

TRAFFIC COLLISIONS & DIRECTION/CONTROL PROCEDURES

WILLIAMSTOWN POLICE DEPARTMENT POLICY & PROCEDURE NO. 5.02	EFFECTIVE DATE: 03/30/2022
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I. GENERAL CONSIDERATIONS AND GUIDELINES

The police function in relation to traffic collisions is varied. Aid to the injured, traffic control, investigation, enforcement, and collision prevention are some of the areas upon which the police will have an impact. An adequate response, knowledgeable performance and preventive efforts can go a long way in minimizing increased damage to property and bodily injury. Police responsibility will continue until the injured have been cared for, the collision vehicles have been removed, the roadway is clear of debris, and the traffic flow is normalized.

The objective of a hit and run investigation is to determine responsibility for the collision and to identify both the offender and the vehicle involved. This is often a difficult task because the very elements of the crime include flight from the scene. Hit and run collisions may involve property, persons or both. As the circumstances are more serious when a human life is involved, these procedures are primarily directed at hit and run investigations involving persons.

II. POLICY

It is the policy of this department to respond to and investigate all traffic collisions requiring police response.

III. PROCEDURES

A. Collision Response, Investigation and Reporting

COLLISIONS REQUIRING POLICE RESPONSE:

Officers should respond to traffic collisions involving any of the following circumstances:

- a. Collisions resulting in death or personal injury;
- b. Hit and run collisions;
- c. Impairment of an operator due to alcohol or drugs;
- d. Damage to government vehicles or property;
- e. Collisions involving hazardous materials (HAZMAT);
- f. Disturbances between principals;
- g. Major traffic congestion because of the collision;
- h. Damage to any vehicle that requires it to be towed; and
- i. Any reported collision.

COLLISIONS REQUIRING POLICE REPORT AND INVESTIGATION:

The following types of collisions, whether occurring on public or private property, shall require police investigation and report:

- j. All those involving death or personal injury;
- k. All property damage collisions with estimated damage to any one vehicle in excess of one thousand dollars;¹
- l. All hit and run collisions which involve personal injury, and those hit and run property damage collisions where investigative techniques can be applied;
- m. Those involving operator impairment due to alcohol or drugs;
- n. Those involving any vehicle carrying hazardous materials (HAZMAT);
- o. Those which appear to have been caused by a flagrant moving violation on the part of one or more of the operators, by defective equipment on or in a vehicle, or by any other circumstances which impeded the safe operation of a vehicle;
- p. Those which appear to have been caused by the incompetence of an operator. (See the department policy **5.01 - Traffic Enforcement.**); and
- q. A collision occurring under the above conditions on private property.

B. Duties of First Officers on the Scene

Any police officer working in or on the side of any roadway for any reason, including details and accidents, shall wear a traffic vest, raincoat or jacket that includes fluorescent yellow-green reflective material that meets the requirements of the American National Standards Institute/International Safety Equipment Association (ANSI/ISEA) 107-2004 publication unless the tactical situation is such that the officer would be in greater danger by wearing such reflective clothing.

UPON ARRIVAL:

The first officer arriving shall be in charge until relieved by a superior officer and:

- If necessary, request assistance of other patrol units, emergency medical personnel, and/or the fire department;
- Identify injured persons, determine the extent of injuries, if any, and treat the most serious until assistance arrives;
- Address concerns for the safety of responders, investigators and traffic;
- Secure the scene as a crime scene, and preserve and protect evidence;
- Identify hazardous materials or fire hazards;
- In the event of hazardous material incidents, isolate the hazard area and evacuate nonessential personnel.

The officers shall then be responsible for preliminary hazard identification (spill, leak, fire) and identification of vehicle and container placards, until the arrival of the fire department.

The officers should collect operators' licenses, passenger identifications, vehicle registrations, and witness identifications, as appropriate and arrange for the removal of damaged vehicles from the roadway, where they will not impede or interfere with the investigation.

