

August 1, 2011

**CITY OF FERGUSON
OFFICE OF THE CHIEF OF POLICE**

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REPORTS, REPORTING AND INVESTIGATING ACCIDENTS

486.00 PURPOSE

The purpose of this General Order is to establish department policy and procedure for the response to and investigation of motor vehicle traffic crashes.

486.01 POLICY

- A. Officers of the Ferguson Police Department will respond to and investigate all traffic collisions reported at the time of their occurrence, whether on public or private property, involving death or injury, damage to public vehicles or property, hit and run, impairment of an operator due to alcohol or drugs, hazardous materials, disturbances between principals, major traffic congestion as a result of the collision or damage to vehicles to the extent towing is required. Officers will prepare written reports on all motor vehicle traffic accidents occurring on the public streets or private traffic ways where required by Missouri State Statute. When not required by law on public streets, private traffic ways or when crashes occur on private property, reports will be prepared as a courtesy to the public when patrol officer staffing and calls for service allow.

Missouri State Statute 43.250 Law enforcement officers to file accident reports with patrol, when.-

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Every law enforcement officer who investigates a vehicle accident resulting in injury to or death of a person, or total property damage to an apparent extent of five hundred dollars or more to one person, or who otherwise prepares a written or computer-generated report as a result of an investigation either at the time of and at the scene of the accident or thereafter by interviewing the participants or witnesses, shall forward a report of such accident to the superintendent of the Missouri State Highway Patrol within ten days after his investigation of the accident, except that upon the approval of the superintendent of the Missouri State Highway Patrol the report may be forwarded at a time and/or in a form other than as required in this section.

- B. The January 1, 2012 edition of the Missouri Uniform Accident Report Preparation Manual will be kept in the roll call room and will be used as the sole guide for the preparation of traffic accident reports.
- C. Late reported collisions (i.e., walk-ins) will be investigated if the collision involved or resulted in:
 - 1. Death, or;
 - 2. Injuries requiring medical attention, or;
 - 3. Damage to the property of any one individual, including the operator, in excess of \$500, or;
 - 4. Hit and run, evading responsibility to include giving false information to victim at the time of an accident when the police were not called, or;
 - 5. A school bus or government vehicle, or;
 - 6. Within 48 hours of an accident and all involved parties are present for the report.
- D. If the above criteria is not met or cannot be substantiated or the complainant cannot supply enough information so that a State Traffic Accident Report (STARS) can be completed, no investigation or report will be made.
- E. The response to non-injury property damage only traffic crashes, where all vehicles are movable, may be suspended in the event of emergencies and severe weather at the direction of the on-duty supervisor. In this event, the dispatcher will request involved parties to exchange information and report to the station at a later time for a report.

486.02 DEFINITIONS

- A. ***Crash Investigation*** - Basic information to be reported on the STARS form when required. Basic crash investigations may include obtaining roadway measurements,

skid mark measurements and crash scene photographs when required by this General Order.

- B. ***Crash Reconstruction*** - Detailed investigation performed by trained personnel who used scientific and mathematical means to determine specific causes of motor vehicle crashes.
- C. ***Motor Vehicle*** - Any mechanically or electrically powered device not operated on rails, by which persons or property may be transported or drawn on a highway. This includes any trailer, coaster, sled, etc., being towed or any device, which when attached, is set in motion by a motor vehicle. The load or occupants upon or in the motor vehicle are considered part of the motor vehicle.
- D. ***Motor Vehicle in Transport*** – The state or condition of a vehicle when it is used primarily for moving persons or property (including the vehicle itself) from one place to another and is; in motion; or, in readiness for motion; or, on a roadway, but not parked in a designated area.
- E. ***Motor Vehicle Traffic Accident*** – The following criteria must be present for an event to be classified as a motor vehicle traffic accident; occur on a traffic way; involve a motor vehicle in transport; cause property damage, injury, or death; be unintentional.
- F. ***Private Property Crash*** - Collision involving a motor vehicle as defined by state law occurring on property not owned by or maintained by government entity.
- G. ***S.T.A.R.S.*** - State Traffic Accident Reporting System, this report is the only one approved by the Missouri State Highway Patrol for the reporting and submission to the MSHP Traffic Division as required by Missouri State Statute 43.251.
- H. ***Traffic way*** - Any land way open to the public as a matter of right or custom for moving persons or property from one place to another (includes private property open to the public).

