** – Regardless of the abrupt or unexpected stop of a vehicle

ahead, a driver can prevent front-end collisions by maintaining a safe following distance at all times. A safe following distance is one that allows the driver sufficient time, distance, and vision requirements to avoid a collision to reduce traffic conflict. This includes being prepared for possible obstructions on the highway, either in plain view or hidden by the crest of a hill or the curve of a roadway. Overdriving headlights at night is a common cause of front-end collisions. Night speed should not be greater than that which will permit the vehicle to come to a stop within the forward distance illuminated by the vehicle's headlights.

- c. **Vehicle Behind** – Investigation often discloses that drivers risk of being struck from behind by failing to maintain a margin of safety in his own following distance. Rear-end collisions preceded by a roll-back, an abrupt stop at a grade crossing, a traffic signal change, or when a driver's failure to signal for a turn at an intersection, should be charged PREVENTABLE. Failure to signal intentions or to slow down gradually should be considered preventable.
- d. **Passing** – Failure to pass safely indicates faulty judgment, and the possible failure to consider one or more of the important factors a driver must observe before attempting the maneuver. Unusual actions of the driver involved in a passing or of oncoming traffic might appear to exonerate a driver involved in a passing collision; however, the entire passing maneuver is voluntary and the driver's responsibility.
- e. **Being Passed** – Sideswipes and cut-offs involving a driver while he is being passed are preventable when he fails to yield to the passing vehicle by slowing down, moving to the right where possible, or maintaining speed, whichever action is appropriate.
- f. **Oncoming** – It is extremely important to check the action of the employee driver when involved in a head-on or side-swipe collision with a vehicle approaching from the opposite direction. The exact location of a vehicle, prior to and at the point of impact, must be carefully verified. Even though an opposing vehicle enters the driver's traffic lane, it may be possible for the driver to avoid the collision. For example, if the opposing vehicle was in a passing maneuver and the town driver failed to slow down, stop, or move to the right to allow the vehicle to re-enter his own lane, he has failed to take action to prevent the occurrence. Failing to signal the opposing driver in an appropriate manner should also be taken into account.
- g. **Fixed Objects** – Collisions with fixed objects are preventable. They usually

involve failure to check or properly judge clearances. New routes, strange delivery points, resurfaced pavements under viaducts, inclined entrances to docks, marquees projecting over traveled section of road, and similar situations are not, in themselves, valid reasons for excusing a driver from being involved. An employee driver must be constantly on the lookout for such conditions and make the necessary allowances relative to speed and vehicle positioning.

- h. **Pedestrians** – Traffic regulations and court decisions generally favor the pedestrian hit by a moving vehicle. An unusual route of a pedestrian at mid block or from between parked vehicles does not necessarily relieve a driver from taking precautions to prevent such collisions. Whether speed limits are posted or the area is placarded with warning signs, speed too fast for conditions may be involved. School zones, shopping areas, residential streets, and other areas with special pedestrian traffic must be traveled at reduced speeds appropriate to the particular situation. Bicycles, motor scooters, and similar equipment are generally operated by young and inexperienced operators. The driver who fails to reduce his speed to take the necessary precautions to prevent within his sight-distance has failed to take the necessary precautions to prevent a collision. Keeping within posted speed limits is not taking the proper precaution when unusual conditions call for voluntary reduction of speed.
- i. **Private Property** – When a driver is expected to enter unusual locations, constructions sites, etc., or driveways not built to support heavy commercial vehicles, it is the driver's responsibility to discuss the operation with the proper authorities and to obtain permission prior to entering the area.
- j. **Passenger Collisions** – Passenger collisions in any type of vehicle are preventable when they are caused by faulty operation of the vehicle. Even though the incident did not involve a collision of the vehicle, it must be considered preventable when the driver stops, turns, or accelerates abruptly. Emergency action by the town driver to avoid a collision that results in passenger injury should be checked if proper driving prior to the emergency would have eliminated the need for the evasive maneuver. The driver is responsible for the utilization of passenger restraint devices.
- k. **Non-collision** – Many collisions, such as overturning, jack-knifing, or running off the road, may result from emergency action by the driver to preclude being involved in a collision. Examination of his driving procedure prior to the incident may reveal speed too fast for conditions, or other factors. The driver's action prior to involvement should be examined for possible errors or lack of defensive driving practices.

- l. **Miscellaneous** – Projecting loads, loose objects falling from a vehicle, loose tarpaulins, or chairs, doors swinging open, etc., resulting I damage to the vehicle, cargo, or other property or injury to persons, are preventable when the driver’s action or failure to secure them are evidenced. Cargo damage, resulting from unsafe vehicle operation, is preventable by drivers.
 - m. **Backing** – Many collisions result from backing vehicles into unobserved obstacles; therefore, operators will, in every instance possible, park their vehicle by backing them into a parking area. In those instances when it is necessary to back from a space, the operator will, before moving, visually inspect the area to the rear of the vehicle to eliminate the possibility of striking unseen cars, poles, or other fixed objects. When the movements of a vehicle are being assisted by a guide, the operator is not relieved of their responsibility for the safe operation of his vehicle. It is incumbent on him to be certain the path of the backing vehicle is free from obstacles or obstructions.
7. Any Department vehicle damages (except superficial damage) in any motor vehicle crash will be placed out of service. The vehicle must be inspected by a designated authorized mechanic prior to returning to service.
 8. A Department vehicle with minor/superficial damage (i.e. scratched paint, small dent, etc.) may be placed back in service by the supervisor after an inspection has been completed.

ATTACHMENTS :

TPD Photograph Record – TPD Form 6.1A

TPD Driver/Witness Statement – TPD Form 35.3A

DOCUMENT DATES :

Amended Date: December 7, 2020

Amended by: Lt. P.A. Droneburg

Review Date:

Review Date:

Review Date: December 8, 2020

Rescinds: June 13, 2012

Order Written By: Lieutenant Shawn R. Tyler

Order Revised By: Kenneth W. Oland

Order Edited and Approved By: Colonel Gregory L. Eyler, Chief of Police, Lt. P. Allen Droneburg, Deputy Chief of Police

Accreditation Standards Included in this Order

CHAPTER 61 Traffic Crash Investigation