

## BERKELEY POLICE DEPARTMENT

DATE ISSUED: November 19, 2004

GENERAL ORDER T-16

SUBJECT: MOTOR VEHICLE ACCIDENT INVESTIGATIONS, REPORTS,  
ARRESTS AND PROCEDURES

### PURPOSE

- 1 - The purpose of this General Order is to establish procedures and guidelines for the investigation of traffic accidents and traffic related incidents, along with the preparation and handling of related reports.

### POLICY

- 2 - It is the policy of this Department that all accidents involving fatal or other injuries, hit-run, and named property damage only collisions will be fully investigated to determine the causative factors and responsibility for the accident. Documentation shall conform to State and Department reporting requirements.

### GENERAL

- 3 - The Department is governed in the classification of motor vehicle accidents by the Statewide Integrated Traffic Records System COLLISION INVESTIGATION MANUAL, California Highway Patrol document HPM **110.5**, which is in accordance with the manual on classification of Motor Vehicle Traffic Accidents published by the National Safety Council.
- 4 - Traffic accident investigations shall be conducted with the objective of prosecution of violation(s) that caused the accident. Traffic accident investigative reports shall clearly define the violation(s) and contain all information necessary for a successful prosecution.

A Notice to Appear should be issued by the investigating officer at the conclusion of the investigation, when appropriate and possible, and the investigating officer has completed a course or courses of instruction in collision investigation in compliance with CVC 40600(a).

- (a) The completed investigative report may be viewed, or a copy purchased, at the **Support Services** Records Unit public counter after approximately ten (10) working days **or less**.
- 5 - All documents prepared during the course of the investigation shall be delivered to the appropriate team tray for review by a team supervisor. After review, the supervisor shall initial the report and place it in the Report Review Transfer Box.
    - (a) Prior to placing reports in the team tray, the officer shall make copies of the report and route them as follows:
      - (1) Copy to the assigned officer.

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- (2) District Attorney's office when an arrest is made, or a warrant of arrest is requested.
  - (3) Youth Services Detail when a juvenile is arrested or cited.
  - (b) All reports involving police vehicle collisions, including the City of Berkeley Accident Report, form 278-236 (City Manager's Report), and other City vehicle collision reports shall be placed in the Report Review Transfer Box for routing. The Traffic Analyst will later review and route any additional copies of these reports.
  - (c) The Supervisor's Avoidability Report shall be turned into the Patrol Lieutenant's box prior to the end of the shift, **with a copy routed to the Traffic Bureau.**
- 6 - The **assigned** Traffic **employee** shall empty the Traffic **Bureau** accident tray when reporting for duty. After review by the Traffic Analyst, **a copy of each report** shall be placed in the **Traffic Office Specialist II's** in-tray **for entry into the Records Management System.**
- (a) The original report shall be taken to the **Support** Services Bureau Records Unit where it will be made available for viewing or purchase of copies as set forth in General Order T-17.
    - (1) The Traffic Analyst shall make and route one copy of each qualifying accident report to the California Highway Patrol (CHP) Data Processing Unit.

### EASTSHORE FREEWAY (I-80) JURISDICTION

- 7 - The California Highway Patrol has responsibility for investigating traffic accidents originating on the Eastshore Freeway **(I-80)**, including the on and off ramps within the City of Berkeley. However, upon request by the CHP, we will render any assistance required, including a complete investigation of an accident and subsequent prosecution of violation(s) causing the accident.
- 8 - The University Avenue overpass and the Gilman Street underpass are not a part of the Eastshore Freeway **(I-80)** and jurisdiction remains with the Berkeley Police Department.

### SCHOOL BUS TRAFFIC ACCIDENTS

- 9 - The investigation of traffic accidents involving a school bus, as defined in Section 545 VC, or a school pupil activity bus, as defined in Section 546 VC, or a youth bus, as defined in Section 680 VC, taking place anywhere within the State, are the responsibility of the CHP when the vehicle is:

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- (a) Transporting any school pupils at or below the 12<sup>th</sup> 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 12<sup>th</sup> grade level to or from a public or private school activity, or to or from a residential school.
- (c) Transporting children at or below the 12<sup>th</sup> 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 accidents 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.

### FATAL ACCIDENT INVESTIGATION TEAM

**10 -** A Fatal Accident Investigative Team (F.A.I.T.) has been established within the Department. The Team is comprised of the following three units:

- (a) Traffic Unit:
  - (1) Sworn personnel who have received training in both basic and advanced traffic accident investigations, accident reconstruction and skid mark analysis.
    - (i) Officers who wish to be designated as F.A.I.T. traffic members are selected in accordance with existing procedures governing Special/Temporary Duty Assignments (General Order P-15). It is not necessary for those selected to be assigned to the Traffic Bureau.

