



MOTOR VEHICLE COLLISIONS

FC No.: 1021

Date: 06-29-18

If a provision of a regulation, departmental directive, or rule conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

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I. Policy

The Montgomery County Police Department will respond and investigate motor vehicle collisions in accordance with Maryland Law and procedures in this policy. The Department performs a variety of traffic collision investigation functions which include providing emergency services to the injured, protection of the collision scene, conducting thorough investigations, preparing reports, and taking appropriate enforcement actions.

II. Definitions

- A. Collision:** *Synonymous with the words “accident” or “crash.” Involves a motor vehicle in transport or preparing for transport; which results in injury, damage or both and is not intentional.*
- B. Collision Reporting:** *The gathering of appropriate data and other information necessary to complete the ACRS (Automated Crash Reporting System) report.*
- C. Commercial Motor Vehicle:** *Any motor vehicle used for the transportation of goods, property or people in interstate or intrastate commerce weighing over 10,000lbs GVW and/or carrying nine or more persons including the driver and/or carrying hazardous materials requiring placarding.*
- D. Disabled:** *Related to a vehicle; damage that prevents the removal of the vehicle from the scene of the collision in its usual manner.*
- E. Government-Owned:** *Property owned (including vehicles), operated or leased by any local, state or federal government agency.*
- F. Late-Reported Collision:** *A collision in which all persons have left the scene of the collision and one of the persons involved contacts MCP at a later time to report the collision. This does not include the*

removal of vehicle(s) from the collision scene to a safe location in order to expedite traffic flow or ensure motorist safety.

III. Response to Collisions

- A. When dispatched, officers will respond to all collisions occurring in the county. Exceptional circumstances, such as the declaration of a “Snow Emergency,” may require the District/Duty Commander to modify or suspend this policy.
- B. The initial responding/primary assigned officer(s) at a collision will:
 - 1. Position police vehicle(s) to protect the collision scene.
 - 2. Evaluate the need for medical care and provide basic life support. When requesting Montgomery County Fire and Rescue Services (MCFRS) assistance, officers will notify ECC of the collision location, the number of persons injured, the nature of injuries, and if any persons are trapped.
 - 3. Summon additional assistance, if necessary.
 - 4. ***If vehicles(s) are disabled, officers will ensure the safe removal of the vehicle(s) from the roadway. See FC 1060 “Towing of Motor Vehicles”.***
 - 5. Establish a safe and efficient traffic pattern around the scene utilizing ***appropriate devices to include flares, traffic cones, barricades, emergency vehicles, emergency lighting, and high visibility/reflective vests as necessary to protect themselves, the scene, the public, and to alert oncoming traffic.***
 - 6. If the collision involves property damage only, arrange for removal of the vehicle(s) from the travel portion of the roadway as soon as possible.
 - 7. Be in charge of the scene until relieved by a supervisor or specialized unit.

IV. Collision Investigation and Reporting

- A. Officers will investigate ***and complete an ACRS (Automated Crash Reporting System) report for*** the following types of collisions occurring within this jurisdiction:
 - 1. Fatal collisions (refer to section V).
 - 2. Personal injury collisions to include all incapacitating, non-incapacitating, and possible injuries. This category of collisions includes ***visible signs of injury***, momentary unconsciousness, claims of injuries that are not evident, and complaints of pain, when reported at the time of the collision. ***A late reported pedestrian collision will be investigated when there is a witness or physical evidence of any type.***
 - 3. Collisions either attributed to or accompanied by an incarcerable traffic offense, including property damage hit-and-run collisions when there is a witness or physical evidence of any type. If there is no witness or physical evidence at a property damage hit-and-run collision, an investigation is not required.
 - 4. Collisions involving government owned vehicles, whatever the level of government, including Metro and public school buses (***to include late reported collisions***).
 - 5. All property damage collisions occurring on a public roadway when the vehicle(s) cannot be safely driven from the scene. An exception to this will be flat tires. An auto fire in which the vehicle cannot be driven from the scene does not require a collision investigation unless it meets at least one other requirement for conducting an investigation listed in this section.
 - 6. Collisions involving any ***commercial motor*** vehicle transporting hazardous materials.
- B. Officers conducting collision investigations will:
 - 1. Interview principals and witnesses.
 - 2. Examine/record vehicle damage ***and roadway evidence.***
 - 3. Examine/record effects of the collisions on the roadway.
 - 4. Take measurements, if necessary.
 - 5. Collect/preserve evidence.

