



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 61.7

### TITLE: TRAFFIC CRASH RESPONSE AND REPORTING

**EFFECTIVE: 04/15/2018**

**REVISED: 07/14/2019**

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#### PURPOSE

This Chapter governs the reporting, processing, investigation, and disposition of motor vehicle crashes handled by members of this department.

#### POLICY STATEMENT

1. It is the policy of this department to respond to motor vehicle crashes for the purpose of assisting victims, determining appropriate law enforcement action, and restoring the normal traffic flow.
2. Officers shall take appropriate measures to guarantee the safety of the parties involved in a crash, the safety of the public and facilitate good traffic flow by remaining on scene as long as necessary to accomplish these goals.
3. The New Orleans Police Department prepares traffic crash reports in compliance with La. R.S. § 32:398 and, as a public service, makes traffic crash information available to the public.

#### DEFINITIONS

**Crash**—An unplanned, unexpected, and unintended (not purposefully caused) instance of a motor vehicle colliding or striking another vehicle, stationary object, pedestrian, or animal. Also referred to as a “traffic accident,” “traffic collision,” or a “motor vehicle accident.”

**Motor Vehicle**—Means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, but excluding a motorized bicycle. "Motor vehicle" shall also include a "low-speed vehicle" which is a four-wheeled, electric-powered vehicle with a maximum speed of not less than 20 miles per hour but not more than 25 miles per hour and is equipped with the minimum motor vehicle equipment appropriate for vehicle safety as required in 49 C.F.R. 571.500.

**Motor Vehicle Crash Report**—Describes characteristics of the crash and the vehicles and people (drivers, injured and uninjured occupants and injured pedestrians and bicyclists) involved. By using evidence found at the scene, and by interviewing participants and witnesses the investigating officer can answer questions concerning how the crash occurred.

**Driver**—Means every person who drives or is in actual physical control of a vehicle.

## RESPONSE TO CRASHES

4. The primary responsibility for the response to motor vehicle crashes is vested with the Field Operations Bureau, to include non-injury crashes, injury crashes, and hit-and-run crashes. District Patrol units coming upon a crash will be responsible for initiating the investigation to include: notifying Communication Services of the incident, requesting necessary assistance (EMS, NOFD, etc.), and beginning all applicable reports unless relieved by a traffic crash investigation unit.
5. Traffic crash response will be classified as:
  - (a) **Crash or Hit & Run with unknown injuries**: a traffic crash investigation unit will be dispatched. If traffic crash investigation units are unavailable or the response time untenable, a clear District patrol unit will be dispatched for the preliminary investigation until relieved by traffic or investigative personnel.
  - (b) **Crash or Hit & Run with injuries or causing a serious traffic hazard**: a traffic crash investigation unit will be dispatched directly to the scene. If traffic crash investigation units are unavailable, a District patrol unit shall be dispatched for the investigation unless relieved by a traffic crash investigation unit.
  - (c) **Crash or Hit & Run absent injuries or serious hazard conditions**: If traffic crash investigation units are unavailable, a District patrol unit shall be dispatched for the investigation.
6. Officers should respond without delay when dispatched to a traffic crash. A traffic crash with reported injuries may include an emergency response if the officer reasonably believes such a response is appropriate. (See: **Chapter 41.4 – Response to Police Calls**).

## RESPONDING OFFICER DUTIES

7. The duties of an officer responding to a traffic crash include, but are not limited to:
  - (a) Assessing the most appropriate route to the crash;
  - (b) Proper placement of the emergency vehicle to provide protection for officers, other responders and the scene;
  - (c) Use of flares, cones, or other warning devices if available and beneficial shall be used;
  - (d) Assessing the potential for presence of hazardous materials;
  - (e) Identifying potential or actual fire hazards or other dangerous conditions so that appropriate action can be taken;
  - (f) Summoning additional assistance (e.g., traffic control, medical aid, NOFD, HAZMAT, ambulance and towing vehicles);
  - (g) Providing first aid and basic life support until the arrival of EMS or fire/rescue personnel;
  - (h) Protecting the scene;
  - (i) Establishing a safe traffic flow around the scene;
  - (j) Identification and interview of all involved parties;
  - (k) Identification and interview of any witnesses;
  - (l) Officers should utilize the Driver/Witness Voluntary Statement Form whenever possible;
  - (m) Investigating the crash and recording short-term evidence;
  - (n) Taking appropriate enforcement action, i.e., citation or arrest;
  - (o) Expediting the removal of debris and the vehicles involved from the roadway; and
  - (p) Completing the **Driver's Information Exchange Form #260**, and if the officer determines a crash report is not necessary, advising parties of the availability of

station reporting. (It is important for the responding officer to ensure the accuracy of the information contained on the cards.)