FAIT supervisory staff will periodically assess all F.A.I.T. traffic members to insure they remain qualified for this assignment.
    - (b) F.A.I.T. Traffic members are volunteers whom, when available, will respond to qualifying collisions on a 24-hour basis.
  - (2) Assigned Traffic Unit personnel have the primary responsibility for conducting all traffic related investigations and follow-ups. This includes insuring all traffic reports and required follow-ups are completed in a timely manner, consistent with existing Departmental Procedures.
  - (3) The Traffic Bureau Sergeant, or his/her designee, is responsible for the supervision of all F.A.I.T. traffic investigators.

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- b) Investigative Unit:
  - (1) This Unit is comprised of the Detective Bureau/Homicide Detail. It is supervised by the Homicide Detail Detective Sergeant or his/her designee.
  - (2) This Unit provides guidance and/or assistance to the Traffic Unit relative to investigative procedures (i.e., interviews and interrogations of victims/witnesses/suspects, search warrants, etc.)
  - (3) This Unit has the primary responsibility for conducting any criminal investigation that might arise from the initial incident (i.e., felony hit and run, assault via vehicle, vehicular manslaughter, etc.) This includes insuring all initial investigative and follow-up reports are completed in a timely manner, consistent with existing
- c) Identification Technician/Crime Scene Unit:
  - (1) This Unit is comprised of the **Support** Services Bureau Crime Scene Unit **that is staffed by a Senior Crime Scene Technician, Identification Technicians (Community Service Officers)**, and is supervised by the Crime Scene **Supervisor** or his/her designee.
  - 2) The primary responsibility of this Unit is to provide assistance in processing the collision and/or crime scene. The Unit also provides assistance in insuring all critical evidence is identified and collected (i.e., clothing, vehicle parts, photographs, etc.)
- 11 - The Communications Center **shall** maintain a call-out list of F.A.I.T. personnel.
  - a) In the event it is necessary to activate F.A.I.T., on duty F.A.I.T. personnel shall first be assigned to respond. The following notifications shall also be made when the F.A.I.T. is activated:
    - (1) Traffic Bureau Sergeant, and
    - (2) Homicide Detail Detective Sergeant, and
    - (3) Crime Scene Unit **Supervisor**
- 12 - The purpose of F.A.I.T. is to provide a collective of well-trained sworn and non-sworn personnel working in partnership to insure the proper investigation and management of the following type of collisions:
  - a) Fatality involved
  - b) Impending fatality involved

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- c) Any collision involving a Berkeley Police vehicle with serious injuries, impending fatality and/or fatality shall be investigated by the CHP.
  - (1) Members of F.A.I.T. shall assist CHP as needed.
- d) Any collision involving a Berkeley Police vehicle with major damage to any involved party.
  - (1) The determination of whether to request F.A.I.T. to respond is made at the discretion of the Patrol 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 that CHP investigate the collision. Members of F.A.I.T. shall assist CHP as needed.

NOTE: If the collision only involves property/vehicle damage, then it is not necessary to contact the Investigative Unit (Homicide Detail).

- 13 - For all other injury collisions where an ambulance is required, it is mandatory that a Sergeant be assigned to respond to the scene. The Sergeant shall assess whether or not the F.A.I.T. should be activated. Example of factors to consider include, but are not limited to the following:
  - a) Is the injury potentially life threatening? (i.e., elderly victim)
  - b) Was the victim taken to a trauma center?
  - c) Is the victim in critical condition?
- 14 - While Team members are responding, the following steps shall be taken:
  - a) The first officers arriving shall render whatever aid is necessary, keeping in mind that position of bodies; clothing and other personal items could be critical evidence.
  - b) Block off the area and freeze/seal the scene.
  - c) Determine which persons are involved in the accident and record their positions in the vehicles, etc.
  - d) Unless removed from the scene for medical treatment, isolate the involved persons and obtain initial statements.
  - e) Identify witnesses and obtain initial statements.
  - f) The assigned patrol officer shall be responsible for the investigation and scene management until relieved by a Team member.

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- (1) Once at the scene, the **assigned** Team member shall be in charge of the scene unless relieved by a commanding officer.