6. Take photographs, if necessary. ***Photographs will be taken of collisions involving MCP vehicles and uploaded in accordance with department policy.***
 7. Ensure that information (e.g., insurance information, license, and registration) is exchanged at the scene ***using the ACRS Information Exchange form whenever practical***, among the persons involved as required by law.
 8. Assume custody of property belonging to incapacitated collision victims (property will be stored pursuant to department policy).
 9. Document the collision on ***the ACRS Report***.
- C. If available, district traffic officers will have primary responsibility for investigating all non-fatal collisions involving government vehicles.
- D. In all traffic collisions ***involving damaged personal property*** (fences, poles, shrubbery, etc.), officers will make an effort to notify the owner of any damaged property and provide them with information concerning the striking vehicle and its operator. When the collision involves fenced property permitting access to the roadway by farm animals, the officer(s) will remain at the scene until the property owner has been notified.
- E. When an officer responds to a collision where county or state property is damaged (e.g., guard rails, streetlights, traffic lights and signs, etc.), and the ***ACRS report*** is not required, the officer will complete an MCP 38, "Defect Notice." Included on the MCP 38 will be the striking vehicle's information, to include the vehicle VIN, tag number, insurance information, and the owner's/driver's name, address, and telephone number. ***See FC 1032 "Traffic Hazards and Traffic Engineering"***.
- F. No report is required if the collision is investigated by another police agency. However, when the assistance of the Collision Reconstruction Unit (CRU) is provided to another police agency, the assisting CRU investigator will initiate a "Police Information" report and will reference the other agency's case report number in the narrative.
- G. If called to the scene of a collision and no report is required, the officer ***will***:
1. Provide each driver with a completed ***ACRS Information Exchange form***.
 2. Assist in moving the involved vehicle(s) from the travel portion of the roadway.
 3. Ensure that all operators possess a valid driver's license.
 4. Ensure that all vehicles involved are properly registered.
 5. If a discrepancy exists regarding license status or vehicle registration, an ***ACRS*** report will be written even if the officer does not intend to place charges.
- H. Officers investigating motor vehicle collisions are strongly encouraged to place appropriate traffic violation charges when the violation can be substantiated by witnesses, the investigation, or the officer's observation of the violation. Officers not investigating a motor vehicle collision will not make any judgment concerning liability nor will they issue a traffic citation to persons involved in the collision.
- I. Photographs depicting the scene and damage will be taken at all collisions involving Montgomery County Government vehicles. Photos will be taken and forwarded to Risk Management with the report package. An exception to this is when an employee of the agency to which the vehicle is assigned has taken photographs of the collision. Photos of an evidentiary nature will be ***uploaded and*** maintained pursuant to department policy.
- J. Officers investigating collisions where individuals are charged with an incarcerable traffic offense will send, via inter-office mail, a photocopy of the ***ACRS*** report, including any subsequent supplement report to Traffic Intake, State's Attorney's Office.