8. On-duty officers assigned to investigate traffic crashes, and off-duty officers who happen upon traffic crashes while operating marked or unmarked police vehicles, are required to remove vehicles from the roadway by state law (LA RS 32.141(d)) and municipal ordinance (154-386) when all of the following conditions are present:
  - (a) Any vehicle involved in the crash is impeding traffic in any way;
  - (b) The operators of the vehicles are not prevented from moving their vehicles due to injury;
  - (c) There is no death or serious injury involved; and
  - (d) The vehicle is not disabled by the crash and can be moved under its own power.
9. Vehicles should be moved to the shoulder of the road, or if available, a more suitable, safe location. If the vehicles involved in the crash are located on a bridge, highway, interstate, or other roadway, and no safe shoulder exists, the vehicles shall be moved from the bridge, highway, interstate, or other roadway to a safe location which does not impede the flow of traffic.
10. Officers who move vehicles from the crash location due to the above considerations shall advise Communications Services for the district of occurrence of the crash location and the location where the vehicles are being moved.
11. The officer shall advise Communications Services for the district of occurrence of his/her unit number, if permanent, and badge number. If the incident is dispatched, the off-duty officer shall contact the investigating officer via radio if there is a need to convey pertinent information regarding the crash and his/her actions.
12. If the crash involves vehicles which cannot be moved from the roadway, serious injuries, or a fatality, the officer should position his/her police unit in a manner to provide the most visibility to oncoming motorists provided the unit has functioning overhead or front and rear flashing emergency lights. If flares, cones, or other warning devices are available and beneficial, they shall be used.
13. Where the officer determines fuel is leaking from a vehicle involved in the crash, he/she shall immediately notify Communications Services for the district of occurrence and request assistance from the Fire Department.

#### **CRASHES ON PUBLIC STREETS OR PROPERTY**

14. A Traffic Investigation Unit will be dispatched to motor vehicle crashes on public streets or property in any of the following circumstances:
  - (a) Death or serious injury. In the case where a serious injury which may result in a death or fatality is involved, the Traffic Section will respond and will determine if the Fatality Unit will conduct the investigation. The officer should make provisions for the protection of evidence until the arrival of the Fatality Unit.
  - (b) Hit-and-run, when one or more of the following circumstances exist:
    - i. Victim or witness can identify the vehicle by the license number.
    - ii. Victim or witness can positively identify the driver AND was in a readily identifiable vehicle (e.g., suspect was driving a specifically marked construction company vehicle and could be identified in a photo line-up of that company's drivers).
    - iii. Victim or witness has kept the suspect vehicle or suspect under continuous observation since the incident at another location.
    - iv. Victim of the hit-and-run has sustained, as a result of the crash, visible

injuries or serious bodily injury (serious injury is unconsciousness, extreme physical pain, prolonged loss or impairment of the function of a bodily part or mental faculty), or has been transported to a hospital for treatment.

- v. Moderate to major damage to vehicles or property.
- (c) If the victim is not at the scene of the crash (due to following the suspect or making the phone call to the police), a vehicle description of the victim's vehicle will be obtained, and they will be requested to return to the location of the crash. If this is not possible, an officer will be dispatched to the victim's location.
- (d) Driver impairment due to alcohol or drugs.
- (e) Vehicle damage is moderate to major. The following are examples of moderate vehicle damage:
  - i. Bumper or crash guard retracted, bent, or moved such that change is observable.
  - ii. Damage or paint transfer evident on a minimum of 1/4 of the vehicle(s).
  - iii. More than two vehicles are involved.
  - iv. Any wheel alignment or placement is visually altered.
  - v. Damage to any one vehicle appears to exceed \$750.
- (f) Traffic congestion resulting from the crash.
- (g) Towing required of damaged vehicles.
- (h) Hazardous spills or leakages.
- (i) Disturbances between principals.
- (j) An NOPD vehicle is involved.
- (k) Government (local, state, or federal) vehicle involved and requests assistance.