### INVESTIGATION OF INJURY AND FATAL MOTOR VEHICLE ACCIDENTS

- 15 - Every motor vehicle accident which results in injury or death to any person, including those occurring on private property, shall be thoroughly investigated.
  - a) Injury is defined as any non-fatal bodily harm received from a motor vehicle accident. Injury includes:
    - (1) Bleeding wound, distorted member or any condition that requires the victim to be carried from the scene of the accident.
    - (2) Other visible injuries such as bruises, abrasions, swelling, limping, or other painful movement.
    - (3) Complaint of pain without visible signs of injury or momentary unconsciousness.
- 16 - Communications Center personnel receiving a report of an injury accident shall obtain information regarding the location, type and severity of injuries, traffic blockage, and any other information required for immediate emergency vehicle response.
  - a) An investigating officer shall be immediately assigned. Other officers may be assigned to assist, as deemed necessary.
- 17 - The first on-scene officer shall determine the number and extent of injuries, need for immediate response from other service providers (i.e., fire suppression, other City Departments, EBMUD, PG&E, hazardous material involvement, etc.). When necessary, emergency medical aid shall be provided until relieved by medical personnel.
  - a) The officer shall inform the Communications Center of the need for additional assistance, including requesting that F.A.I.T. be activated.
- 18 - Injury and fatal traffic accident investigations shall be recorded on CHP Forms 555 (Traffic Collision Report and Factual Diagram), 556 (Narrative/Supplemental), and 555 page 3 (injured, witness, passenger).
  - a) The report may be neatly printed, typed or computer generated.
- 19 - The narrative report shall include the following information in the sequence listed:  
  
FACTS: List known physical facts: skid marks, location **and** type of vehicles/vehicle debris/paint transfer, roadway construction/width/lanes, type and location of traffic control signals/signs,

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description of injuries to persons and damages to property, etc. Also indicate your response location, method used to get measurements, any mechanical defects found and how discovered and verified, and any hazardous materials.

STATEMENTS: Verbal statements should be recorded as nearly verbatim as possible. Written statements may be signed or unsigned and should be recorded exactly as stated. When practical, written statements should be recorded on a BPD statement form.

OPINIONS AND CONCLUSIONS: The Point of Impact 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. (Do not include opinions or conclusions under FACTS).

DISPOSITION: Include the fact of 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 (released to owner at scene, towing information, etc.), including release authority if impounded.

### INVESTIGATION OF NON-INJURY MOTOR VEHICLE ACCIDENTS

- 20 - Reports of non-injury accidents occurring on private property will not be accepted by Communications Center personnel unless the accident involves:
- a) A hit-run (hit-run is the failure or refusal to provide both drivers license and registration information to the other party).
  - b) City owned or leased vehicles, equipment or property, unless only city property is involved and in the opinion of a supervisor there is no need for a collision report. (Police auto vs. parked police auto in the Hall of Justice lot.)
  - c) A driver who may be under the influence of alcohol or drugs.
  - d) A disturbance of the peace.
- 21 - Reports of non-injury accidents occurring on a highway shall be documented as a collision report in conformance with the CHP Collision Investigation Manual.
- 22 - An officer shall be dispatched to the scene of qualifying reports.
- a) In the event an officer cannot be assigned within a period of fifteen minutes, due to lack of available personnel, the reporting party shall be so

\*Highlighted text is new.

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informed, together with the probable delay before an officer will be available.

- b) If the principals in the collision refuse to wait for the officer, no traffic congestion problem exists and, if the principals have been informed of their responsibility to exchange information, the report may be disregarded. Every reasonable effort should be made to dispatch an officer to the scene and to document the collision.
  - c) If one of the principals to the collision is still present at the scene and that person has the required identifying information on the other involved party, a collision report shall be completed. In no event shall an officer render an opinion as to cause or any violation of the California Vehicle Code unless all involved parties have been interviewed.
- 23 - CHP Form 555-03, Traffic Collision Report -Property Damage Only ("PDO," or also referred to as the "short form") shall be handwritten at the scene of the accident and a copy issued to each involved party.
- a) When more than two parties are involved, the "short form" cannot be used.
  - b) "Short form" cannot be used if any City vehicle, property, or liability is involved.
  - c) The copy provided at the scene will contain names and other identifying data concerning involved parties, vehicles and witnesses. It will not contain the narrative portion of the report.
  - d) The complete report may be viewed by concerned persons at the **Support** Service Records Unit and copies can be obtained for a fee.

### HIT-RUN INVESTIGATIONS AND ARREST PROCEDURES

- 24 - Any driver of a motor vehicle, who becomes involved in a motor vehicle accident, must stop and identify them self in compliance with Section 20002 VC.
- 25 - If an arrest is made as a result of a motor vehicle accident, in addition to the CHP 555 form, the front of an Universal report form shall also be completed under the same case number as the accident investigation.
- a) The 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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- 26 - An officer shall conduct an investigation of misdemeanor hit-run accidents, whether on roadways or on private property.
- a) CHP Form 555 shall be used if the responsible party is known or if there are investigative leads.
  - b) CHP Form 555-03 (PDO) should be used if no leads are present.
- 27 - The follow-up investigation for both felony and misdemeanor hit and run cases will be conducted by the assigned patrol officer, unless the investigation was handled by a F.A.I.T. member who will then be responsible for the follow-up. Investigations shall be complete and accurate.