486.03 PROCEDURES

- A. Responsibilities of the Dispatcher
 - 1. Upon receiving a report of a traffic collision, the dispatcher will obtain the following information from the reporting party:
 - a. Location of the collision;
 - b. The existence and extent of injuries;
 - c. Any observable or immediate hazards;

- d. Name and call back number of the reporting party;
 - e. If an evading or hit and run accident is involved, obtain available information regarding the description of the vehicle, its direction of travel and any apparent damage.
- 2. Will dispatch the necessary police, fire and emergency medical units;
 - 3. Dispatchers will designate a patrol unit the responsibility of investigating the collision and being in charge at the scene when available.
- B. Responsibilities of the Investigating Officer
- 1. The officer assigned to investigate the collision will respond in accordance with General Order 403.00 *Response to Emergency Calls*;
 - 2. Upon arrival, the investigating officer should:
 - a. Safeguard the scene to prevent any further harm, utilizing the patrol vehicle, road flares and safety cones;
 - b. Account for all injured parties and administer first aid and provide basic life support until the arrival of emergency medical personnel;
 - c. In the event of a fatality, as soon as possible the deceased body should be covered from public view and the St Louis County Medical Examiner's Office notified;
 - d. Request the Fire Department in case of vehicle fires and extinguish the fire with available equipment;
 - e. In the event of collisions involving hazardous material (HAZ MAT) carriers and spills, first responders should take special precautions before approach to include, observations of the spill and HAZ MAT placards on vehicles. This information should be immediately communicated to responding fire and EMS personnel. Only specially trained and equipped personnel should enter areas where hazardous materials may be encountered or suspected. Caution should be used in deploying flares. (*For additional on Hazardous Materials/Fires see subsection K*);
 - f. Identify, locate and interview the operators of all vehicles involved;
 - g. Respond to the hospital to complete information on transported injured parties;

- h. Notify the supervisor in the event of any serious or fatal injuries;
- i. Determine if additional police units are needed for traffic control, protecting the scene or assisting the investigation;
- j. Request any specialized equipment (i.e., camera);
- k. If the roadway is obstructed, establish traffic patterns around the scene to reestablish the flow of traffic;
- l. Note and mark the positions of the involved vehicles and make arrangements to have the vehicles removed; note any effects of the collision on the roadway;
- m. Obtain the names and statements of witnesses;
- n. Ensure the necessary measurements are obtained;
- o. Collect and preserve evidence;
- p. If the property owner is unable to care for it, ensure that property belonging to collision victims is protected from theft and is removed to a place of safekeeping. Property will be inventoried and packaged per department procedure;
- q. During the investigation, if evidence indicates one or more drivers involved is impaired by alcohol or drugs, or other serious violation of law is apparent, take the appropriate enforcement action consistent with the elements of the violation according to State Statute and department policy;
- r. Complete the State Traffic Accident Report Form through L.E.T.S.;
- s. Ensure information between principals is exchanged;
- t. In the event of a disturbance between principals, parties should be separated and interviewed separately and if evidence indicates criminal assault occurred, appropriate enforcement action should be taken in accordance with department policy.

C. Responsibilities of the On-Scene Supervisor

- 1. Serious or fatal injury collisions require immediate notification of the shift supervisor;
- 2. The supervisor, upon arrival, will:

- a. Evaluate the conditions at the scene and notify the Chief of Police, if appropriate;
- b. Assign a member of the Traffic Safety Unit to investigate the collision if it involves a fatal or potentially fatal injury. If no Traffic Safety Unit (Officer) is on-duty, the supervisor will notify the Traffic Safety Unit Supervisor and call in a Traffic Crash Reconstruction Officer if the accident is a fatality, potential fatality or if felony criminal charges will be sought against a driver for serious injury resulting from the driver's actions;
- c. Utilize the Crime Scene Technician for photos and video, if necessary;
- d. Assist and advise the investigating officer;
- e. Assign additional personnel, as needed, to assist in traffic control and maintaining safety at the scene;
- f. Notify the Bureau of Operational Support if death is eminent or criminal charges may result.

D. Responsibility of the Assigned Secondary Units

1. Assist the investigating officer in safeguarding and clearing the scene, traffic direction and crowd control;
2. Perform the necessary tasks as assigned by the supervisor at the scene.

E. Responsibility of the Investigating Officer at Fatal or Serious Injury Collisions

1. The Investigating Officer will have the primary responsibility for the investigation of all motor vehicle collisions involving fatal or potentially fatal injuries. If the accident is of the nature requiring reconstruction the Investigating Officer shall make the request to the on-duty watch commander. The on-duty watch commander shall ensure that the crash meets the criteria for reconstruction, i.e. fatality, potential fatality or serious injury where criminal charges may be issued against a driver before calling in a Ferguson Police Traffic Re-constructionist. If a situation exists where a Ferguson Police Traffic Re-constructionist is unavailable or additional reconstruction expertise is needed, the **Missouri State Highway Patrol** or the **St. Louis County Criminal Traffic Investigation Unit (CTIU)** may be contacted for assistance (see 486.02.G for further information);

NOTE: The Missouri State Highway Patrol may take the investigation of traffic accidents occurring on Interstate 270 and other State roadways. If they

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initiate the investigation, FPD officers will assist them as needed and no FPD report is necessary.

