
Motor Vehicle Collision Investigations

501.1 PURPOSE

The purpose of this policy is to establish procedures and guidelines for the investigation of traffic collisions and traffic related incidents, along with the preparation and handling of related reports.

501.2 POLICY

It is the policy of the Berkeley Police Department that all hit and run collisions with investigative leads and collisions with injuries will be fully investigated to determine the causative factors and responsibility for the collision. Documentation shall conform to State and Department reporting requirements.

501.3 GENERAL

The Department is governed in the classification of motor vehicle collisions by the California Highway Patrol (CHP) Collision Investigation Manual.

Traffic collision investigations shall be conducted with the objective of prosecution of violation(s) that caused the collision. Traffic collision investigative reports should clearly define the violation(s) and contain all information necessary for a successful prosecution.

- (a) The completed investigative report may be viewed, or a copy purchased, at the front counter of Records Management, located on the first floor of the Public Safety Building (PSB), after approximately ten business days.

501.4 DUTIES OF THE DRIVER

501.4.1 SR-1 FORM

The California Vehicle Code requires any driver involved in a vehicle collision in California to report the collision (via SR-1 form) to the DMV within 10 days if:

- (a) There was property damage of more than \$1,000, or
- (b) Anyone was injured (no matter how minor) or
- (c) Anyone was killed.

Each driver must make a report whether they caused the collision or not and even if the collision occurred on private property. The report is the responsibility of the driver, regardless of whether or not a police report was taken. An insurance agent, attorney or another designated representative may file the report for the driver. The SR-1 form is available at the front counter of the PSB or on the DMV's website for download.

501.4.2 EXCHANGE OF INFORMATION

Vehicle Code § 16025 states, "Every driver involved in the collision shall, unless rendered incapable, exchange with any other driver or property owner involved in the collision and present at the scene, all of the following information:

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- (a) Driver's name and current residence address, driver's license number, vehicle identification number, and current residence address of registered owner.
- (b) Evidence of financial responsibility, as specified in Section 16020. If the financial responsibility of a person is a form of insurance, then that person shall supply the name and address of the insurance company and the number of the insurance policy."

501.5 NON-INJURY MOTOR VEHICLE COLLISION

- (a) Berkeley Police Department Communications Center personnel will dispatch officers to the report of a non-injury collision occurring on a highway or private property only when the collision qualifies with one or more of the following conditions:
 - 1. A driver who may be under the influence of alcohol or drugs.
 - 2. A disturbance of the peace.
 - 3. A "hit and run" (the failure or refusal to provide both drivers license and insurance information to the other party).
 - 4. The vehicle(s) and/or vehicle debris is causing a traffic hazard and traffic control is needed (the reporting party should be advised that while traffic control will be provided, no collision report will be taken).
- (b) In the event of a significantly delayed response to a qualifying report of a collision due to lack of available personnel, the reporting party should be so informed.
- (c) If the parties in the collision refuse to wait for the officer and no traffic problem or criminal matter exist (e.g., DUI or Hit-Run), the police response may be canceled. The parties should be advised of their responsibility to exchange information.
- (d) If an officer is flagged down for a non-injury traffic collision, no collision report will be taken, but the officer may provide an incident number and/or help facilitate an exchange of information, upon request.
- (e) A property damage report may be completed at the officer's discretion on a "short form" (CHP Form 555-03, Traffic Collision Report - Property Damage Only). The short form should be handwritten at the scene and a carbon copy of the involved parties' information should be handed out to each party. The narrative portion of the form will not be given to the parties on scene and may therefore be completed at a later time.
 - 1. The short form report cannot be used when there are more than two involved parties.
 - 2. The short form report cannot be used when any City owned vehicle, City owned property or City liability is involved.
 - 3. The completed short form report, including the narrative, may be viewed or obtained (for a fee) by concerned persons at Records Management.

501.6 INJURY MOTOR VEHICLE COLLISION

- (a) Every motor vehicle collision which results in injury or death to any person, including those occurring on private property, shall be thoroughly investigated.

