Traffic Accident Response And Reporting

501.1 PURPOSE AND SCOPE

The public safety responsibilities of law enforcement include responding to traffic accidents, providing aid and assistance, documentation of the incident and identification of criminal activity. The Fargo Police Department prepares traffic accident reports in compliance with the North Dakota Motor Vehicles Code (N.D.C.C. Title 39) and as a public service makes traffic accident information available to the public.

501.2 DEFINITIONS

Reportable Motor Vehicle Crash - Any motor vehicle crash resulting in the death or injury of any person, or property to the extent by which the person(s) involved in the crash are required by law to notify a law enforcement agency.

Non-reportable Motor Vehicle Crash - Any motor vehicle crash not defined as a reportable motor vehicle crash.

Hit-and-Run Motor Vehicle Crash - A motor vehicle crash where any one of the persons directly involved in the crash leaves the scene of the crash prior to fulfilling all of the requirements established by law relative to the person's involvement in the crash.

Preventable Motor Vehicle Crash - A motor vehicle crash where the operator of any motor vehicle directly in the crash failed to do everything *reasonably* possible to avoid the crash.

501.3 CALL RESPONSE

Officers should respond without delay when dispatched to a traffic accident. A traffic accident with reported injuries may include an emergency response if the officer reasonably believes such a response is appropriate.

501.3.1 RESPONSE CONSIDERATIONS

An officer responding to and upon arrival at an accident should consider the following:

(a) The most appropriate route to the incident

(b) Proper placement of the emergency vehicle to provide protection for officers and the scene

(c) Potential for involvement of hazardous materials

(d) Additional support that may be necessary (e.g., traffic control, medical aid, HAZMAT, ambulance, tow vehicles and airship landing)

(e) Providing first aid to any injured parties if it can be done safely, and obtaining medical assistance as necessary

(f) Traffic control and protection of the scene

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(g) Clearance of the roadway

501.4 ACCIDENT INVESTIGATION

An officer assigned to investigate a traffic accident shall make every reasonable effort to determine the following:

(a) Identification and interview of all involved parties

(b) Identify and interview of any witnesses

(c) Determine if a crime has occurred and taking appropriate enforcement action

(d) Identify and protection of items of apparent evidentiary value

(e) Document the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on appropriate report forms.

(f) Determine if any property, evidence, or other items should be collected to aid in the crash investigation

1. Any property, evidence or other items shall be processed and recorded in accordance with the department's Property and Evidence policy.

2. To avoid the unnecessary collection and/or storage of items relative to a motor vehicle crash, officers are not required to collect, process, or record any item associated with a motor vehicle crash if the crash resulted in property damage only. However, officers are not prohibited from doing so if the crash investigation warrants the collection of any such item.

501.5 TAKING ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of local ordinances, or state traffic statutes contributed to the accident, officers should issue a traffic citation or a misdemeanor citation to the offending driver.

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

501.6 TRAFFIC ACCIDENT REPORTING

501.6.1 OFFICER RESPONSIBILITIES

Department members shall utilize North Dakota Department of Transportation (NDDOT) forms for the reporting of traffic accidents that meet the following criteria (N.D.C.C. § 39-08-10; N.D.C.C. § 39-08-13):

(a) Injury or death of any person

(b) Apparent property damage of $4,000 or more

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The investigating officer shall complete the motor vehicle crash report in its entirety, to include a narrative description of the crash, and a diagram detailing the crash.

Accidents involving an undomesticated animal and resulting in property damage only to the driver's vehicle are exempt from the notice requirements of N.D.C.C. § 39-08-09.

Officers shall notify a supervisor as soon as practicable of any traffic accident involving serious injury or death to any person.

Upon completion of an investigation, officers shall attach a sticker to the window of any damaged vehicle showing that the accident in which the vehicle was involved has been investigated (N.D.C.C. § 39-07-12).

Officers shall ensure the operators of the vehicles involved, or any other person directly involved in the crash, fulfill all of the requirements established by law relative to their involvement in the crash.This shall include, but is not limited to, exchanging their name, address, and other information to others involved in the crash.

Officers shall to provide their name, police ID number, and the crash report number to the operators of the motor vehicles involved in the crash, and to any other person(s) directly involved in the crash.

Officers assigned to investigate a crash may forego the completion of a non-reportable motor vehicle crash if **ALL** persons directly involved in the crash agree an investigation and report are not necessary, and further agree to exchange information as required by law with the other persons involved in the crash.At no time shall officers dissuade any person involved in a non-reportable motor vehicle crash or non-reportable hit-and-run motor vehicle crash from having the crash investigated and recorded.