2. In addition to the specific responsibilities outlined in Section B of this General Order, the Traffic Safety Unit will also be responsible for the following duties when conducting fatal or serious injury collision investigations:
 - a. Completing a final scale diagram;
 - b. Obtaining driving records of all operators involved;
 - c. Collision reconstruction;
 - d. Obtaining roadway lighting conditions, if relevant;
 - e. Coordinating with the Bureau of Operational Support for the application of for a search and seizure warrant for involved vehicles if action is contemplated against either the registered owner of the vehicle or anyone who can later claim to have a standing in the vehicle;
 - f. Accompanying the Crime Scene Technician to inspect the involved vehicles, taking photos and retaining evidence as necessary;
 - g. Completing all required reports as dictated by reconstruction training and the needs of the court.
- F. Responsibility of the Crime Scene Technician at Fatal or Serious Injury Collisions
1. Photograph and videotape the scene;
 2. Number each photograph and videotape (if deemed necessary);
 3. Submit a supplemental report giving a brief description of photos and videotape taken, detailing the officer's involvement in the investigation;
 4. Collecting and packaging evidence per department policy.
- G. Professional or Technical Assistance

In most cases, Ferguson Police personnel will handle crash investigations. The Ferguson Police Department is a member of the St. Louis County Criminal Traffic Investigation Unit (CTIU). This unit may be utilized in the event of a fatal accident requiring accident reconstruction when Ferguson Police personnel need additional assistance.

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When a supervisor determines that there is a need for a Traffic Crash Reconstruction Officer, the on-duty supervisor can request CTIU activation by calling the Creve Coeur Police Communications Center.

To qualify for a CTIU activation, the seriousness of the accident must be such that a felony arrest was made or the situation has the potential for felony charges directly related to the accident, and at least one of the following apply:

1. Fatality accident (multiple fatalities or a single fatality as long as it is not the driver on a one-car crash);
2. Serious disabling injury (involving felony charges);
3. Serious disabling injury to any person in a crash involving a city or county owned vehicle;
4. Serious disabling injury resulting from a police pursuit;
5. Any serious accident that may result in civil liability for the requesting agency.

When CTIU responds to conduct a crash reconstruction, they normally handle only the on-scene investigation. CTIU is not responsible for traffic direction, suspect/witness interviews and warrant application. CTIU may utilize the St. Louis County Crime Scene Unit for processing and photography.

H. Special Circumstances

Motor vehicle collisions on public roadways or private property where a report would otherwise not be required, the Ferguson Police Traffic Accident Information Exchange Card may be used. An incident number will be obtained from dispatch with a C.A.D. entry that no report was required and both involved parties exchanged information. The forms will be used under the following circumstances:

1. The motor vehicle collision involves property damage only; and
2. The motor vehicle collision does not require a Missouri State Traffic Accident report by statute (RSMo 43.250); and
3. No police traffic enforcement action can be taken.

I. Towing of Motor Vehicles

1. Under normal circumstances, the drivers of the involved vehicles may request any wrecker that can respond within 30 minutes;

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2. If the driver has no specific request, the department will utilize the towing services of those agencies with current City contracts;
3. If the wreckers requested do not respond within 30 minutes, another wrecker may be requested;
4. In fatal collision or anticipated fatal collision investigations, the investigating officer will ensure that the vehicles are towed and that the service towing the vehicles can properly secure the vehicles as evidence;
5. The investigating officer will ensure that the Evidence Manager is notified of the towed vehicle's location, the case number, and the investigating officer's name.