#### **CRASHES ON PRIVATE PROPERTY**

- 15. A unit will be dispatched to private property crashes, including hit-and-run crashes, only if one or more of the following circumstances exist:
  - (a) As a result of the crash, death, visible injuries, or serious bodily injury occurs (serious injury is unconsciousness, extreme physical pain, prolonged loss or impairment of the function of a bodily part or mental faculty) or an individual is transported to a hospital for treatment.
  - (b) The victim is a juvenile.
  - (c) Major property, structure, or vehicle damage.
  - (d) An NOPD vehicle is involved.
  - (e) Driver involved is under the influence of alcohol or drugs and is still on the scene.
  - (f) Occurrence on a municipally-maintained traffic way or county-maintained property city/county parking garages, fire house driveways, or other property open to the public for travel or access and maintained by a local governmental agency.
  - (g) Hazardous spills or leakages.
  - (h) Disturbances between principals involved on the scene.

#### **TAKING ENFORCEMENT ACTION**

- 16. After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of state or municipal traffic statutes led to the crash, officers shall issue a traffic citation or a misdemeanor citation to the offending driver.
- 17. Crashes involving more serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced immediately. If a driver subject to enforcement is admitted to a hospital, the arresting / investigating member's supervisor shall be contacted to determine the best enforcement option (e.g., guard detail, citation in lieu of arrest).

18. In instances where a reasonable determination of driver causation cannot be established, the officer shall note such in his report. The reporting officer shall consult with his/her supervisor to assist in the determination of driver causation and note the same in his/her report.

#### **EVIDENCE OF COMPULSORY MOTOR VEHICLE LIABILITY SECURITY OR INSURANCE**

19. Officers investigating a traffic crash shall determine if the operator of any involved vehicle has evidence of compulsory motor vehicle liability security or insurance pursuant to R.S. § 32:863.1. If the operator does not have the required evidence, the officer shall do the following (R.S. § 32:863.1(C)):
  - (a) Arrange for the vehicle to be impounded.
  - (b) Issue the operator a notice of non-compliance on the appropriate form.
  - (c) Provide a copy of the notice of non-compliance to the towing or storage company.
  - (d) Remove the license plate if the vehicle is registered in Louisiana and deliver it to the District Section. License plates should be turned in with a copy of the notice of non-compliance.
  - (e) Issue a traffic citation.
20. Officers shall assist occupants of seized vehicles in obtaining transportation from the location of the seizure to their destination or a safe location. The assistance may involve contacting an individual or company (taxi) who will provide assistance, providing transportation to the individuals if their destination is within the immediate area, awaiting the arrival of public service transportation or transporting the individuals to the district station to await the arrival of private transportation.
21. Officers may elect not to seize a vehicle for failure to show documentation of compulsory motor vehicle liability or security insurance in the following instances:
  - (a) The vehicle contains an occupant under the age of 12 or an occupant is handicapped, and alternate transportation is not readily available.
  - (b) When considering the location of the stop or the time of day, the officer believes there would be a threat to public safety or to the occupants of the motor vehicle.
  - (c) Seizing the motor vehicle would cause an undue burden upon the officer due to constraints on available personnel or working conditions.
22. If a vehicle is not impounded, a copy of the notice of non-compliance shall be attached to the vehicle's license plate, and both shall be delivered to the district station. The Traffic Section shall retrieve the license plate and forward to the Department of Motor Vehicles.

#### **FATALITY TRAFFIC CRASH REPORTING**

23. All fatal crashes (**20-F**) shall be investigated by officers assigned to the SOD Traffic Fatality Unit. The Fatality Unit will be notified on any crashes involving serious injuries which may result in death. The SOD Traffic Commander will determine, based on the circumstances, if the Fatality Unit will investigate any crashes involving serious injury. The term serious injury is defined as an injury that may result in a fatality.