A person involved in a reportable, non-reportable, or hit-and-run motor vehicle crash requests to have the crash recorded at a time other than immediately after the crash, the officer assigned to investigate the crash shall complete the appropriate motor vehicle crash report, even if the operators and/or other occupants of all vehicles involved in the crash are not present at the time the officer initiates the investigation.

All traffic accident reports taken by members of this department shall be forwarded to their shift supervisors for approval.

501.6.2 SUPERVISOR RESPONSIBILITIES

All shift supervisors will be responsible for reviewing crash reports for content, clarity, and completeness. If the crash report conforms to department standards, the supervisor will approve the report and will reject all reports which do not meet department standards.

A supervisor shall respond to the scene of any traffic accident involving serious injury or death of a person and, without delay following positive identification of any person seriously injured or deceased, notify the person’s immediate family, as defined by law, or make arrangements for notification by clergy or another suitable person (N.D.C.C. § 39-08-10.1).

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This department shall not release the identity of any person seriously injured or deceased in a traffic accident until one of the following occurs:

(a) A member of the immediate family has been notified and given an opportunity to notify other immediate family members; or

(b) Twenty-four hours have elapsed from the time positive identification was made.

501.6.3 MODIFICATIONS TO TRAFFIC ACCIDENT REPORTS
A change or modification of a written report that alters a material fact in the report may be made only by the person who prepared the report prior to its approval and distribution. A written supplemental report may be made by any authorized employee.

501.7 REPORTING SITUATIONS

501.7.1 TRAFFIC ACCIDENTS INVOLVING CITY VEHICLES
Any reportable, non-reportable, or hit-and run motor vehicle crash involving a vehicle owned or otherwise authorized for use by the City of Fargo shall be investigated and recorded as described within this policy.

An officer assigned to investigate any motor vehicle crash involving a City of Fargo vehicle, shall provide the operator of the vehicle with the City of Fargo Motor Vehicle Crash report. The investigating officer will advise the operator of the City of Fargo motor vehicle to complete the City of Fargo Motor Vehicle Crash form and forward it to the operator's immediate supervisor.

Photographs of the accident scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

Motor vehicle crash reports involving a city of Fargo vehicle will be forwarded to the NDDOT only if the crash is considered reportable by law.

All motor vehicles authorized for use by the Fargo Police Department personnel are considered City of Fargo vehicles. The procedure for investigating and recording motor vehicle crashes involving city of Fargo vehicles as described within this policy shall be followed anytime a department motor vehicle is involved in a motor vehicle crash.

If a motor vehicle authorized for police use is involved in a motor vehicle crash, an on-duty Field Services Division sergeant will investigate and record the crash. In the absence of an on-duty Field Services sergeant, a Field Services lieutenant or the Field Services Division commander may designate a sworn officer to investigate and record the crash.

If a motor vehicle authorized for use by department personnel is involved in a motor vehicle crash outside of the city of Fargo, the operator of the vehicle will ensure a motor vehicle crash report is completed by the appropriate law enforcement agency. The operator of the vehicle will notify their immediate supervisor of the crash and complete the City of Fargo Motor Vehicle Crash Report form as soon as possible.

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501.7.2 INJURY OR FATALITY TRAFFIC ACCIDENTS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department, either on- or off-duty, is involved in a traffic accident within the jurisdiction of the Fargo Police Department and it results in a serious injury or fatality, the traffic sergeant, the on-duty supervisor, or Shift Commander should request the North Dakota Highway Patrol (NDHP) or other outside agency as deemed appropriate by the Chief of Police to complete an investigation and report.

The term serious injury is defined as any injury that may result in a fatality.

501.7.3 TRAFFIC ACCIDENTS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The Traffic Sergeant, on-duty supervisor, or Shift Commander may request assistance from the NDHP or other outside agency for the investigation of any traffic accident involving any City official or employee where a serious injury or fatality has occurred.

501.7.4 TRAFFIC ACCIDENTS INVOLVING INJURED ANIMALS

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

501.8 NOTIFICATION OF TRAFFIC SERGEANT

In the event of a serious injury or death-related traffic accident, the on-duty Field Services supervisor should evaluate the circumstances of the traffic accident and seek assistance from an advanced crash investigator or crash reconstructionist. In the absence of a Traffic Sergeant, the Shift Commander or any supervisor may assign an advanced crash investigator or crash reconstructionist to investigate the traffic accident.

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