




# COLUMBIA POLICE DEPARTMENT

*“Policing Excellence through Community Partnerships”*

<b>Directive Type:</b> General Order	<b>Effective Date:</b> 08-15-2023	<b>General Order Number:</b> 06.03
<b>Subject:</b> Traffic Collision Investigation		
<b>Amends/Supersedes:</b> Section 06, Chapter 03, Traffic Collision Investigation 2016	<b>Chief of Police:</b> 	
<b>Distribution:</b> All Personnel	<b>Review Date:</b> July 1	<b># of Pages:</b> 8

## 1.0 DIRECTIVE

The traffic collision investigation and reporting procedures of the Columbia Police Department involve the following:

1. Determining the times and places of collision-causing violations so that appropriate enforcement action may be implemented.
2. Obtaining data for traffic and highway engineering improvement.
3. Protecting the rights of the individuals involved.
4. Obtaining data that will improve traffic and driver education.

For the purposes of this chapter, the following definitions are adopted:

**TRAFFIC COLLISION INVESTIGATION:** Collection of factual information identifying and describing people, roads, and vehicles involved; describing the results of the collision in terms of danger to vehicles and roadside objects, injuries to people, marks and residue on the road, and final positions of vehicles and bodies; interpretation of these facts in terms of behavior of road users involved; and, sometimes, an attempt to specify the peculiar combination of factors required to produce that particular collision.

**TRAFFIC COLLISION REPORTING:** Basic data collection to identify and classify a traffic collision and the persons, vehicles, time/location, and planned movements involved, and possible contributing factors such as traffic law violations.

## 2.0 COLLISION INVESTIGATION

A collision investigation will be completed to include the completion of the South Carolina Uniform Traffic Collision Report (Form TR-310), a detailed diagram of the scene, a separate detailed summary of the facts of the investigation that corresponds with the diagram and any witness information and statements for the following types of collisions to include occurrences on private property:

- Fatality or serious injury
- Hit and run involving personal injury
- Driving under the influence involving personal injury

To insure the most comprehensive investigation of collisions, including hit and run, where substantial bodily injury occurs to any person(s) who hold the likelihood of serious physical impairment or their potential death; or in the case of a fatal collision the following will apply:

- The Traffic Unit officer(s) responding to the scene will commence a preliminary investigation of the incident.
- The Investigating Traffic officer or scene supervisor will contact the Criminal Investigations Division and notify them of the incident, its location and preliminary information.
- An Investigator from the Criminal Investigations Division will respond and work jointly with the Traffic officers to identify and confirm causation and any other specifics needed.
- The Traffic Unit will maintain primary incident responsibility with Criminal Investigative personnel providing support and guidance as necessary.
- The documentation of all hit and run collisions involving serious bodily injury or death will be maintained by the Traffic Unit and will be specifically detailed in accordance with the documentation of all major crimes.
- Once the collision has been identified as a traffic related incident only; the criminal investigator will relinquish authority to the Traffic Unit personnel.
- If the collision is deemed to be something other than solely a traffic related incident, the Criminal Investigations Division will establish control of the scene and incident.

### **3.0 COLLISION REPORTING**

#### **Public Roadways**

A Collision Report, South Carolina Uniform Traffic Collision Report (Form TR-310), will be completed for the following types of collisions on public roadways:

- Any collision involving personal injuries.
- Property damage in excess of one thousand (\$1000.00) dollars for the combined vehicles.
- Property damage less than a total of one thousand (\$1000.00) dollars if requested by any party involved.
- Hazardous materials.
- Driving under the influence involving collisions.
- Hit and run collisions (active leads in a hit and run will be followed up on).

Any collision with combined damages of one thousand (\$1000.00) dollars or less in which neither party involved request a Collision Report, will not have one completed. If at a later date either party returns requesting a Collision Report, the party will be directed to the TRU to receive a South Carolina Traffic Collision Report (Form 309) to be completed by the party involved.

