

	POLICY & PROCEDURE	SERIES # 1011	PAGE 1 OF 5
	SUBJECT		EFFECTIVE DATE
	FATAL TRAFFIC CRASH INVESTIGATION		08/30/11
			OVERSIGHT Operations
DISTRIBUTION ALL MANUALS	AMENDS/SUPERSEDES/CANCELS P&P #1011 dated 04/08/03.		

I. PURPOSE:

To establish standard procedures for the investigation of motor vehicle crashes in which death has occurred or is most likely to occur.

II. POLICY:

When death occurs as a result of a motor vehicle crash, several additional duties and responsibilities become involved in the investigative process. Therefore, emphasis is placed on the accomplishment of these additional duties and responsibilities to insure that a complete and quality investigation is conducted. The Fatal Crash Supervisor (AKA: Fatality Accident Supervisor) is responsible to assign whatever resources are necessary to complete the fatality investigation.

III. PROCEDURE:

A. Communications will notify the Road Sergeant, Watch Commander and Traffic Unit Supervisor immediately upon determination that a fatal/possible fatal crash has occurred. The Watch Commander will then notify the Deputy Commander of Field Operations/Staff Duty Officer. The Traffic Unit Supervisor or designated Fatality Crash Supervisor will be assigned to be responsible for the supervisory responsibilities of the investigation. This assignment should be made as early in the investigation as possible.

1. Because of the necessity for a complete on scene investigation, a second Fatality Investigator should be assigned by the Fatality Crash Supervisor to assist the primary investigating officer. The second officer shall assist the primary investigating officer until released by the crash supervisor. These investigators will not be available for any other assignments until the Fatality Crash Supervisor determines the urgent requirements of the investigation have been accomplished.
2. In all fatal crashes involving large trucks or buses, the Fatality Crash Supervisor will assign a Level 3 Motor Carrier Inspector to assist the Fatality Investigator.

APPROVED:
CHIEF OF POLICE



3. All vacation, compensatory leave or assigned days off will be temporarily cancelled for the investigating officer(s) until the progress and status of the investigation is satisfactory, as determined by the crash supervisor.
4. It shall be the responsibility of the investigating officer, or the crash supervisor, to insure the notification of the next of kin of the deceased as soon as possible. He may do it through standard communications procedures; i.e., dispatching another officer to notification of a law enforcement agency to deliver a message, or through normal hospital procedures, as circumstances dictate.
 - a. The next of kin should be contacted in person by police officers whenever possible. It would be advisable for the officer to be accompanied by a Police Chaplain or member of the clergy of the denomination of the person to be notified if that is known.
 - b. If personal contact cannot be made, notification may be made over the telephone. The officer should refrain from making any statements pertaining to the death of the deceased over the telephone. The officer should state that the subject (deceased) has been involved in an accident and is at the hospital. He should further state that their presence is requested at the hospital and that the investigating officer will meet them there.
 - c. If the next of kin lives some distance from Hampton, communication should be made to the police agency in the area of the next of kin's residence. The notifying agency should be requested to make the notification in person and give the name and telephone number of the Hampton investigating officer. The responding agency should also be asked to notify the investigator when the next of kin has been notified.
5. When an officer is dispatched to the scene of a fatal traffic crash, he shall operate his vehicle in a safe and prudent manner and shall comply with all existing policies, procedures, rules and regulations pertaining to the safe operation of a police vehicle (see Policy and Procedure #1502 – Operation of Police Vehicles).
6. The investigating officer shall request that a blood alcohol test be conducted on the deceased as part of the postmortem examination. The obvious exception would be a very young juvenile.
7. The investigating officer will complete the Felony Accident Investigation Checklist and it will become part of the investigation case file.

B. OTHER PERSONS AND/OR ORGANIZATIONS TO BE NOTIFIED

1. In order to disseminate accurate and timely information without jeopardizing the investigation or any potential prosecution, the Watch

Commander will also notify the Division's Public Information Officer (PIO) for coordination with any media requests.