PROPERTY:

When officers are required to handle collision victims' personal property (such as for identification purposes), they shall do so, whenever possible, in the presence of witnesses, who shall be identified in the officers' reports. Upon taking custody of property or evidence, the employee shall promptly return to the station and document, package, and submit item(s) to the property and evidence function pursuant to the department policy **6.02 Evidence and Property Control**.

C. Preliminary Investigations

DUTIES OF INVESTIGATING OFFICER:

The initial responding officer will be assigned to investigate the collision. The assigned investigating officer shall conduct a thorough investigation of the collision and take the following actions:

- Identify and interview operators and passengers. Check validity of their right to operate and vehicle registration and insurance status.
- Interview principals and witnesses.
- Examine and record vehicle damage.
- Examine and record effects of collision on the roadway, median barriers, utility poles and other infrastructure.
- Take measurements, as appropriate.
- Take photographs, as appropriate.
- Collect and preserve evidence.
- Collect and record operator and vehicle information for report and exchange among principals.
- Complete the police officer's Registry of Motor Vehicles Collision Reporting Form.
- In cases where the ambulance service has transported an injured person to the hospital, an officer may respond to local hospitals when a statement is needed from an injured party.

DUTIES OF THE SUPERVISOR:

In all cases of serious collisions and collisions resulting in a death, the chief of police or a supervisor shall be called to the scene and shall take charge. The chief of police, lieutenant, or a sergeant shall:

- Coordinate the response of other public safety service providers;
- Request additional resources as necessary;
- Coordinate the re-routing of traffic if necessary;
- Supervise the treatment of injured until medical personnel arrive; and
- Supervise the investigation.
- If a sergeant is supervising a scene, they shall contact and brief the chief of police/supervisor forthwith.

COLLISION RECONSTRUCTION:

When appropriate, the on-scene officers shall request the Massachusetts State Police Accident Analyst Unit will be called. A reconstructionist(s) shall always be called in all cases involving:

- Fatalities;
- Serious personal injury which is likely to result in death; and

A reconstructionist may be called in for cases where, in the opinion of the officers on scene, the expertise of a reconstructionist is necessary or when requested by a Supervisor.

D. Follow-Up Investigations

FOLLOW UP SERVICES:

The department shall perform follow-up traffic collision investigation services in support of ongoing or anticipated criminal prosecution whenever necessary.

The discretionary authority of a Supervisor or prosecutor generally activates the use of this type of investigation. When warranted, this follow-up information should include, but not be limited to:

- Collecting off-scene data;
- Obtaining/recording formal statements from witnesses and suspects;
- Reconstructing collision; and
- Preparing formal reports to support criminal charges arising from the collision.

Accidents involving fatalities shall be reported immediately to the registry of Motor Vehicles via CJIS and to the proper liaison within the District Attorney's Office.

EXPERT AND TECHNICAL SERVICES:

Accident Reconstruction Services: Trained personnel may be able to determine:

- The likely speed of a vehicle from skid marks and vehicle crush damage;
- Positions of vehicles and pedestrians;
- Which occupant was operating or where occupants were seated;
- The contribution of roadway conditions and design, operation, and vehicle conditions to the collision;
- Energy losses and momentum exchanges in stopping vehicles; and
- The movements of vehicles and bodies in collisions.

Air Bag Control Module: Trained personnel may be able to determine:

- Which passenger safety devices were used prior to the collision;
- Which passenger protection devices were deployed during the collision;
- The change in velocity of the vehicle prior to and shortly after impact; and
- The use of brakes.

NOTE: A search warrant may be necessary to search the Airbag Control Module. See the department policy **1.08 - Searches and Seizures**.

Experts: From time to time, follow-up collision investigations may require special skills and technical assistance beyond that available from department personnel. When necessary, the department shall utilize outside expert and technical assistance (i.e., photographers, surveyors, mechanics, physicians, and collision team specialists). The Chief of Police shall make the decision of when to call in an outside crime scene specialist.