#### **Private Property**

A Collision Report, South Carolina Uniform Traffic Collision Report (Form TR-310), will be completed for the following types of collisions on private property:

- Any collision resulting in death
- Any collision resulting in personal injuries
- Hit-and-run collisions
- Collisions involving suspected impaired drivers
- Disturbance between principals, in which case a South Carolina Traffic Collision Report Form 309 will be issued by the officer without investigation of the collision

Independent of the above five factors, an investigation may be required based upon the supervisors discretion.

**NOTE:** Collisions involving Columbia Police Department vehicles or personnel must be investigated by the South Carolina Highway Patrol pursuant to Code of Laws, Section 56-5-765.

**SECTION 56-5-765.** Investigations of traffic collisions involving a motor vehicle or motorcycle of a law enforcement agency.

(C) A law enforcement department or agency must not investigate a traffic collision in which a motor vehicle, a motorcycle, or an employee of that department or agency is involved that: (1) results in an injury or a death, or (2) involves a privately-owned motor vehicle or motorcycle, regardless of whether another motor vehicle or motorcycle is involved.

#### **4.0 OFFICER RESPONSE**

At least one officer will respond to the scene (for the purpose of reporting and/or investigating) all collisions involving any of the following:

- Death or injury
- Hit and run
- Impairment of an operator due to alcohol or drugs
- Damage to public vehicles or property
- Disturbance between principals
- Hazardous materials
- Major traffic congestion
- Damage to vehicles to the extent towing is required

Officers directed to respond to a collision scene should choose the best possible route, considering traffic flow and congestion problems, based on their knowledge of conditions normally existing in the vicinity. Officers will drive safely to the scene, consistent with the need for prompt response.

While en route to the scene, officers should be alert for vehicles that give an indication of involvement in the collision.

#### **5.0 COLLISION SCENE RESPONSIBILITIES**

##### **5.1 Approach Procedures**

While approaching traffic collision scenes, officers will be alert for, and avoid destroying evidence such as tire marks, etc.

Officers will be alert for specific conditions or factors that may have contributed to the collision (such as visibility/view obstructions, inoperative traffic control device, hazards, etc.)

Upon arrival at the scene, officers should park police vehicles in such a way as to provide maximum protection to the scene, but without endangering the public.

##### **5.2 On-Scene Procedures**

The first officer on the scene of a traffic collision will be responsible for, but not limited to, the following:

- Assessing the scene to determine the need for assistance in protecting the scene and/or controlling traffic, and should summon appropriate assistance.
- Administering emergency medical care and providing basic life support, along with minor fire suppression, if needed.

- Summoning ambulance, tow truck, and fire department as needed.
- Protecting the scene of the collision through the use of the traffic cones.
- Utilizing traffic cones and another officer, if needed, to establish a lane to expedite traffic flow around the collision.
- Utilizing emergency lighting and traffic cones at night in low light areas, hills or curves to warn on-coming traffic of the collision.
- Locating witnesses and recording traffic information.
- Expediting the removal from the roadway of vehicles, persons and debris.

Should an incident involve, or have the potential to involve, an immediate fire hazard or possible hazardous material exposure, the first officer on the scene should secure the scene and notify the Columbia Fire Department.

Any collision scene involving fire hazards and/or hazardous materials will be handled in accordance with accepted HAZMAT and Fire Department procedures. The first Fire Commander on the scene will assume control of the scene until it is sufficiently stabilized to allow for further collision investigation.

### 5.3 Officer In Charge of Scene

In general, the first officer responding to the collision scene will retain charge of the scene until the completion of the operation. Exceptions would include the subsequent arrival at the scene by supervisory personnel, or by other officers with special investigative skills appropriate to the circumstances of the particular collision.

Officers are expected to take charge of collision scenes immediately upon arrival. Unless specifically directed to do so by a supervisor, officers will not surrender charge of the scene to non-law enforcement personnel.

