

Traffic Accidents

501.1 PURPOSE AND SCOPE

This policy provides guidelines for responding to and investigating traffic accidents.

501.2 POLICY

It is the policy of the Kalamazoo Department of Public Safety to respond to traffic accidents and render or summon aid to injured victims as needed. The Department will investigate and prepare reports according to the established minimum reporting requirements with the goal of reducing the occurrence of accidents by attempting to identify the cause of the accident and through enforcing applicable laws. Unless restricted by law, traffic accident reports will be made available to the public upon request.

501.3 RESPONSE

Upon arriving at the scene, the responding member should assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be called to the scene when the incident:

- (a) Is within the jurisdiction of this department and there is:
 - 1. A life-threatening injury.
 - 2. A fatality.
 - 3. A City vehicle involved.
 - 4. A City official or employee involved.
 - 5. Involvement of an on- or off-duty member of this department.
 - 6. Involvement of another police or fire department's personnel
- (b) A supervisor will investigate all accidents with in the City of Kalamazoo involving KDPS personnel in city or private vehicles.
- (c) Accidents involving KDPS personnel in city vehicles outside the City of Kalamazoo shall be reported to the Shift Commander immediately via telephone. The Shift Commander shall determine if a command officer should respond to the scene.

501.3.1 MEMBER RESPONSIBILITIES

Upon arriving at the scene, the responding member should consider and appropriately address:

- (a) Traffic direction and control.
- (b) Proper placement of emergency vehicles, cones, roadway flares or other devices if available to provide protection for members, the public and the scene.
- (c) First aid for any injured parties if it can be done safely.

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- (d) The potential for involvement of hazardous materials.
- (e) The need for additional support as necessary (e.g., traffic control, emergency medical services, hazardous materials response, tow vehicles).
- (f) Clearance and cleanup of the roadway.

501.4 NOTIFICATION

If a traffic accident involves a life-threatening injury or fatality, the responding public safety officer shall notify a supervisor or, if unavailable, the Shift Commander. The Shift Commander or any supervisor may assign a traffic investigator or other appropriate personnel to investigate the incident. The Shift Commander will ensure notification is made to the Operations Division Captain, Criminal Investigations Division Captain, and the Chiefs in accordance with the Major Incident Notification Policy.

The Office of Professional Standards shall be notified when any accident involving a KDPS employee and/or vehicle involves a life-threatening injury or fatality to either the employee or civilian.

If a traffic accident involves a life-threatening injury or fatality on a City owned roadway, the Shift Commander will make notification to the Public Works Department.

If a traffic accident involves a life-threatening injury or fatality on a State Highway or Trunk line, the Shift Commander will make notification to MDOT emergency contact @269-370-1887.

501.4.1 NOTIFICATION OF FAMILY

In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with the Medical Examiner, department chaplain or another suitable person. Notification should be made as soon as practicable following positive identification of the victim. The Shift Commander shall consider notifying the Departmental Chaplain to assist with the notification.

The identity of any person seriously injured or deceased in a traffic accident should not be released until notification is made to the victim's immediate family.

501.5 MINIMUM REPORTING REQUIREMENTS

An accident report shall be taken when:

- (a) A fatality, any injury (including complaint of pain), operating under the influence or hit-and-run is involved.
- (b) An on-duty member of the City of Kalamazoo is involved.
- (c) The accident results in any damage to any City-owned or leased vehicle.
- (d) The accident involves any other public agency driver or vehicle.
- (e) There is damage to public property.
- (f) Damage to property appears to exceed \$1000.

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- (g) There is damage to any vehicle to the extent that towing is required.
- (h) Prosecution or follow-up investigation is contemplated.
- (i) Directed by a supervisor.

501.5.1 PRIVATE PROPERTY

Generally, reports should not be taken when a traffic accident occurs on private property unless it involves an injury or fatality, a hit-and-run violation or other traffic law violation. Members may provide assistance to motorists as a public service, such as exchanging information and arranging for the removal of the vehicles.

501.5.2 CITY VEHICLE INVOLVED

A traffic accident report shall be taken when a City vehicle is involved in a traffic accident that results in property damage or injury.

Whenever there is damage to a City vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Division Commander. The supervisor at the scene should determine what photographs should be taken of the scene and the vehicle damage and complete a City Crash Report in Blue Team.

Generally, a lab technician or lab specialist shall photograph all personal injury accidents involving a KDPS vehicle. All accidents causing damage shall have photographs taken of the damage. Any accident that has more than \$5,000 in damage a lab technician, lab specialist, or relief lab technician should be called to take photos.

501.5.3 INJURED ANIMALS

Department members should refer to the Animal Control Policy when a traffic accident involves the disposition of an injured animal.