### DELAYED REPORTS OF MOTOR VEHICLE ACCIDENTS

- 28 - When an injury accident is reported within 24 hours of the time of the accident, a numbered report shall be initiated and the investigation assigned to a Front Counter Officer.
- a) A patrol officer shall be assigned when a Front Counter Officer is unavailable.
  - b) A delayed report meeting the above criteria shall have the special conditions box on the front of the CHP 555 form labeled, "Late-Reported".
- 29 - A numbered report shall be made if a letter is received, reporting an injury collision more than 24 hours after the occurrence.
- a) CHP Form 555 and DMV form SR-1 shall be sent to the reporting party.
    - (1) The reporting party shall be instructed by letter to complete CHP Form 555 and return it to the Berkeley Police Department for recording and permanent record processing (i.e., microfilming, optical disc storage).
    - (2) The reporting party shall also be informed that the Berkeley Police Department will not forward the information to the California Highway Patrol and that no further action will be taken. The reporting party shall be informed that they are responsible for reporting the collision to the Department of Motor Vehicles on the appropriate form (SR-1).
    - (3) The completed CHP 555 form shall be assigned to the Front Counter Officer who will enter the information, "Counter Report" in the special conditions box.

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- 30 - A numbered report may be made if an injury collision is reported in person more than 24 hours after the time of the collision, in which case the reporting party will be afforded the opportunity to fill out in their own handwriting Traffic Collision Report Form 555.
- a) The Front Counter Officer shall be assigned and shall assist the person completing the form and advise them that the report will not be forwarded to the California Highway Patrol and that no further action will be taken. A patrol officer shall be assigned if the Front Counter Officer is not available.
  - b) The reporting party shall be informed that they are responsible for reporting the collision to the Department of Motor Vehicles on the appropriate form (SR-1) which will be provided at the Front Counter.
- 31 - If a non-injury collision is reported by letter, the reporting party will be advised, via form letter, that no investigative action will be taken.
- 32 - If a non-injury collision is reported in person after both principals and vehicles have left the scene, the person shall be advised that no report will be taken.

### SCENE MANAGEMENT

- 33 - The first officer to arrive at the scene of an accident shall assume the responsibilities of the Scene Manager until relieved by the assigned officer, or other competent authority.
- 34 - Scene management includes, but is not limited to:
- a) Administering emergency medical care and providing basic life support.
  - b) Summoning ambulance and/or additional assistance (e.g., officers, specialized personnel whether from City departments or other agencies, tow trucks, etc.).
  - c) Protecting the accident scene.
    - (1) Use of flares, traffic cones, barricades.
    - (2) Enlisting assistance from on-lookers to direct or divert traffic, etc.
  - d) Preserving short-lived evidence.
  - e) Establishing a safe traffic pattern around the scene.
  - f) Locating witnesses and recording accident information.
  - g) Expediting the removal from the roadway of vehicles, persons, and debris, when the removal will not interfere with the investigation.

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- h) Protecting citizens' personal property from theft or loss.
  - (1) When it is not practical for personal property to accompany the citizen and the owner does not authorize other disposition, the property shall be taken into safekeeping and placed in the Property Room under the accident case number. The disposition of any property taken into police custody shall be documented in the report.

### HAZARDOUS MATERIALS INVOLVEMENT

- 35 - The Berkeley Fire Department is responsible for the scene management of any hazardous or toxic materials spill. Pending the arrival of Fire Department personnel, Police personnel will be required to take any required emergency action.
- 36 - The following procedures are recommended to assist in the handling of hazardous or toxic materials spill, or the immediate potential of a spill:
  - a) Report the incident as a possible hazardous materials accident, giving the exact location and request assistance.
  - b) Stay upwind and upgrade.
  - c) Isolate the area of non-essential personnel.
  - d) Avoid contact with liquid or fumes.
  - e) Eliminate ignition sources (smoking, flares, combustible engines).
  - f) Identify materials, when possible, without undue risk of exposure/contact.
  - g) 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.

### ACCIDENTS INVOLVING DISABLED PEDESTRIANS

- 37 - **When an officer investigates a traffic collision that involves a pedestrian who does either of the following, they are to write "DP" in the special conditions box in the upper left corner of the CHP 555 form.**
  - (a) When the pedestrian was using a mobility device, such as a wheelchair, walker, crutches, cane, white cane, or other device.**
  - (b) When the pedestrian "self identifies" as having a disability that impairs mobility.**

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- 38 - In the narrative portion of the report, the officer shall describe the mobility device that the pedestrian used, or the statement that the person made when he/she "self identified" as being disabled.**
- 39 - 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.**
- 40 - The Traffic Analyst will maintain a file of all collision reports that are identified as involving a disabled pedestrian.**

References: California Collision Investigation Manual HPM 110.5  
California Vehicle Code Sections 545, 546, 680, 12028 (a), 12028 (b),  
and 40600  
General Orders C-2, C-16, C-17, D-2, E-3, P-12, and T-17