



Apex Police Department General Order



Title Motor Vehicle Crash Investigations		Order Number 1010-20
Effective Date: November 24, 2020	Amends: 1010-13	
CALEA Standard: 41.3.2, 55.2.6, 61.2.1, 61.2.2, 61.4.3 (b), 83.2.6	Rescinds:	
Reference:	Pages: 8	
Forms: DMV349- Crash Report F1010 – Field Sketch		

Motor Vehicle Crash Investigations

Purpose

The purpose of this directive is to establish policy and procedures to be followed during a traffic crash investigation.

Policy

It is the policy of the Apex Police Department to report and investigate each crash that occurs within the department's jurisdiction and is required to be reported to the North Carolina Department of Transportation, Division of Motor Vehicles (NC DMV). Officers at the scene of crashes will provide other assistance including care for the injured and protection of the scene.

Definitions

DMV-349 – The identifying number of the Crash Report Form used by all law enforcement agencies in North Carolina for reporting motor vehicle crashes to the NC DMV.

Fatality – A death resulting from injuries sustained in a motor vehicle crash; no more than 12 months after the crash.

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Minor Injury – Any injury that is evident at the scene of the crash, other than fatal or serious injuries. This can include, but is not limited to:

- Lump on the head
- Abrasions, bruises, minor lacerations where the cut on the skin surface has minimal bleeding and no exposure of deeper tissue

Motor Vehicle Crash – Any event that results in death, injury, or property damage directly to a motor vehicle or its load in transport, but not involving aircraft or watercraft. It must occur on a traffic way or after the motor vehicle runs off the roadway, but before events are stabilized.

Possible Injury – Any injury reported or claimed by the people involved or indicated by their behavior, but no injuries are visible. This can include, but is not limited to:

- Memory loss of consciousness
- Claim of injury
- Limping
- Complaint of pain or nausea

Reportable Motor Vehicle Crash – A reportable motor vehicle crash must meet at least one of the following criteria: (61.2.1)

- A crash resulting in a fatality
- A crash resulting in any injury
- A crash with total property damage of \$1,000 or greater
- A crash with property damage in any amount to a seized vehicle

Serious Injury – Any injury other than a fatality which results in one or more of the following:

- Severe laceration resulting in exposure of underlying tissues, muscles, organs, or resulting in a significant loss of blood
- Broken or distorted extremity
- Crush injuries
- Suspected skull, chest, or abdominal injury other than bruises or minor lacerations
- Significant burns (second and third degree burns over 10% or more of the body)
- Unconsciousness when taken from the crash scene
- Paralysis

Procedures

Reporting (83.2.6) (61.2.1)

1. The following crashes are required to be investigated and reported to the NC DMV using the Crash Report Form (DMV-349):

- Any reportable crash
- Crashes resulting in property damage to an apparent extent of less than \$1,000, if one of the involved drivers or vehicle owners requests that a crash report be completed

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and filed; including cases where damage is minimal or there is no obvious sign of damage

- Crashes that involve any vehicle owned by the Town of Apex (TOA) or operated by a TOA employee while engaging in official, town business
 - Crashes involving hit-and-run, impaired drivers (alcohol, drugs, etc.), hazardous materials, or occur on private property if there is property damage to an apparent extent of \$1000, and/or if there is an injury or fatality
2. Crash Report Forms (DMV-349) will be completed in accordance with the instructions found in the North Carolina Crash Report Instruction Manual published by the NC DMV.
 3. Officers will assist all drivers involved in motor vehicle crashes by providing the report number, the other driver's name, and insurance information on the Information Exchange Form portion of the DMV-349.

Response Procedures

1. Officers will respond to any crash involving the following circumstances:
 - Any crash with vehicle damage
 - Death or injury (61.2.2 (b))
 - Hit-and-run
 - Impaired operation due to alcohol, drugs, or other impairing substances
 - Damage to public vehicles or property
 - Hazardous materials spills (61.2.2 (c))
 - Disturbances between parties involved in a crash
 - Major traffic congestion because of a crash
 - Damage to vehicles that require towing
 - If requested by parties involved in the crash
2. Officers will respond to motor vehicle crashes in a manner that complies with all state, local, and departmental directives, as outlined in General Order 901 – *Operation of Police Vehicle and Call Response*.
3. Responding officers to a motor vehicle crash should address the following, as appropriate:
 - Contacting EMS, Fire, and/or NC Department of Transportation Incident Management Assistance Patrol (IMAP) to address the injured and assist with scene management (61.2.2 (b))
 - Determining if there is short-lived evidence and, to the extent possible, preserve it by taking photographs and protecting the evidence (61.2.2 (e))
 - Addressing traffic flow and scene safety
 - Returning the normal flow of traffic once the investigation is complete
 - Follow Traffic Incident Management System (TIMS) Protocols
 - Conducting a thorough investigation