E. Investigations of Hit and Run Collisions

THE ELEMENTS OF HIT AND RUN:²

The defendant goes away having operated a motor vehicle upon any way or in any place to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, after knowingly colliding with or otherwise causing injury to any person, or injury to any other

vehicle or property without stopping and making known his/her name and residence and the registration number of his/her motor vehicle.

ON-SCENE DUTIES:

Officers shall first make provisions for the medical treatment of the victim, if necessary. Investigating officers should follow-up on the condition of victims after they are transported to a hospital if there is any possibility that the victim could die of his/her injuries, thus making a charge of motor vehicle homicide possible.

Officers shall obtain the best possible description of the operator and his/her vehicle from the victim and available witnesses. The following information about the vehicle is important:

- Make;
- Model;
- Year;
- Color;
- Extent and location of damage;
- License plates (including partial numbers or letters);
- Unusual markings or equipment (including school, fraternal or organizational signs or stickers, roof racks);
- Direction of travel before and after the collision; and
- Number of passengers, if any, and their descriptions.

Descriptive information obtained shall immediately be communicated to the dispatcher.

Officers shall search the area around the scene of the crash, the automobile or other property which was struck, and the clothing of any victim for physical evidence, including:

- Personal property left behind by the offender;
- Glass fragments or paint chips;

NOTE: In the event a pedestrian is struck and injured, officers should meet the ambulance at the hospital, if possible, to secure any such evidence which may have been dislodged from the victim's clothing during transport. Also, hospital personnel should be requested to give the victim's clothing and any associated paint chips or glass fragments to police.

- Pieces of chrome or grill work;
- Hub caps;
- Tire marks;
- Oil, gas or water marks leading away from the scene;
- Mud or dirt dislodged on impact; and
- Video from any likely security cameras.

Photographs and measurements shall be taken at the scene when required.

Officers shall examine the person and clothing of the victim. Particularly important are traces of paint or parts of the vehicle. If necessary, an officer may take and preserve articles of clothing or other samples of evidence, such as hair, blood, etc. Outer clothing should be examined for indentations left by impact points of the suspect auto, as these may serve to identify the vehicle. If such indentations exist, the clothing should be carefully preserved to prevent their obliteration.

Officers should be observant for persons foreign to the scene or persons behaving in a suspicious manner.

Where appropriate, officers should conduct a door-to-door canvas of residences and businesses in the vicinity of the hit and run scene. Often, persons who did witness some aspect of the incident are reluctant to come forward and must be sought out by the police.

A preliminary search for the suspect car and driver shall be conducted as soon as possible.

A county wide BOLO should be issued and the State Police should be notified and given as complete a description as is then available. A CJIS administrative message may be used. Out of State Police Departments should be notified as appropriate.

The media may be contacted to alert and enlist the aid of the public in locating the suspect vehicle and driver.

The investigating officer shall prepare a report in accordance with department procedures.

FOLLOW-UP INVESTIGATIONS:

In-depth or follow-up investigations shall be conducted upon the direction of the Chief or a Supervisor. The follow-up investigation, if any, may include the following types of activity:

- Checks of records on stolen cars;
- Communication of information relative to the description of the offender and vehicle to other members of the department, to police departments in surrounding communities and to the State Police;
- A second search of the collision scene covering a wider area;
- Repeated visits to and surveillance of the scene at the same time of the day that the collision occurred;
- Canvassing of local businesses for video of the collision or traffic leading to or from the scene; and
- Visits to garages, auto parts dealers, auto glass dealers, car dealers, auto body repair shops, car wash facilities, etc.

If the vehicle involved is located, it shall be carefully examined.

- Measure dents and body damage as to width, depth and pattern, taking photographs, if possible.
- Obtain samples of paint chips, broken glass, pieces of clothing, dirt, evidence of blood, hair, flesh, etc.
- Inspect the interior for personal articles which may identify the offender.
- Observe and note any signs of recent repair or any broken or missing parts.