Notwithstanding that officers should retain charge of the collision scene, when authorized emergency medical services personnel arrive, authority for the care of injured persons will be entrusted to them.

## 6.0 ON-SCENE COLLECTION OF COLLISION INFORMATION

The following procedures will be adhered to for the collection of collision information.

### 6.1 Interviewing Principals and Witnesses

Officers will question drivers and witnesses separately and individually concerning the traffic collision. The investigating/reporting officer will discourage drivers and witnesses from discussing the collision among them.

In minor traffic collisions that are reported, the questioning of drivers and witnesses will usually be conducted at the scene. In collisions of a serious nature requiring an investigation, a brief account will be obtained at the scene, and subsequently a formal and comprehensive statement will be taken at a more suitable location, preferably a departmental facility. Officers will question drivers and witnesses as soon as practical following the collision. However, the questioning may be delayed until the person has received medical attention, regained emotional stability, or attended to other urgent personal business.

When questioning drivers and witnesses, officers will be objective and exhibit emotional stability, diplomacy and understanding. They will reflect a professional attitude and demeanor, and avoid conflict and sarcasm.

When questioning drivers, the investigating/reporting officer will be alert to any physical or emotional impairment (temporary or permanent) that may have affected the person's driving ability. This will include, in particular, being alert for alcohol and/or drug impairment.

The investigation/reporting officer will question drivers relative to trip plan, emotional experience (e.g., aggravation with traffic during rush hour), point at which danger was first perceived, what the driver was doing at that point, evasive action taken, and condition of vehicle prior to the collision.

Witnesses will be questioned, when available, as to their exact location when they witnessed the collision, what they were doing at the time, what called their attention to the collision, and what they saw, heard, or performed in response.

## 6.2 Examining/Recording Vehicle Damage

The following procedures will be followed for the investigation/reporting of a traffic collision. The reporting of a minor traffic collision may not require that the officer follow all the following procedures, but selected ones may facilitate a complete and accurate report.

The tires on all vehicles involved will be checked for proper inflation, tread, and any indication of blow out. Sidewalls will be checked for recent scraps, cuts or marks that indicate breaking or a sideways sliding action of the vehicle.

The lights of the vehicles will be checked to determine if they were on or off during the collision, if they are functional, and the position of the switches.

The vehicle will be checked for proper visibility, including the windshield and all windows, for evidence of any impairment to the driver. The glass will be checked immediately (short-lived evidence) for obscuring due to fogging, snow or frost. The glass will also be checked for old cracks, discoloration, and stickers that may have created view obstructions.

The interior of the vehicle will be checked for any loose materials that may have interfered with the driving ability of the driver.

Rear view mirrors will be checked for their presence and condition.

The mechanical controls will be checked and their condition noted relative to the position of the gear shift lever, position of accessory switches, light switches, position of speedometer, proper operation of pedals, operation of horn, the presence and condition of seat belts, and the presence and condition of sun visors.

Officers who note faulty equipment that warrants a more thorough and in-depth examination will place an investigative hold on the vehicle as evidence and arrange for qualified personnel to examine the vehicle, particularly if defects are suspected in the braking and steering mechanisms of the vehicle.

A significant challenge to the collision investigator is to determine whether deficiencies noted in the vehicle existed prior to the collision, contributed to the collision, were a result of the collision, or merely a circumstance that was present but not a contributing factor.

Investigators will also check the damage obviously sustained in the collision of each vehicle. A thorough examination and evaluation of the damaged area may coincide with other evidence and statements as to how the collision occurred.

## 6.3 Examining/Recording Roadway Conditions

Officers will note all conditions of the road during the investigation at the scene for inclusion in the investigative report. In checking these conditions, officers will approach the scene from the same direction as each driver and from the same position in the roadway as the driver, if possible.

In examining the condition of the road, officers will be alert for any foreign substance on the surface (sand, loose gravel, oil, etc.), note the condition of the surface (dry, slippery, wet, etc.), note the road markings for

clarity or obscurity, note the grade, width of each lane, alignment (offsets, narrowing), and the condition of the edge (rough, drop off, cracks).