4. If approved by the Patrol Division Commander, the response to minor crashes where there is no injury may be suspended due to severe weather, volume of calls for service, or for any other justifiable reason.
 - If so ordered, the Patrol Division Commander will notify the Communications Center, Public Information Officer, and the Chief of Police.
 - If response is suspended, the Communications Center will determine if another agency (i.e. the North Carolina State Highway Patrol) can assist with crash investigation.
 - If not, the Communications Center will advise callers of the suspension of response to these crashes and advise them to contact the department once the issue giving rise to the suspension is remedied.
 - The Public Information Officer may also notify the community of the suspension of response to minor crashes via the media, social media, etc.

Responsibilities of the First Responding Officer

1. The first responding officer is in charge of the crash scene until relieved by a supervisor or another investigating officer. (61.2.2(a)) The first responding officer will (61.2.2(g)):
 - Respond to the scene in accordance with General Order 901 – *Operation of Police Vehicle and Call Response*
 - Activate emergency warning lights to protect the scene as necessary, while being cognizant to not blind on-coming traffic
 - Park his/her marked patrol vehicle in a location that offers the greatest visibility of the emergency lighting equipment to motorists approaching the crash location
 - Immediately determine if there are injuries requiring emergency medical attention, any potential or suspected fire hazards or hazardous materials, and notify EMS/Fire/Rescue (61.2.2(b)(c))
 - Evaluate the scene and determine if any additional officers, equipment, or emergency services are needed; any additional services will be requested through the Communications Center
 - Maintain traffic control to prevent further crashes or injury; request additional officers as needed
 - Protect evidence at the scene and identify witnesses as soon as possible (61.2.2(e))
 - As soon as practical, have the vehicles, persons, and debris removed from the roadway to ease congestion and further reduce the possibility of subsequent crashes
 - For crashes requiring more extensive investigation, nothing should be moved from its location until it has been recorded (61.2.2(e)) (61.4.3 (b))
 - Comply with General Order 1006 – *Supplemental Traffic Service* when tow services are required (61.4.3 (b))
 - Immediately report disruption in any utility service to the Communications Center so the appropriate authority can be notified

- Immediately report crashes on or near railroad tracks to the Communications Center so the appropriate railroad company can be notified
- Report necessary road closures to the on-duty supervisor

Responsibilities of the Investigating Officer

1. The reporting of each crash will be the responsibility of the officer assigned by the Communications Center, unless revised by a supervisor. (61.2.2(g))
2. The investigating officer may not be the same as the first responding officer. Supervisors may order a change in assignment. In cases involving serious injury, felony hit-and-run, or fatalities, the on-duty supervisor will request that an officer with advanced training in crash investigations respond to the scene to investigate the crash, if available. (61.2.2(a))
3. The investigating officer may, with the approval of the on-duty supervisor, request additional expertise and/or assistance. This request should only be made after the determination that the crash requires special skills or resources beyond the officer's or the department's capabilities. The use of experts should be limited to crash investigations involving fatalities, hit-and-run, and/or serious personal injuries where the investigating officer does not have the training or resources necessary to conduct that portion of the investigation. Experts may include mechanics, photographers, reconstructionist, metallurgists, etc.
4. Crashes involving fatalities will be reported by the investigating officer to the on-duty supervisor. *The on-duty supervisor will coordinate arrangements for the notification of next-of-kin, pursuant to General Order 1109 – Victim and Witness Assistance.* (55.2.6)
5. *The investigating officer will collect all necessary data to accurately complete the North Carolina Crash Report Form (DMV-349) pursuant to General Order 802 - Collection and Preservation of Evidence.* Private property crashes will be reported with the same detail and accuracy as those on public highways. Measurements of tire marks and distance traveled after impact should be taken for all reports. (61.2.2(d))
6. All crashes, and especially crashes involving fatalities, felony hit-and-run, hazardous materials, impaired driving, and serious personal injury, should be investigated to the greatest extent possible. *Measurements, photographs, collection of evidence, gathering of information, statements, and vehicle examinations should be completed in a manner consistent with any other criminal investigation and should be documented on form F1010 – Field Sketch.*
7. *When necessary, the investigating officer will complete a follow-up crash investigation and document his/her activities using the following guidelines:* (61.2.1)
 - Complete any supplement to the initial DMV-349, providing additional information
 - The original crash report number will be used for all supplemental reports
 - File or amend charges, as appropriate