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- (b) Communications Center personnel receiving a report of an injury collision shall obtain information regarding the location, type and severity of injuries, traffic blockage, and any other information required for immediate emergency vehicle response.
 - 1. An investigating officer shall be immediately assigned. Additional officers may be assigned to assist, as deemed necessary.
- (c) Injury is defined as any non-fatal bodily harm received from a motor vehicle collision. Injury includes, but is not limited to:
 - 1. A complaint of pain without visible signs of injury
 - 2. Visible signs of injury such as lacerations, abrasions, swelling or limping
 - 3. Momentary unconsciousness

501.7 COLLISION SCENE MANAGEMENT

- (a) The first officer to arrive at the scene of any collision shall manage and attempt to stabilize the scene until relieved by the assigned officer, or other competent authority.
- (b) The initial scene management includes, but is not limited to:
 - 1. Determining the number and extent of injuries, if any, and requesting medical support, if needed.
 - i. The officer shall broadcast the injury or non-injury information as soon as possible.
 - ii. If the collision includes the request for an ambulance, it is mandatory that a sergeant respond to the scene.
 - 2. Providing emergency medical aid, when it is safe to do so, until relieved by medical personnel.
 - 3. Determining the need for traffic control and expediting the removal of vehicles, persons, and debris from the roadway when the removal will not interfere with the investigation. The officer should consider:
 - (a) The use of flares, traffic cones and/or barricades.
 - (b) Enlisting assistance from on-lookers to direct or divert traffic, etc.

501.8 COLLISION INVESTIGATION

Once the scene of the collision is stabilized, and unless relieved by a motor officer or other competent authority, the handling officer should take, or delegate, the following steps to ensure a proper investigation is completed:

- (a) Identify the drivers and passengers of the vehicles, determine their positions in the vehicles and obtain statements.
 - 1. If a party has been taken to the hospital, the handling officer may continue his/her investigation at the scene and contact the injured party at a later time, with supervisor approval.

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- (b) Identify witnesses and obtain statements.
- (c) Determine whether the involved parties were wearing seatbelts.
- (d) Determine whether the involved parties were in possession of a personal communication device (e.g., cell phone) at the time of the collision.
- (e) Identify whether objective signs of drug and/or alcohol or physical impairment are present.
- (f) Consider whether the criteria for a Priority Re-Examination is met (DMV Form DS-427).
- (g) Determine the point of impact and take any necessary measurements.
- (h) Issue a Notice to Appear at the conclusion of the investigation, when appropriate and possible, and when the investigating officer has completed a course or courses of instruction in collision investigation in compliance with Vehicle Code § 40600(a).
- (i) Protect the personal property of an involved party from theft or loss (e.g., if they are transported to the hospital).
 - 1. If it is not practical for the property to be delivered to the owner, and/or the owner does not authorize another disposition, the property shall be booked for safekeeping. The property's disposition should be documented in the report.
- (j) Issue a report receipt or business card with the incident number to each of the involved parties.
 - 1. The involved parties should be informed that they are responsible for reporting the collision to the DMV on the appropriate form (SR-1) which is available at the front counter of the PSB or on the DMV's website.

501.9 TRAFFIC COLLISION REPORTS / DOCUMENTATION

- (a) Traffic collisions which require documentation shall use the following CHP Forms:
 - 1. 555 (Traffic Collision Report and Factual Diagram),
 - 2. 556 (Narrative/Supplemental) and
 - 3. 555 (Injured, witness, passenger).
- (b) The narrative report shall include the following information in the sequence listed:
 - 1. **FACTS:** List known physical facts such as skid marks, vehicle debris, paint transfer, location and types of vehicles, roadway conditions, lane width, location and status of traffic control signals/signs, and a description of injuries to persons or damage to property. List the response location, the method used to get measurements, any mechanical defects found and how they were discovered and verified, and any hazardous materials.
 - 2. **STATEMENTS:** Verbal statements should be recorded as close to verbatim as possible. Written statements may be signed or unsigned and should be recorded exactly as stated. BPD statement forms should be used for written statements.

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3. **OPINIONS AND CONCLUSIONS:** The Point of Impact (POI) is a conclusion drawn from facts and statements. The determination of causative factors is an opinion/conclusion of the investigator and is recorded in this section.
 4. **DISPOSITION:** Include the arrest and charge(s) if a person is taken into custody. If a Notice to Appear is issued, include the citation number(s), violation(s) charged, court date and person cited. Record the disposition of vehicles (e.g., released to owner at scene, towed, etc.), and include the tow authority if impounded.
- (c) The completed report will be reviewed by the Traffic Analyst who will route copies, as appropriate, to the Statewide Integrated Traffic Records System (SWITRS).