V. Investigating Fatal and Serious Injury Collisions

- A. In cases where a death is confirmed, the CRU supervisor, or designee, will be contacted via the ECC supervisor. The CRU will respond to conduct the investigation.
- B. A fatal injury is any injury that results in death within one year of a motor vehicle collision. When a victim expires within one year of a motor vehicle collision that was previously reported as non-fatal, officers will report this information immediately to the CRU supervisor. (Refer to section **VI.**)
- C. The CRU will investigate all critical injury motor vehicle collisions that involve any police officer, dignitary, or public official, whether or not a county owned motor vehicle is involved.
- D. In cases where a victim is not deceased at the scene, the initial responding officer shall obtain an injury assessment from the MCFRS incident commander to determine the severity of the injuries. Officers should be aware that the issuance of a medical “Priority One Trauma” does not necessarily indicate that death is imminent or expected. Once it is determined that the injuries are life threatening, the on-scene senior ranking officer shall provide detailed information to the CRU supervisor via the ECC supervisor. The CRU supervisor, or designee, will decide if a response by CRU is required.
- E. Once it is determined that the CRU has primary investigative responsibility (as described in this section), all personnel will treat the scene as a “crime scene.”
 - 1. The initial responding officer(s) will preserve the scene by cordoning off the roadway to preserve the position of vehicles, skid marks, bodies of deceased persons, debris, area of impact of pedestrians and vehicles, clothing, and all other pre-impact and post-impact evidence pending the arrival of the CRU investigator.
 - 2. In order to avoid contamination of roadway evidence, the senior ranking *traffic/patrol* officer will coordinate the arrival and departure of all emergency vehicles at the scene with the MCFRS commander.
 - 3. The scene will be protected from contamination by the placement of absorbent or other materials on the roadway only to control the flow of hazardous materials into run-off areas.
- F. The CRU supervisor will coordinate subsequent assistance by district personnel with the appropriate patrol/traffic shift supervisor(s). Traffic management will be the responsibility of the patrol/traffic supervisor.
- G. The following notifications will be made when investigating a fatal collision:
 - 1. County Medical Examiner - Upon verification of a fatality, the CRU investigator will notify the County Medical Examiner. The Medical Examiner’s cause of death findings will be included in the original accident report. All pertinent autopsy findings will be reported in a supplemental report.
 - 2. District or Duty Commander - Upon verification of a fatality, the CRU investigator will notify the appropriate district/duty commander. The appropriate district commander will be given a copy of all fatal collision reports.
 - 3. ***Public Information Office – The Public Information Office will provide a press release and/or coordinate the release of information at all hours.***
 - 4. Montgomery County Division of Traffic Engineering - The CRU will notify the Montgomery County Division of Traffic Engineering of the collision’s location, date, time, description, and cause.
 - 5. Next of Kin - The CRU investigator will either personally notify or arrange for the personal notification of the next of kin of all persons sustaining fatal injuries.
 - a. In fatal collisions where the investigating officer makes the notification in person, the officer will explain the circumstances of the collision to the relatives. This may take place at either the hospital or at another location within a reasonable time after the collision.

- b. In the event the investigating officer is not the individual making the initial notification, the investigator will contact next of kin within a reasonable time following the collision and offer to arrange a conference to discuss the collision. The conference should be conducted at a location convenient to the next of kin. The officer should relate the following:
 - Facts and circumstances of the collision,
 - Location of the vehicle, and
 - Storage arrangements.
 - c. If requested, provide the next of kin with a copy of the collision report at no charge.
 - d. *In accordance with Transportation Article §12-206.1, the CRU investigator will provide the next of kin with a Victim's Representation Notification Form in conjunction with informing the next of kin of the rights to file the form as specified.*
6. State's Attorney's Office - The CRU investigator will contact the State's Attorney's Office (SAO) within 24 hours when all operators are Maryland residents. If any operator is not a Maryland resident, the CRU investigator will immediately notify the designated district station attorney from the SAO. The results of the State's Attorney contact, including the attorney's identity, will be included within the collision report and the continuation report.