501.6 INVESTIGATION

When a traffic accident meets minimum reporting requirements the investigation should include, at a minimum:

- (a) Identification and interview of all involved parties.
- (b) Identification and interview of any witnesses.
- (c) A determination of whether a violation of law has occurred and the appropriate enforcement action.
- (d) Identification and protection of items of apparent evidentiary value.
- (e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence, reporting) on the appropriate forms.

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501.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY

The on-duty Shift Commander should request that the Michigan State Police or other outside law enforcement agency investigate and complete a traffic accident investigation when a life-threatening injury or fatal traffic accident occurs within the jurisdiction of the Kalamazoo Department of Public Safety and involves:

- (a) An on- or off-duty member of the Department.
- (b) An on- or off-duty official or employee of the City of Kalamazoo.

Department members shall promptly notify a supervisor when any department vehicle is involved in a traffic accident. The accident investigation and report shall be completed by the agency having jurisdiction.

501.7 ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of a traffic law contributed to the accident, authorized members should issue a citation or arrest the offending driver, as appropriate, unless exigent circumstances exist such as extreme road conditions. Such deviations must be approved by a supervisor (MCL 257.728; MCL 600.8807).

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

501.8 REPORTS

Department members shall utilize the "E-crash" on line reporting system approved by the Michigan State Police as required for the reporting of traffic accidents. Paper UD-10 will not be used. All such reports shall be completed by the end of the shift and will not be held without a command officer's approval. Command officers will review the inbox for unapproved accident reports on a daily basis.

501.8.1 REPORT MODIFICATION

Once a report has been approved and distributed, corrections can be made with supervisor approval if initial information was determined to be inaccurate or missing after further investigation.

501.8.2 EXECUTIVE LT. OF OPERATIONS RESPONSIBILITIES

The responsibilities of the Executive Lt. of Operations include, but are not limited to:

- (a) Ensuring the monthly and quarterly reports on traffic accident information and statistics are forwarded to the Operations Division Commander or other persons as required.
- (b) Ensuring that all traffic accident reports are completed in a timely manner and forwarded to the Michigan State Police.
- (c) Maintaining a copy of all traffic accident reports for a minimum of 3 years (MCL 257.622).

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501.8.3 DIVISIONAL COMMANDER RESPONSIBILITIES

The Divisional Commander, or their designee, should conduct an administrative investigation/ meaningful review of all police related vehicle crashes. The administrative investigation/ meaningful review process looks to prevent future crashes in order to minimize and mitigate further risks by reviewing whether policy changes are necessary, whether training is needed, whether equipment should be changed/ altered and whether discipline is indicated. Any recommendations from the administrative investigation shall be taken into review for implementation by the Chief of Public Safety.

501.9 DISCIPLINE FOR KDPS EMPLOYEE CRASHES

Disciplinary action shall be taken in City owned or leased vehicle crashes involving employee negligence, including crashes on private property. To help determine the level of discipline applicable in each case, command officers shall complete a detailed memo documenting the employee's file review, preceding crashes, and other relevant facts.

- a. The finding of fault and issuance of a citation shall not negate the taking of administrative disciplinary action.
- b. The following progressive discipline shall apply, unless gross negligence or violations of other rules and regulations are involved:
 1. The first crash within the preceding 12 months involving employee negligence, but less than gross negligence and/or other policy violations:
 - I. Public Roadway - If the employee is determined to be at fault, a traffic citation will be issued. Generally, on minor crashes, a written reprimand will not be issued. A written reprimand can be issued in addition to a traffic citation on incidents of higher negligence, taking account the severity of the crash, injuries and what events led up to the crash.
 - II. Private Property crash - If the crash occurs on private property and the employee is at fault, a criticism* or written reprimand will be issued.

*A verbal criticism is documented in a supervisor's DAR and shall be issued only in single car crashes with less than \$ \$1,000 damage, after obtaining a written repair estimate (striking a parked car is considered to be a two-car accident).

2. The second crash within the preceding 12 months involving employee negligence, but less than gross negligence and/or other policy violations, shall result in either a written reprimand or up to a two (2) day suspension, depending upon the level of negligence and seriousness of the crash.
3. The third crash within the preceding 12 months involving employee negligence, but less than gross negligence and/or other policy violations, shall result in a two (2) to five (5) day suspension, depending upon the level of negligence and seriousness of the crash.
4. The fourth crash within the preceding 12 months involving employee negligence,

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but less than gross negligence and/or other policy violations, shall result in a six (6) or more day suspension, up to and including termination, depending upon the level of negligence and seriousness of the crash.

5. Employees involved in a motor vehicle crash involving gross negligence and/or serious damage or bodily injury may be subject to disciplinary action up to and including termination.