501.10 THE FATAL ACCIDENT INVESTIGATION TEAM (FAIT)

- (a) The Fatal Accident Investigative Team (FAIT) is comprised of the following three units:
1. **Traffic Unit:**
 - (a) This unit is comprised of sworn personnel who have received training in basic, intermediate or advanced traffic collision investigations, collision reconstruction and/or tire friction mark analysis.
 - (b) FAIT members are volunteers who, when available, will respond to qualifying collisions on a 24-hour basis.
 - (c) Officers who wish to be designated as FAIT members should apply in accordance with existing procedures described within the Special and Temporary Duty Assignments policy. It is not necessary for FAIT members to be assigned to the Traffic Bureau.
 - (d) This unit is supervised by the Traffic Bureau Motor Sergeant. The sergeant, or his/her designee, will periodically assess all FAIT traffic members to ensure they remain qualified for this assignment.
 - (b) **Investigative Unit:**
 1. This unit is comprised of the Detective Bureau's Homicide Detail.
 2. This unit provides guidance and/or assistance to the Traffic Unit relative to investigative procedures (e.g., interviews, interrogations, search warrants, etc.).
 3. This unit has the primary responsibility for conducting any criminal investigation that might arise from the initial incident (e.g., felony hit and run, assault via vehicle, vehicular manslaughter, etc.). This includes ensuring all initial investigative and follow-up reports are completed in a timely manner.
 4. This unit is supervised by the Homicide Detail Detective Sergeant, or his/her designee.
 - (c) **Identification Technician/Crime Scene Unit:**
 1. This unit is comprised of Crime Scene Technicians.

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2. The primary responsibility of this unit is to provide assistance in processing the collision and/or crime scene. This unit also provides assistance in ensuring all critical evidence is photographed, identified and collected.
 3. This unit is supervised by the Crime Scene Supervisor, or his/her designee.
- (d) The Communications Center shall maintain a call-out list of FAIT members.
1. In the event it is necessary to activate FAIT, on duty FAIT members should be the first who are assigned to respond. The following notifications shall also be made when FAIT is activated:
 - i. Traffic Unit Sergeant,
 - ii. Homicide Detail Detective Sergeant, and
 - iii. Crime Scene Unit Supervisor
- (e) The purpose of FAIT is to provide a team of well-trained sworn and non-sworn personnel who work in partnership to ensure the proper investigation and management of the following type of collisions:
1. Fatality involved;
 2. Impending fatality involved;
 3. Any collision involving a BPD vehicle with serious injuries, impending fatality and/or fatality shall be investigated by CHP, but members of FAIT shall assist as needed; and/or
 4. Any collision involving a BPD vehicle with major damage involved.
 - (a) The determination of whether to request FAIT to respond is made at the discretion of the Watch Commander or sergeant who responds to the scene of the collision. Based on the circumstances, the Watch Commander or assigned sergeant may also request CHP investigate the collision whereafter, FAIT members shall assist CHP as needed.
 - (b) If the collision only involves property/vehicle damage, then it is not necessary to contact the FAIT Investigative Unit (Homicide Detail).

501.11 ARREST PROCEDURES

If an arrest is made as a result of a motor vehicle collision (e.g., DUI, Hit-Run, etc.), in addition to the CHP 555 form, a case report shall also be completed under the same case number as the collision investigation.

- (a) The case report shall bear the classification of the offense for which the defendant was arrested.
- (b) The investigating officer shall complete the narrative report; ensuring sufficient details are included to support the arrest.

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501.12 HIT AND RUN INVESTIGATIONS

Any driver of a motor vehicle, who becomes involved in a motor vehicle collision, must stop and identify themselves in compliance with Vehicle Code § 20002.

An officer shall investigate all hit and run collisions, whether occurring on public or private property.

- (a) However, if it is a misdemeanor hit and run collision and the officer determines there are no investigative leads, no report will be taken, but an incident report number should be provided.

The follow-up investigation for both felony and misdemeanor hit and run cases will be conducted by the originally assigned officer, unless the investigation was handled by a FAIT member who will then be responsible for the follow-up.

501.13 LATE-REPORTED COLLISIONS

Late-reported injury collisions may be reported at any time up to one year from the date of occurrence. However, the ability to conduct a comprehensive investigation may be compromised by the delay in reporting.

- (a) A delayed report meeting the above criteria shall have the special conditions box on the CHP 555 form labeled, "Late-Reported".
- (b) The reporting party should be informed that they are responsible for reporting the collision to the DMV on the appropriate form (SR-1) which is available at the front counter of the PSB or on the DMV's website.

If a non-injury collision is reported in person after both parties and vehicles have left the scene, the reporting party shall be advised that no report will be taken. However, the reporting party should be informed that they are responsible for reporting the collision to the DMV on the appropriate form (SR-1) which is available at the front counter of the PSB or on the DMV's website.

501.14 COLLISIONS INVOLVING CITY-OWNED VEHICLES

The Communications Center shall dispatch an officer to any report of a collision, with or without injury, which involves City owned vehicles, equipment or property.

