

Traffic Crashes

501.1 PURPOSE AND SCOPE

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

501.2 POLICY

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

501.3 DEFINITIONS

ACRS: Automated Crash Reporting System.

Crash Investigation: A process that requires crash reporting and the collection of evidence necessary to identify crash causes, charge violations of the Maryland Transportation Article and prepare for a successful prosecution, as appropriate.

Crash Reporting: The gathering of appropriate data and other information necessary to complete required reports, or for inclusion in the Computer Aided Dispatch (CAD) when no report is required.

Disabled: Related to a vehicle; damage that prevents the removal of the vehicle from the scene of the crash in its usual operating manner, after simple repairs.

E-TIX: Electronic Ticket Information Exchange.

Fault: A traffic law violation which contributes to a vehicular crash incident.

Government-Owned: Property (including vehicles) owned, operated or leased by any local, state or federal government agency.

Late-Reported Crash: A crash in which all involved persons have left the scene of the crash and one of the persons contacts the UMBPD at a later time to report the crash; does not include the removal of a vehicle from the roadway to a safe location to expedite traffic flow or ensure motorist safety.

Signal 30: A crash involving property damage only.

Signal 31: A crash involving personal injury.

Signal 32: A crash resulting in death.

501.4 RESPONSE

Upon arriving at the scene, the responding member shall assess the need for additional resources and summon assistance as appropriate. Generally, the member initially dispatched to the scene

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will be responsible for the investigation and report, if required, unless responsibility is reassigned by the Shift Supervisor.

The Shift 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 department vehicle involved.
 - 4. A department official or employee involved.
 - 5. Involvement of an on- or off-duty member of this department.
- B. Is within another jurisdiction, depending on the location of the jurisdiction, and there is:
 - 1. A department vehicle involved.
 - 2. A department official involved.
 - 3. Involvement of an on-duty member of this department.

501.4.1 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.
- D. The potential for involvement of hazardous materials.
- E. The need for additional support as necessary (e.g., traffic control, emergency medical services, fire department, HAZMAT, tow vehicles).
- F. Clearance and cleanup of the roadway.

501.5 NOTIFICATION

If a traffic crash involves a life-threatening injury or fatality, the responding officer shall notify the Shift Supervisor, or if unavailable, the Shift Commander. All life-threatening injury or fatality crashes will be investigated by the Baltimore Police Department (BPD). The Shift Commander or Shift Supervisor may assign an officer or other appropriate personnel to assist the Baltimore Police Department (BPD) with the life-threatening injury or fatality traffic crash. The Shift Commander will ensure notification is made to the Commander of the Operations Bureau or designee, in accordance with the Major Incident Notification Policy #327.

501.5.1 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 law

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enforcement agency where the victim resides. Notification should be made as soon as practicable following positive identification of the victim.

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

In the event of a fatality, members involved in notification shall ensure that family members of the victim are provided with a victim's representation notification form, and advised of their right to file the form, as appropriate (Md. Code TR § 12-206.1). The form allows family members to request notice of a hearing on a moving violation related to the victim's death.

501.6 MINIMUM REPORTING REQUIREMENTS

- A. **Reportable Crashes:** A crash report shall be taken when (Md. Code TR § 20-107; Md. Code TR § 20-113):
1. A fatality, any injury (including complaint of pain), driving under the influence, or hit and run is involved.
 2. An on-duty member of the department is involved.
 3. The crash results in any damage to any department owned or leased vehicle.
 4. The crash involves any other law enforcement vehicle, public agency driver or vehicle.
 - (a) While the department investigates any crash within its jurisdiction that involves another law enforcement or government vehicle, certain law enforcement agencies having jurisdiction in Baltimore may take responsibility for investigating the crash. For example, the Baltimore Police Department (BPD) handles investigations involving its own department vehicles or any Baltimore government vehicles, while the Maryland Transit Administration Police Department (MTAPD) investigates crashes involving their department vehicles or commercial vehicles owned or operated by the Maryland Transit Administration such as MTA buses. In these cases, UMBPD will defer to the appropriate law enforcement agencies to conduct the crash investigation.
 5. There is damage to public property.
 6. The crash involves a public or private school bus.
 7. There is damage to any vehicle to the extent that towing is required.
 8. Prosecution or follow-up investigation is contemplated.
 9. Directed by a supervisor.
 10. Hit-and-run crashes when:
 - (a) a witness exists who is able to provide a description that could possibly identify the striking vehicle; or