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- Collect off-scene data including, but not limited to, chemical breath test results, blood tests, driver's record of convictions, and lab reports
- Obtain and record formal statements from witnesses
- Contact a crash reconstructionist, if necessary
- Prepare formal reports to support any criminal charges arising from the incident

Crashes Involving a Town of Apex Police Vehicle

1. In the event of a traffic crash involving an officer operating a town vehicle and resulting in the death, serious injury, or extensive property damage of another, the on-duty supervisor will request that the North Carolina State Highway Patrol assume responsibility for the investigation.
2. In crashes which result in death or serious personal injury, the involved officer will be assigned to an administrative-duty assignment under the direction of the Chief of Police. This assignment does not imply or indicate that the officer acted improperly.
3. Minor damage crashes, including crashes involving wildlife, will be investigated and reported by the on-duty patrol supervisor or as directed by the Patrol Division Commander.

Late Notification of Crashes

1. Occasionally, people report crashes that occurred at an earlier date or time that had no police response. Officers are to determine if the nature of the alleged incident meet the criteria for a crash investigation.
2. If the criteria are met, the officer should conduct the best possible investigation, including examination of the scene, vehicle damage analysis, and if available, interviewing witnesses.
3. The assigned officer will document in the narrative portion of the accident report that this is a late reported crash. The suggested wording should be: **"Late Reported Crash- Not Reported at Scene"**.

Crash Investigation and Emergency Supplies

1. Each patrol vehicle should contain the following crash investigation and emergency care supplies: (41.3.2)
 - Roll tape measuring device
 - Flares
 - Basic first aid kit
 - Fire extinguisher
 - Latex gloves
 - CPR mask

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- Reflective traffic vest
 - Flashlight with wand
 - Hazardous materials manual (may be made available electronically, and if so, is not necessary to be in the vehicle in hard copy form)
2. Officers will notify their direct supervisor of any items which are missing or need to be replaced. The supervisor will notify the Support Services supervisor, who will replace the item. (41.3.2)

Property of Crash Victims (61.2.2(f))

1. When a vehicle involved in a crash must be removed from the scene, the assigned officer will advise the driver, owner, and other occupants of the vehicle to recover any personal property that they do not wish to leave with the vehicle.
2. If the officer must handle personal belongings for identification purposes, he/she should attempt to do so in the presence of witnesses.
3. **If evidence or items are taken from the crash scene, as a result of the investigation, the seizing officer will follow** General Order 801 - *Evidence and Property Management and Control* and General Order 802 - *Collection and Preservation of Evidence*.

Fire Hazards and Hazardous Materials (61.2.2(c))

1. Officers should recognize fire hazards, the potential for vehicles to be carrying or leaking hazardous materials, and inform the Communications Center to dispatch fire units when needed. If an officer is unsure whether a fire unit is needed, one should be requested.
2. The fire department will assess the situation. Fire units in Apex are first responders and will be dispatched to all crashes involving personal injury, overturned vehicles, fuel or petroleum leaks, and hazardous material spills.
3. Officers responding to the scene of a motor vehicle crash involving or suspected to involve hazardous materials will follow the appropriate departmental directives pertaining to hazardous materials incidents. The investigation of a crash involving hazardous materials will be suspended until conditions will allow for the safe resumption of investigative activities.

Text in “Green” denotes a significant change in policy

BY ORDER OF:

A handwritten signature in black ink, reading "John W. Letteney". The signature is written in a cursive style with a horizontal line underneath it.

John W. Letteney
Chief of Police