VI. Follow-Up Investigations of Fatal Collisions

- A. A follow-up investigation by the CRU is necessary when a death resulting from a motor vehicle collision occurs after the initial collision report has been submitted.
- B. All hospitals in the county have been requested to notify the Records **Section** when the victim of a motor vehicle collision has expired. The hospital will provide the following information:
 - 1. Date, time, and location of initial collision.
 - 2. Date, time, and location of death.
 - 3. Name, title, and telephone number of hospital representative making the report.
 - 4. If, and by whom, the County Medical Examiner was notified.
- C. Records **Section** personnel will locate the collision report to determine the reporting district and investigating officer. Records **Section** will notify the CRU supervisor who will assign follow-up responsibility to a CRU investigator.
- D. The original reporting officer will provide the CRU investigator with copies of all drawings, photographs, witness statements and any other pertinent information from the initial investigation.
- E. The original investigating officer will assist the CRU investigator in completing the follow-up investigation.
- F. If the hospital did not notify the Medical Examiner, the CRU investigator will make the notification.
- G. The CRU investigator will arrange next-of-kin notification and will send a teletype message.
- H. At the discretion of the CRU supervisor, the CRU investigator will be present at the autopsies of fatal collision victims to answer questions, collect evidence, and obtain the preliminary cause of death.

VII. Maryland Yellow Alert Program

- A.** *The Maryland Yellow Alert Program provides for the rapid dissemination of certain information to assist in locating and apprehending a missing suspect and/or vehicle that fails to remain at the scene of a traffic collision that results in serious bodily injury or death. Such alerts will involve the use of the Emergency Alert System, SHA overhead dynamic message signs, and notifications to local 911 centers and the media to air a description of the known facts.*
- B.** *Requests to activate a Yellow Alert will be made to the Collision Reconstruction Unit (CRU) supervisor or his/her designee via the Public Safety Communications Center. The CRU supervisor or his/her designee will review and authorize all requests from Montgomery County Police officers for Yellow Alerts.*

VIII. Post-Collision Commercial Vehicle Inspections

- A.** The investigating officer may request an *on-duty* department-certified Commercial Vehicle Inspector who may respond to the scene of any collision involving:
1. A vehicle transporting hazardous material
 2. A commercial vehicle and any of the following:
 - a. Serious injury or death.
 - b. Mechanical failure/*defect appears to have caused/contributed to the collision.*
 - c. The driver possesses a commercial driver's license and is suspected of being under the influence of alcohol or drugs.
 - d. *The driver operating a commercial motor vehicle without a valid license, without the proper class license, or without the proper endorsements for the type of vehicle being operated.*
 - e. *Expert assistance would help to resolve the situation.*
- B.** At the discretion of the district/duty commander, if no on-duty Commercial Vehicle Inspector is available, the officer will contact the *ECC* supervisor who will arrange call-out of a certified Commercial Vehicle Inspector.

IX. Collisions Involving Deer and Domestic Animals

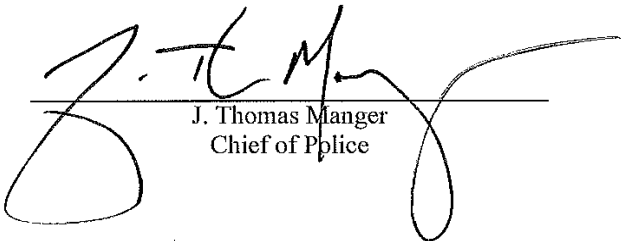
- A.** *Collisions Involving Deer*
If the vehicle operator remains on the scene, the operator may claim the deer. The officer will complete the deer tag (see FC 140). If the operator of the striking vehicle does not claim the deer, the officer will notify ECC with the location for removal of the deer.
- B.** *Collisions Involving Domestic Animals*
When a collision involves a domesticated animal, the officer will attempt to obtain owner's information (name, address, phone number) and make an effort to notify the owner as soon as possible to facilitate treatment or removal of animal. In cases where the owner is not present, the Animal Services Division will take possession of the animal (dead or alive) for treatment or removal of the animal until the owner can be made available.

- X.** *CALEA Standards: 1.2.7, 41.2.1, 41.2.4, 42.1.4, 55.2.6, 61.1.5, 61.2.1, 61.2.2, 61.2.3, 61.2.4, 61.3.1, 81.2.5, 82.2., 83.2.2, 83.1.1, 83.2.4*

- XI. Proponent Unit: Traffic Division**

XII. Cancellation

This directive cancels Function Code 1021, effective date **06-28-02**



J. Thomas Manger
Chief of Police