The investigating/reporting officer will check the road for any obstructions that existed at the time of the collision, if possible. This includes parked vehicles, glare, background lighting, foliage, and structures (permanent and temporary).

The traffic control devices present will be checked, to include speed limit signs preceding the collision scene; and the proper functioning of traffic signal lights.

Any unusual weather conditions existing at the time of the collision will be recorded to include rain, fog, snow, etc.

#### 6.4 Sketches and Measurements

Sketches are useful in assisting the investigator and explaining the collision, and enable the investigator to reveal facts, to locate again any given point at the scene, and to prepare subsequently an accurate scale drawing. When investigating collisions, officers should prepare sketches as needed for these and other investigative purposes.

All sketches will contain a legend including the case number, location, date and time of the collision, officer preparing the sketch and compass points. The sketch will also contain the final position of the vehicles, position of persons not in the vehicle, damage to property other than the vehicles, debris and skid and scuff marks.

Measurements will be taken by the triangulation and/or coordinate system from permanent fixed objects for locating each item in the sketch.

When necessary and appropriate for a particular investigation, the information on the sketch will be used to prepare a diagram to approximate scale.

#### 6.5 Photographs

Photographs of collision scenes will comply with the Rules of Evidence.

The location from which photographs are taken will be marked for later inclusion in the traffic collision scene sketch.

Photographs will be taken of an overview of the collision scene with permanent fixed objects included to establish location.

Photographs will be taken from all angles establishing a 360-degree photographic coverage of the collision scene.

Photographs will be taken of short-lived and temporary evidence (tire marks, skid mark shadow, spillage from the vehicle, etc.).

The investigating officer or I.D. Technician will photograph close-up shots of physical evidence including marks on the roadway, impact damage to the vehicles, view obstructions, traffic control signs and signals (from the viewpoint of the driver), and skid marks.

A strict chain of custody will be maintained over photographs, negatives and Polaroid prints.

#### 6.6 Collection and Preservation of Evidence

All evidence will be collected and preserved in accordance with proper procedures.

All information will be recorded on the South Carolina Uniform Traffic Collision Report (Form TR-310), the Departmental Incident and Supplemental Reports, the Departmental Statement Form and/or a diagram prepared by the investigating/reporting officer.

Investigating officers are encouraged to request assistance from the Identification Technicians as needed.

#### 6.7 Control of Collision Victim Property

The investigating/reporting officer at the scene of a collision will ensure that property belonging to a collision victim is protected from theft or pilferage.

If the victim's property cannot be released to the victim at the hospital, the officer will take control of the property and secure it in the Property Room or Evidence Locker if the Property Room is closed.

An Incident Report, utilizing the same case number as the Collision Report will be completed with a detailed list of the property secured. Another officer should witness the securing of collision victim property, if at all possible.

#### 6.8 Exchanging Information

Officers will explain to the drivers involved in the collision their individual responsibilities in reporting the collision, as necessary and appropriate.

Officers will assist the involved drivers in providing and obtaining pertinent information to/from the other involved drivers by issuing a South Carolina Department of Highways and Public Transportation Notice of Requirement (Form F.R.-10) to each of the drivers involved.

### **7.0 COLLISION FOLLOW-UP INVESTIGATION**

Normally, the department will perform follow-up Traffic Collision Investigations only in support of possible criminal prosecution. When warranted, these activities may include: collections of off-scene data, obtaining and recording formal statements from witnesses, reconstructing collisions and preparing formal reports to support criminal charges arising from the collision.

Collision reconstruction will normally be limited to collisions involving fatalities and permanent physical injuries. Reconstruction will be undertaken only when a definite, special need exists and is approved by the Chief of Police.

The department recognizes that, from time to time, follow-up collision investigations may require special skills and technical assistance beyond that available from Departmental Personnel. When necessary and deemed appropriate, the Chief of Police, or his designee, will approve the use of outside expert and technical assistance.