2. Notifications above the Captain's level will be made at the direction of the Captain/Staff Duty Officer.

The Communications Supervisor will insure the notification of the following individuals upon request (this list is not in any specific order or priority):

- a. **The Medical Examiner** – The Medical Examiner has the discretion of proceeding to the scene or going to the hospital.
- b. **City employees supervisor** – In the event a City Employee is fatally injured or causes the death of another during his or her normal working period, that employee's immediate supervisor will be notified forthwith.
- c. **The City Attorney's Office** – The City Attorney's office will be notified immediately of all fatal accidents involving City vehicles, on-duty City employees, or under circumstances of possible City liability. It will be to their discretion as to whether they will proceed to the accident scene.
- d. **City's Risk Management Office** – The City Risk Management office will be notified as soon as possible of all fatal crashes involving a City vehicle, on-duty City employees, or whenever there is possible City liability. If the crash occurs after normal office hours, the notification may be made on their next working day.
- e. **Investigative Services** – When the assistance of Investigative Services is deemed necessary by the crash investigator, The Fatal Crash Supervisor will notify the Investigative Services Supervisor and request the assistance of an investigator.
- f. **Commonwealth Attorney's Office** – The Commonwealth Attorney's office will be notified, in all cases where the possibility of prosecution exists. The Fatality Crash Supervisor will provide up-to-date briefings to the Commonwealth's Attorney, or his/her deputy, as requested. No felony charges will be made without the authorization of the Commonwealth's Attorney.
- g. **Company Owned Vehicles** – When an employee of a business organization is involved in a fatal crash, the owner of the vehicle will be notified of the location of the vehicle, its drivability and the contents or merchandise found therein.

- h. **Forensic Unit** – The Forensic Unit Supervisor will be notified, and a technician will be assigned to assist the Fatality Investigator in the collection of evidence, photographing and video taping of the crash scene.
 - i. **Other requested notifications** – Depending on the nature and extent of the crash, Fatality Investigators may require additional support, i.e., Public Works, City Electricians, Power Company, Waterworks, Wreckers, etc.
 3. Whenever an investigation requires the assistance of another law enforcement agency, except for the purpose of next-of-kin notifications, it shall be the responsibility of the crash supervisor to coordinate the request for assistance.
 4. Whenever the fatal crash scene requires the closure of any street, it shall be the responsibility of the crash supervisor to determine the earliest point at which the street can be opened without jeopardizing the investigation.

C. REPORTS AND/OR FORMS REQUIRED

Without exception, the primary Fatality Investigator will complete a “Felony Accident Investigative Checklist”. This checklist will become part of the investigation’s case file. The crash supervisor will review and initial each item on the checklist. Furthermore, it shall be the investigating officer’s responsibility to complete the following reports and/or forms:

1. Police Accident Report (FR-300–P)
2. State Police Fatal Accident Message. (Current A.S.P. 41 format to be obtained from the Communications Section.)
3. Witness Statements
4. Statements of drivers
5. DWI Report (when required)
6. Waiver of Rights Form
7. Cover letter to Commonwealth Attorney’s Office
8. Supervisor’s Incident Report – The officer will insure that the supervisor has needed information for his report. If charges are involved, the Investigative Services personnel will provide arrest information to their supervisor.
9. Search Warrant for suspect’s blood alcohol content test.

D. PRESS RELATIONS

It shall be the responsibility of the Investigating Officer or the Fatality Crash Supervisor to make information available to the Division Public Information Officer for release to the news media. (Review Policy and Procedure #509 – Public Information)

1. Before notification of next of kin:
 - a. Time, date, location of the accident
 - b. Synopsis of the crash
 - c. Name and address of person charged if the warrants have been obtained
 - d. Name, ages, addresses of persons involved in the accident, all but those who were in the vehicle of the deceased
 - e. Injuries
2. After the next of kin has been notified:
 - a. Name, age, address of all participants
 - b. Time, locations and date of crash
 - c. Description of how the crash occurred
 - d. Injuries to passengers and deceased
 - e. Charges which have been placed.
3. Information **NOT** to be released:
 - a. Names of juvenile drivers involved as suspects or accused
 - b. Opinions or other statements as to the character, reputation, guilt or innocence of the accused
 - c. Alleged admissions, confessions, or the contents of statements made by the accused.
 - d. References to the results of performance of investigative procedures, tests (i.e., polygraph, BAT, fingerprints, etc.).
 - e. Speculation as to the possibility of a court plea or conviction
 - f. Personal opinions concerning evidence.