NOTE: The above steps must be taken in accordance with the department policy **1.08 - Searches and Seizures**. In the event a search warrant is sought, the vehicle should be kept under surveillance until a warrant is obtained. The identity of any person attempting to enter the vehicle or to destroy evidence should be established.

If the operator of the suspect vehicle is located, [s]he should be questioned promptly. If applicable, the Miranda procedures must be followed (See department policy **1.13 - Interrogating Suspects and Arrestees**.) Prompt interrogation of the suspect driver is important. For example, if [s]he cannot provide an alibi, or if [s]he provides an alibi that is later discredited, these will be critical factors contributing to a successful prosecution.

In conducting a hit and run investigation, it should be noted that a hit and run driver is not necessarily the operator responsible for the collision, but [s]he may be fleeing from the scene of a crime. There may be a warrant for his/her arrest; [s]he may be intoxicated; [s]he may not have a valid license; or his/her license may be suspended or revoked. It is also not unusual for a hit and run driver to abandon his/her vehicle as soon as possible and then report it to the police as stolen in order to escape responsibility for the collision.

A full and complete report shall be made of the collision and the particulars of any follow-up investigation, in accordance with departmental procedures.

F. Collision Reporting: Data and Collision Form Use

COLLISION DATA:

This data provides information to officers which will allow them to utilize enforcement procedures for the purpose of reducing collisions within the community. The analyzed information should be based on collision data by:

- Location;
- Time and violation factors;
- Fluctuations caused by seasonal variations that result in increases or decreases in traffic volume; and
- Injuries.

COLLISION INVESTIGATION FORM:

Whenever an officer investigates a collision in which there is personal injury and/or property damage in excess of one thousand dollars to any one vehicle, or any other property damage in excess of one thousand dollars, the officer

shall be required to complete a Commonwealth of Massachusetts Police Report of Motor Vehicle Collision Form.

When an officer is in doubt as to the extent of property damage or the possibility of injury, the Commonwealth form shall also be used. (In this case the report shall be noted For Department Use Only.) If a collision is minor in nature and no further information will be needed at a later date, officers may so advise the dispatcher, in lieu of a written report, and ask that the information be entered into the Daily Log.

SUPPLEMENTAL REPORT FORM:

A supplemental report form shall be attached when appropriate, such as when a citation is issued or when the officer feels it is necessary to further explain actions taken.

G. Traffic Direction/Control Procedures

GENERAL CONSIDERATIONS:

Officers may be assigned to locations in need of traffic direction or control. The criteria for deployment shall be based on volume of vehicular traffic, volume of pedestrians, the duration of a congestion period, the presence or absence of traffic control devices, and consideration of the incident scene or special events.

Officers shall use traffic and control signals that are clear and easily understood to ensure the efficient flow of traffic. All officers performing traffic direction duty shall wear an approved reflective vest, cross straps, jacket (with high visibility side out) or rain gear (with high visibility side out).

PROCEDURES:

During adverse road and weather conditions (e.g., fallen trees or debris on road, ice, snow, fog, downed power lines, broken water main, malfunctioning traffic signal, missing drain covers, large potholes, etc.), officers shall perform traffic direction and control duties as needed. The primary objectives shall be to safeguard the public; facilitate movement of vehicular and pedestrian traffic, and upon request, to provide support assistance to utility vehicles, snow plows, etc. Officers will remain at the scene as needed to direct traffic and safeguard the public until relieved or until the situation has been rectified.

Officers will notify dispatchers of any problem that should be referred to a supervisor or to another Police department, the Fire Department, or any other agency that will be affected by the road conditions or summoned to correct the problem.

CRITICAL INCIDENTS:

Officers directing traffic at the scene of a fire, accident, medical emergency or other critical incident shall be responsive to all responding agencies. They will:

- Ensure the scene is clear for emergency vehicles and restrict the entry of unauthorized vehicles or pedestrians
- Assess the hazards and take action to minimize damage to property or life, to include directing traffic and/or evacuating the immediate area; and
- Provide perimeter services to allow unrestricted access to the scene by fire apparatus, ambulances and other emergency vehicles.