Requests for expert and technical assistance in follow-up investigations will specify the precise assistance to be rendered, the names and qualifications of the personnel proposed to provide the assistance, and adequate justification of the need for that assistance.

### **8.0 ENFORCEMENT ACTIONS**

All members of the Columbia Police Department will be permitted to exercise professional and impartial discretionary judgment in situations involving traffic collision enforcement.

## Use of Individual Discretion

Officer experience, training, statutory and regulatory requirements, written departmental enforcement policies, legal precedent, and supervision shall be taken into consideration when exercising such discretion.

It is recognized that some situations will occur where a traffic citation may be issued but should not be due to mitigating circumstance (IE. road defects, visibility obstructions on roadway, traffic signs or signal malfunctions, delayed reporting of collision).

Should a question arise concerning the use of discretionary judgment in a particular situation, the officer should confer with his immediate supervisor. Each officer will be held accountable for his actions involving the use of discretionary judgment

In the investigation of traffic collision violations involving driving under the influence, driving under suspension, hit and run, insurance violations, etc., the use of discretionary judgment will be limited to supervisory approval if these are not charged.

Warning tickets may be issued to violators who, in the officer's opinion, are not in violation to the degree that a summons ticket would be appropriate under the existing circumstances. Any time a motor vehicle is stopped by an officer of the agency and a citation is not issued or an arrest is not made, the officer who initiated the stop must complete a public contact to include the age, gender, and race/ethnicity of the driver of the vehicle. Officers of the Columbia Police Department shall exercise discretion and good judgment when using these tools.

A warning ticket may not be issued in cases where its use is prohibited by the department. No warning tickets will be issued for moving violations as a result of a vehicle collision investigation and shall not be issued in cases involving:

1. Driving under the influence
2. Reckless driving
3. Hit and run
4. Reckless homicide
5. Driving under suspension

When taking any traffic collision enforcement action, the officer must establish all elements of the violation. Elements that the officer has not personally witnessed must be established through investigation. The investigation may include, but not be limited to:

- Statements or admissions made by the alleged violator to the officer.
- Statements of the witnesses.
- Collision scene measurements.
- Physical evidence. (IE. video footage, tire marks, vehicle damage)

If any of the four elements of determination of contribution to a collision is absent, an officer should note neither party as contributing to the collision. In this instance the officer should also notate each driver's statements, if any, in the narrative.

No enforcement action will be taken for traffic collisions that occur on private property unless the collision involves any one of the following:

- Driving Under The Influence
- Reckless Driving
- Hit And Run



## **9.0 TRAFFIC COLLISION EQUIPMENT**

All officers are expected to remain familiar with the collision investigation and emergency first-aid supplies that the department provides, and are expected to maintain adequate proficiency in the use of that equipment.

Prior to assuming patrol, officers will be expected to verify that the patrol vehicle contains all specified equipment and supplies and that the equipment and supplies are in proper working order.

The following traffic collision and first-aid equipment will be in every patrol vehicle:

- First aid kit
- Two (2) Blankets, in a container to insure cleanliness
- Fire extinguisher
- Six (6) traffic cones
- Biohazard PPE equipment
- Lumberman's crayons

## **10.0 COLLISION REPORT FORM**

All officers will utilize the "South Carolina Uniform Traffic Collision Report (Form TR-310)" for the reporting and investigation of all traffic collisions.

The "South Carolina Uniform Traffic Collision Report" will be completed in accordance with the procedures established in the "South Carolina Uniform Traffic Collision Report Instructions Manual". All routine Traffic Collision Reports will be submitted within twenty-four (24) hour of the completion of the collision investigation.

In the event a Traffic Collision Investigation cannot be completed during the officer's shift, the officer will submit an incomplete report with the collision date, time, location and drivers' names completed and a note attached stating the reason for incompleteness and anticipated date of completion.