- (a) Investigation - If the collision involves:
 1. Minor injury to another party - CHP should be called to conduct the investigation.
 2. Serious injury, impending fatality and/or fatality - CHP shall be called to conduct the investigation. However, FAIT shall be notified and shall assist CHP as needed.
 3. No injury or property damage only - A patrol officer may conduct the investigation.
 4. No injury with MAJOR property damage involving a POLICE vehicle - FAIT should be notified to conduct the investigation, see the FAIT section of this policy.
- (b) Documentation

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1. Collision reports involving City vehicles shall include the City of Berkeley Accident Report and the City Manager's Report form.
2. Collision reports involving police vehicles shall include the Supervisor's Avoidability Report and shall be completed and turned into the Patrol Lieutenant's box prior to the end of the supervisor's shift.
3. The completed report will be reviewed by the Traffic Analyst who will route copies, as appropriate, to the Statewide Integrated Traffic Records System (SWITRS).
4. No collision report needs to be taken if the incident only involves damage to city property, and it is the opinion of a supervisor that there is no need for a collision report (i.e., police auto vs. parked police auto in the PSB parking lot).
5. If the collision occurs outside of the City of Berkeley, the collision shall be reported to the appropriate law enforcement agency having jurisdiction.

501.15 COLLISIONS INVOLVING A SCHOOL BUS

The investigation of traffic collisions involving a school bus, as defined in Vehicle Code § 545, or a school pupil activity bus, as defined in Vehicle Code § 546, or a youth bus, as defined in Vehicle Code § 680, taking place anywhere within the State, are the responsibility of the CHP when the vehicle is:

- (a) Transporting any school pupils at or below the 12th grade level to or from a public or private school, or to or from public or private school activities.
- (b) Transporting any school pupils at or below the 12th grade level to or from a residential school.
- (c) Transporting children at or below the 12th grade level to or from an organized non-school related youth activity and the departing/arrival school is within 25 miles of the activity location.

Traffic collisions involving a school bus, school pupil activity bus, or youth bus, but with no pupils or qualifying children aboard, remain the responsibility of the local law enforcement agency and not the CHP.

501.16 COLLISIONS INVOLVING HAZARDOUS MATERIALS

The Berkeley Fire Department (BFD) is responsible for the scene management of any hazardous or toxic materials spill. Pending the arrival of BFD personnel, police personnel may be required to take emergency action.

The following procedures are recommended to assist in the handling of a hazardous or toxic materials spill, or the immediate potential of a spill:

- (a) Report the incident as a possible hazardous materials incident.
- (b) Give the exact location.

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- (c) Request assistance.
 - (d) Stay upwind and upgrade.
 - (e) Isolate the area of non-essential personnel.
 - (f) Avoid contact with liquid or fumes.
 - (g) Eliminate ignition sources (i.e., smoking, flares and combustible engines).
 - (h) Identify materials, when possible, without undue risk of exposure/contact.
 - (i) Initiate evacuation from downwind first.
1. Select an upwind site for assembly of evacuated persons and report the location of the site to the Communications Center.

501.17 COLLISIONS ON THE EASTSHORE FREEWAY (I-80)

The California Highway Patrol (CHP) has responsibility for investigating traffic collisions originating on the Eastshore Freeway (I-80), including the on and off ramps within the City of Berkeley. However, upon request by the CHP, BPD will render any assistance required, including a complete investigation of a collision and subsequent prosecution of violation(s) causing the collision.

The University Avenue overpass and the Gilman Street underpass are not a part of the Eastshore Freeway (I-80) and jurisdiction remains with the BPD.

501.18 COLLISIONS INVOLVING DISABLED PEDESTRIANS

When an officer investigates a traffic collision involving a pedestrian, they shall write "DP" in CHP form 555's special conditions box, when the pedestrian does either of the following:

- (a) Uses a mobility device, such as a wheelchair, walker, crutches, cane, white cane or other device.
- (b) "Self-identifies" as having a disability that impairs mobility.

In the narrative portion of the report, the officer shall describe the mobility device the pedestrian used, or the statement the person made when he/she "self-identified" as being disabled.

This procedure does not require an officer to ask any disability related questions of the pedestrian or to do anything that would violate the American with Disabilities Act (ADA). It does not ask that an officer attempt to determine whether the pedestrian was using the mobility device as the result of a temporary medical condition (such as a broken leg), or as the result of a disability as described in the ADA.

The Traffic Analyst will maintain a file of all collision reports that are identified as involving a disabled pedestrian.