TRAFFIC ACCIDENTS:

Officers will ensure the safety of victims and responding personnel, and will:

- Use emergency lights and flashers to warn oncoming traffic.
- Position cruisers so they route traffic away from the accident.
- Park cruisers at a safe distance so if they are struck by another vehicle, they won't be pushed into the accident scene.
- Leave enough space for responding ambulances, fire apparatus, tow trucks and other cruisers.
- Keep victims, witnesses and bystanders out of the roadway.

TEMPORARY TRAFFIC CONTROL DEVICES:

Officers may use high visibility cones, moveable barriers, portable signs and other apparatus to assist in the safe and efficient movement and control of traffic. This shall mainly be applicable for pre-planned events or road closures.

MANUAL OPERATION OF TRAFFIC CONTROL DEVICES:

On occasion, officers must manually operate traffic control signal lights, to direct traffic flow or place the signal lights on flash or blink. Some intersections have manual control devices located in the service box, and officers can manually control traffic control devices in the following situations:

- To facilitate movement at the scene of a traffic accident or other emergency;
- To alleviate congestion during planned special events;
- To provide a thoroughfare for a motorcade, or funeral procession, and
- When a traffic light malfunctions.

SIGNALING AIDS:

Officers will utilize flashlights with a cone attachment while manually directing traffic during the hours of darkness or under conditions of limited visibility due to weather conditions

Whistles may be used to get the attention of drivers and pedestrians but they should be used judiciously. The volume should be just sufficient to be heard by those whose attention is required.

The voice is seldom used in directing traffic. Arm gestures and whistles are usually sufficient.

SIGNALS:

Manual direction of traffic by officers will be handled in a manner that would enable drivers and pedestrians to recognize and respond to verbal and gestured motions. Uniform procedures (signals, gestures, etc.) should be employed to enhance driver and pedestrian recognition and response to direction. Clear and simple signals should be used to direct traffic. Officers should:

- Turn the signal light (if there is one) to blinking or flashing
- Position themselves where they can be seen clearly by all, usually in the center of the intersection or street
- Make eye contact with the operator of vehicles that are being signaled;
- Display hand signals above the body, allowing vehicles further back in traffic to react accordingly;
- Stand facing or with their back to traffic which has been stopped and with sides to traffic they have directed to move.
- At night and during times of diminished visibility, a flashlight and cone should be utilized to assist with traffic direction.
- Use standardized hand and audible signals to stop, start and turn traffic.
- Officers should wear a reflective safety vest or coat

To stop traffic the officer should extend the arm outward with the palm facing the car to be stopped.

To start traffic the officer should start from the stop position, swing the lower arm upwards toward the direction in which traffic is to flow.

For right turns gesture to the driver by extending the arm toward the direction in which the turn is to be made.

Left turns are to be made only when there is a gap in the traffic or oncoming traffic is completely stopped. Point in the direction of the turn when such movement can be made safely.

H. Motor Vehicle Fatality Investigation Protocol

In addition to all other relevant sections of this policy, the following steps will be followed in fatal accidents:

- Notify MSP CARS Unit for accident reconstructionist.
- Notify Chief of Police.
- Talk to as many witnesses as you can on the scene.
- Make a list of people on the scene:
- EMT's, Firefighters, Other 1st responders, other witnesses. (Get current addresses and phone numbers)
- Preserve the scene. Just because you are not doing accident reconstruction does not mean you do not collect evidence. (Collect beer cans, drug paraphernalia, cell phones, etc.)
- Determine if there is a surveillance camera in the area and take pictures.
- Notify the Medical Examiner
- Notify Berkshire Detective Unit/MSP.

- Get a search warrant for blood taken by hospital and medical records. You may also be able to talk to the driver more than when at the scene. Other witnesses who were with the driver may also show up at the hospital.
- Get a search warrant for the Event Data Recorder.

¹ M.G.L. c. 90 s. 26

² M.G.L. c. 90, s. 24(2)(a)