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- (b) physical evidence exists as a basis for possibly identifying the striking vehicle.
- 11. Regardless of whether a crash meets reportable criteria, officers will complete a report if requested to do so by the owner or operator of the vehicle, provided the crash is not a late-reported crash and a reasonable investigation can be conducted.
- 12. Unless a crash requires a protracted investigation, ACRS reports will be completed and submitted by the conclusion of the shift in which the crash occurred.
- B. Refer to the Crash Reporting Matrix for a reference guide detailing reportable and non-reportable crashes.
- C. Officers are required to add CAD notes if they are not writing a crash report and/or if there is an exchange of information.

501.6.1 PRIVATE PROPERTY

Generally, reports should not be taken when a traffic crash occurs on private property unless there is an injury or fatality, or other traffic law violation. Members may aid motorists as a public service, such as helping motorist exchange information and arranging for the removal of the vehicles.

501.6.2 DEPARTMENT VEHICLE INVOLVED

A traffic crash report shall be taken when a department vehicle is involved in a traffic crash that results in property damage or injury. The traffic crash report, accompanied with the detailed crash packet, shall be submitted through the chain of command to the Chief of Police for review.

An incident report may be taken in lieu of a traffic crash report at the direction of a supervisor when the incident occurs entirely on private property or does not involve another vehicle.

Whenever there is damage to a department vehicle not requiring a traffic crash report, a vehicle damage report (Form 95 or detailed memorandum) shall be completed and forwarded through the chain of command to the appropriate Bureau Commander/Director. The traffic investigator or supervisor at the scene should determine what photographs shall be taken of the scene and the vehicle damage.

501.6.3 INJURED ANIMALS

Department members should refer to the Animal Control Policy and make appropriate notifications when a traffic crash involves the disposition of an injured animal or when learning that a domestic animal has been struck by a vehicle (Md. Code TR § 20-106(b)).

501.7 INVESTIGATION

When a traffic crash 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.

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- 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 and reporting) on the appropriate forms.
- F. Controlling property belonging to individuals involved in the crash.
- G. Providing a Collision/Crash Information Summary to those involved in the crash.

501.7.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY

The Shift Supervisor or Shift Commander shall request that the Baltimore Police Department's Crash Unit investigate and complete a traffic crash investigation when a life-threatening injury or fatal traffic crash/collision occurs within the jurisdiction of the University of Maryland, Baltimore Police Department

Members operating department vehicles that are involved in a traffic crash outside of the department's jurisdiction shall promptly notify the Shift Supervisor of the departmental crash. The traffic crash investigation and report shall be completed by the agency having jurisdiction.

501.8 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 crash, authorized members should issue a citation or arrest the offending driver, as appropriate.

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.

501.8.1 CHARGING DRIVERS

- A. Unless the officer witnessed the crash, evidence of a violation must be established through a thorough investigation.
- B. Under no circumstances will charges be filed against any driver involved in a serious or fatal crash without prior consultation with the State's Attorney's Office.
- C. Violations occurring on private property require careful examination prior to charging and officers should consult the Transportation Article regarding applicability of specific charges in these cases.
- D. If the investigating officer determines that sufficient evidence exists to prove that a violation of the Transportation Article contributed to a reportable crash, appropriate charges should be filed.
- E. Mere opinion, belief, or suspicion of a violation is not sufficient to warrant enforcement action.

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501.9 REPORTS

Department members shall utilize forms approved by the MSP as required for the reporting of traffic crashes. All such reports shall be forwarded through the chain of command for review and approval. The Records Section will be responsible for filing the forms and ensuring they are retained in accordance with the established retention schedule.

501.9.1 REPORT MODIFICATION

A change or modification of a written report that alters a material fact in the report may be made only by the member who prepared the report, and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized member.

501.9.2 RECORDS SECTION'S RESPONSIBILITIES

The responsibilities of the Records Section include, but are not limited to:

- A. Ensuring the monthly and quarterly reports on traffic crash information and statistics are forwarded to the applicable Bureau Commander/Director or other persons as required.