J. Reporting Procedures

1. All motor vehicle collision investigations will be reported on the "Law Enforcement Traffic system" (LETS);
2. If a collision report has to be supplemented, the "Law Enforcement Traffic System (LETS) will be used;
3. Vehicles involved in the collision are to be placed in the vehicle section of the collision report only if contact was made with this vehicle. In the event a vehicle was involved in a collision but no contact was made, describe this vehicle, along with the operator's name, address and date of birth in the narrative;
4. In the event a parked vehicle, unoccupied, is involved in the collision, the following will be done:
 - a. If the vehicle is legally parked do not put in operator. Write in "Parked Vehicle" in the operator's name section and complete the registered owner section as required;
 - b. Illegally parked vehicles will require the operator's name and driver information, and it should be cited in the narrative of the report if the illegal parking was a contributing factor in the collision.
5. Officers will normally complete and submit the collision report prior to the completion of their shift;
6. Exceptions may be collisions involving evading / hit and run vehicles, or collisions involving lengthy or complex investigations;

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7. Officers will complete collision reports prior to going off duty, if they will be off the next day;
8. Exceptions will be authorized by a supervisor only;
9. Officers investigating a fatal collision or anticipated fatality will submit a preliminary police collision report prior to completing his tour of duty. This will be used for the preparation of a *Press Release*;
10. Every fatal collision will have an investigating officer and supervisor assigned;
11. If the Department receives additional information provided through letters, statements, or other sources of information regarding a collision currently or previously investigated by the Department, the original investigating officer shall conduct a follow-up investigation to determine if the information is “new”, “old”, “immaterial”, or irrelevant;
12. If the information provided is found to be “new”, the original investigating officer will complete a supplemental report explaining the “new” information. If further information follow-up investigation is necessary, it will be the responsibility of the original investigating officer to conduct that follow-up investigation;
13. If the original investigating officer concludes that the information supplied is “old”, “immaterial” or “irrelevant”, he shall explain these facts and conclusions in a supplemental report;

Note: A supervisor will review and clear the supplemental report. All information supplied through letters, statements or other sources will be attached to a supplemental report.

K. Accidents involving Hazardous Materials and/or Fire Hazards

1. Officers responding to accidents should always be alert for the potential of a hazardous material spill or leak. Officers should approach any suspected hazardous material situation from upwind and approach only to a safe distance. Only properly equipped and trained personnel will enter the hazardous material zone;
2. Officers suspecting a hazardous material situation should consult the Hazardous Materials Response Guide that is assigned to each police vehicle. The placard on cargo vehicles will be referenced in the Guide in an attempt to make preliminary identification of the cargo in question. In addition, officers may request communication personnel make a REJIS inquiry of the placard for additional information;

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3. In all hazardous material/fire situations, the Fire Department will be notified immediately. The Fire Department will take control of the hazardous material situation upon their arrival and the officer will continue to assist as needed;
 4. The officer suspecting a hazardous material situation will request a supervisor immediately;
 5. The officer will take appropriate steps to:
 - a. Stabilize and protect the scene;
 - b. Remove persons from the threat zone;
 - c. Suppress flames if possible; and
 - d. Control traffic in and around the threat zone.
- L. Accidents Involving “Leaving the Scene of an Accident”
1. In the event that the accident involves one or more persons “leaving the scene of an accident”, the responding officer will fully investigate the accident in attempt to obtain the following information:
 - a. Description of suspect vehicle including possible damage;
 - b. Description of driver and occupants of suspected vehicle; and
 - c. Direction of travel by suspect vehicle;
 - d. The officer will provide “Communications” with the descriptive information for broadcast to other units and agencies;
 - e. Collect all evidence at the scene.
 2. Follow-up investigations of “Leaving the Scene” cases will be assigned to the Bureau of Operational Support after the officer has exhausted all leads and has:
 - a. Re-contacted drivers, passengers, and witnesses;
 - b. If appropriate, canvassed the area of the accident for additional witnesses; and
 - c. Interviewed suspects.

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M. The Department reports all traffic accidents in accordance with the State Traffic Accident Reporting System (S.T.A.R.S.) A Missouri S.T.A.R.S. report is required when an accident meets any of the following criteria:

1. Crash involving a death or a personal injury (Long Form)
2. Property damage crashes (\$500 and above):
 - a. An emergency vehicle (Long Form);
 - b. Hazardous Materials (Long Form);
 - c. Damage to government Property (Long Form);
 - d. A public conveyance (includes all school buses) (Long Form);
 - e. A driver leaving the scene of an accident (Long Form);
 - f. Completion of Commercial Motor Vehicle Section (Long Form);
 - g. A pedestrian (Long Form) or
 - h. Railway vehicle (Long Form).
3. All other property damage crashes (\$500 and above) (Long or Short Form).
4. All property damage crashes less than \$500 (Report not required for STARS entry).
5. Any other situation where, in the officer's or supervisor's discretion, a report is warranted.

N. Collision Investigation Equipment

Each Traffic Safety vehicle will be equipped with a traffic accident investigation kit. The kit will contain accident investigation tools such as marker paint, roll tape, crayon or chalk marker, ruler, straight edge and collision template. In addition, the Traffic Safety Vehicle will be equipped with a wheeled tape measuring roller, and traffic cones. Reconstruction equipment (drag sled, levels, and such) will be stored in either the Traffic Safety Vehicle or the traffic locker and easily available when needed. Extra supplies will be kept in the traffic safety locker located in the locker room of the police department.