501.9.3 VICTIM'S REPRESENTATIVE NOTIFICATION FORM

501.9.4 ACRS REPORT

While ACRS allows any vehicle to be designated as the striking vehicle, UMBPD has adopted a policy to consistently list the striking vehicle as Vehicle #1 in the ACRS Report, ensuring uniformity and consistency.

501.10 REVIEW PROCESS FOR DEPARTMENT CRASHES

501.10.1 CRASH INVESTIGATION

- A. All crash/damage involving a UMBPD vehicle shall be documented on the appropriate UMBPD report (see 501.6.2).
- B. After a motor vehicle crash involving a UMBPD vehicle, the operator will notify the Communications Center immediately.
- C. A Patrol Supervisor shall respond to the scene and make an independent review of the circumstances of the crash. The Patrol Supervisor shall ensure that a thorough investigation of the crash is completed.
- D. The police report shall include a narrative made by the operator or investigator that includes the following information:
 1. Details of the events including contributory information;
 2. Statements of witnesses,
 3. Name and insurance information on involved drivers; and
 4. Photographs of damage and crash scene, if applicable.

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- E. The Patrol Supervisor will provide the investigative packet to the Shift Commander, who will review the crash investigation and make additional comments (if required) on a Supplemental Report or endorsement and forward the investigative packet to the member's respective Bureau Commander/Director. The investigative packet shall include a completed Accident Guide, which can be found at <http://www.umaryland.edu/media/umb/af/ehs/insurance/Accident-Guide.pdf>.
- F. The member's Bureau Commander/Director will review the circumstances involving the departmental crash, endorse the investigative findings, and forward the packet to the Professional Standards Bureau Commander or designee, who will convene a Crash Review Board.
 - 1. For departmental crashes involving no injury and no damage to any property other than damage confined to the department vehicle, the Professional Standards Bureau Commander has the discretion in those cases of making a disposition based on investigative findings without convening a Crash Review Board. In such circumstances, the data associated with those crashes will still be maintained as a part of the Annual Crash Review process held by the department.

501.10.2 CRASH REVIEW BOARD

The Professional Standards Bureau Commander or designee is responsible for staffing the Crash Review Board, which will consist of no fewer than three (3) and no more than five (5) members. At a minimum, the Board shall include a Command Staff Officer serving as Chairperson, a rank-and-file member, and any other appropriate member, such as the Risk Manager or a non-administrative supervisor, deemed appropriate by the Chairperson. The Board will convene as needed at a time and location determined by the Chairperson.

501.10.3 RESPONSIBILITIES OF THE CRASH REVIEW BOARD

The responsibilities of the Crash Review Board are:

- A. Conduct reviews involving motor vehicle crashes that involves members operating UMBPD vehicles.
- B. Review all aspects of the crash to identify causative and contributory factors where possible.
- C. Determine conclusions (preventable/chargeable; preventable/non-chargeable; non-preventable/non-chargeable) regarding member culpability in motor vehicle crashes but may not recommend discipline or other personnel action.
- D. May require additional reports or investigations when it is determined that the information available is incomplete, inadequate, or missing.
- E. A vote shall be made and a decision rendered by a simple majority.
- F. If a crash is found to be preventable, the file shall be returned to the member's Bureau Commander/Director for recommendations of discipline.

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501.10.4 REMEDIAL TRAINING

- A. Members of the UMBPD who require remedial training shall be referred to the Education and Training Section for insertion into a remedial driving program.
- B. The Education and Training Section shall notify the affected member in writing as to the time, date, and location of the training, and shall be responsible for monitoring their progress.

501.10.5 PREVENTABLE CRASH DISCIPLINE

Preventable Crash Discipline:

- A. Preventable crashes are considered disciplinary matters and are considered part of the progressive disciplinary philosophy.
- B. Sworn members shall be disciplined in accordance with the Statewide Police Disciplinary matrix, which must be approved by the Chief of Police.
- C. The crash dispositions will be filed in the member's personnel file by the Records Section.

If required, discipline will be initiated based on:

- A. The seriousness of the crash;
- B. Traffic violations;
- C. The circumstance surrounding the crash;
- D. Previous crashes that occurred within the previous three years;
- E. The member's previous disciplinary record and work performance;
- F. The impact on the department; and
- G. The likelihood of future similar problems.