All fatal, potential fatal and serious injury crashes where criminal charges may be filed will require follow-up investigation to include collecting off-scene data, obtaining and recording formal statements from witnesses, reconstructing collisions by trained personnel, using expert and technical assistance, and preparing formal reports to support criminal charges. The

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investigation may require additional data about the driver, pedestrian, vehicle, roadway controls, or related collision information. The investigating officer or re-constructionist should request investigative support from the Bureau of Operational Support to assist in preparing criminal cases.

486.04 ENFORCEMENT, TRAFFIC SUMMONS RESULTING FROM CRASHES

The cause of most motor vehicle traffic crashes is the result of one or more motorists violating a traffic law. The issuance of traffic summons is at the discretion of the individual officer. Generally, police officers are not witness to the traffic law violation which contributes to the traffic crash they investigate and therefore would not issue a traffic summons. Additional evidence would be needed to establish probable cause to issue a summons. The exception would be charges of DWI, no license, no insurance, equipment violations and investigations involving reconstruction of the accident. Traffic summons should not be issued at crashes involving fatality or serious physical injury that might result in felony criminal prosecution. Any criminal charges should be applied for through the prosecuting attorney's office.

486.05 RELEASE OF TRAFFIC CRASH REPORTS

Copies of vehicular accident reports can be released to the parents, legal guardians, or legal custodians of said juveniles, and to attorneys at law and authorized representatives of insurance companies who are investigating said accidents, if the juveniles whose names appear in the accident reports were not taken into custody and/or charged with a violation of the State Law or Municipal Ordinance.

All law enforcement agencies and police departments in St. Louis County, Missouri, are authorized to release copies of their reports which contain names of juveniles involved in vehicular accidents to other agencies of the Federal or State Governments where such reports are authorized and required by law, even if said juveniles are taken into custody or charged with a violation of the State Law or Municipal Ordinance.

- A. Qualified persons may only obtain copies of accident reports in person or by mail after having submitted to the Records Clerk the required fee as set by ordinance.
- B. Qualified persons not requiring a copy of the accident report may obtain pertinent information required for insurance purposes on completion of the Missouri Motor Vehicle Accident Report during normal business hours, 9:00am - 5:00pm, Monday through Friday, except holidays, without paying a fee.
- C. Release of any information contained in accident reports by telephone, other than the file number is prohibited, unless approved by the Chief of Police, or Commander of Administrative Services.

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- D. Officers will encourage drivers to exchange names, addresses, telephone numbers and insurance information at the scene and will supply each driver with the **Ferguson Police Department Incident Card** to facilitate the exchange.
- E. Officers will advise victims that the reports can be viewed or copies purchased from this department no sooner than five (5) working days following the accident. Officers will distribute complaint cards with the police report number on it to those involved in the accident.

By order of:

A handwritten signature in black ink that reads "Colonel Thomas Jackson". The signature is written in a cursive style with a large, stylized "C" at the beginning.

Distribution

All Department Personnel

COLONEL THOMAS JACKSON

Chief of Police

Attachments

Form 155, Traffic Accident Reconstruction Checklist

FERGUSON POLICE DEPARTMENT

TRAFFIC ACCIDENT RECONSTRUCTION CHECKLIST

REPORT NUMBER _____

** Check each box when information is obtained for the reconstruction report.*

A. VEHICLE DESCRIPTION	VEHICLE # 1	VEHICLE # 2	VEHICLE #3
• Make			
• Model			
• Color			
• License			
• VIN			
B. TIRES			
• Make			
• Model			
• Serial #			
C. DAMAGE (Detailed)			
• Exterior			
• Interior			
D. DRIVER (Statement)			
• Name			
• DOB			
• Address			
• License #			
• Driver License History			
E. PASSENGER (Statements)			
F. WITNESS (Statements)			
G. ROADWAY DESCRIPTION			
• Gradient			
• Coefficient of Friction			
• Traffic Control			
H. LIGHT CONDITION			
• Day			
• Night			
• Street lights			
I. WEATHER CONDITION (Call FAA @ 800-892-7433)			
J. ENVIRONMENTAL FACTORS			
• Hill			
• Curve			
• View Obstructions			
- Signs			
- Foliage			
K. EVIDENCE COLLECTION			
• Photographs			
• Video Tape			
• Blood / Urine from Driver			

FPD Form 155