#### **TRAFFIC CRASH REPORTING INVOLVING DWI**

24. Crashes involving a driver who is under the influence of intoxicants shall be investigated by the officer investigating the crash. The investigating officer shall request a D.W.I. Unit or Traffic Section officer to assist in the investigation, or transport of the suspected driver

to the D.W.I. Unit for testing. D.W.I. Unit officers are available on a call-out basis 24/7 through Communications Services. (See **Chapter 61.1.11 – D.W.I. Procedures**)

## OFFICER RESPONSIBILITIES

25. Department members shall utilize the LA Crash (electronic) report if they have access through the Department's intranet. If the officer does not have access or the computer system or it is off-line, he/she may use the Department of Public Safety and Corrections (DPSC) Uniform Traffic Crash Report for the reporting of traffic crashes for any crash.
26. Officers investigating a reportable traffic crash shall instruct each involved driver to report the following using a **Driver's Information Exchange Form (#260)** to any party who suffered injury or property damage resulting from the crash:
  - (a) The name and address of the owner and the driver of the vehicle.
  - (b) The license number of the vehicle.
  - (c) The name of the insurance company for the vehicle.
  - (d) The name, address and telephone number of the insurance agent.
27. Officers shall indicate on the crash report that each involved driver was given instructions for providing information to any party suffering injury or damage and whether the investigation was made at the scene of the crash, station crash report or by subsequent investigation and interviews (supplemental report).
28. The crash investigation officer shall notify the Communications Services NOPD Liaison where Department of Transportation and Development property is damaged in a traffic crash and appears to exceed \$500 in value. The damage shall be reported to the appropriate Department of Transportation and Development district office (R.S. § 32:398(M) (1)).
29. All motor vehicle traffic crashes where damage to State/City property has occurred shall be documented in a crash report, regardless of the dollar amount of the damage. Damaged items may include, but are not limited to, bridges, sign posts, pylons, railings, guard rails, abutments, etc.
30. Investigating officers shall notify Communications Services, relating the location of the damaged property, item number, a description of the item damaged, and the extent to which the property has been damaged.
31. Communications Services shall notify the Department of Transportation and Development, supplying the information outlined in the above paragraph.
32. All paper traffic crash reports taken by members of this department shall be forwarded to the Records Section of MSB after supervisory approval and data entry into the records management system.
33. Officers investigating crashes involving vehicles transporting hazardous materials shall contact a ranking officer of the Traffic Section. The ranking officer from the Traffic Section shall proceed to the scene of the crash and take appropriate measures to guarantee the safety of the public and facilitate good traffic flow. The New Orleans Fire Department shall be notified on any crash involving a vehicle transporting hazardous materials.
34. The officer assigned the investigation and reporting of a traffic crash shall be in command of the scene. Officers assigned to specialized units within the SOD Traffic Section whose primary duty is the investigation of crashes involving unique situations

(Fatality, Hit & Run, etc.) shall take command of the scene upon arrival at the location of the crash.

35. Crash investigations where the operator of a vehicle has been removed from the scene due to injury or arrest shall require the officer to ensure that any personal property inside the vehicle or at the scene is properly secured.
  - (a) If a member of the driver's immediate family is present at the scene, the property may be turned over to the family member.
  - (b) If the vehicle is being impounded because it is unattended and poses a hazard to public safety or the vehicle is disabled but towing is required by ordinance even with the driver on the scene, the officer shall complete the **Vehicle Storage – Tow Request and Inventory Record Form #39**.
36. Individuals who are arrested shall have the option of securing their property inside their vehicle or taking same with them to Central Lock Up. Any search of such property must be consistent with **Chapter 1.2.4 Search and Seizure**.

### TRAFFIC SECTION SUPERVISOR RESPONSIBILITIES

37. The Traffic Section Commander will be responsible for forwarding a copy of any notice of non-compliance involving vehicles whose operator did not provide proof of compulsory motor vehicle liability security or insurance to the office of motor vehicles with three days after the notice was received from the District (R.S. § 32:863.1(C)(1)(a)).

### RECORDS

38. Monthly and quarterly reports on traffic crash information and statistics shall be forwarded to the Field Operations Bureau Deputy Chief or other persons as required.
39. The original of the Uniform Motor Vehicle Crash Report Form (paper reports only) for all reportable crashes shall be forwarded by the Record Section to the DPSC within 48 hours of the completion of the investigation and receipt of the report by the Record Section (R.S. § 32:398(E)(2)).
40. A copy of traffic crash reports indicating damage to property of the Department of Transportation and Development (DOTD) estimated to exceed \$500 shall be forwarded to DOTD Headquarters maintenance Division by the Record Section within six days of the date of the crash (R.S. § 32:398(M)(2)).

### MODIFICATIONS TO TRAFFIC CRASH REPORTS

41. A change or modification of a written crash report that alters a material fact in the report may be made only by the officer who prepared the report prior to its approval and distribution. A written supplemental report may be made by any authorized employee.

### TRAFFIC CRASHES INVOLVING CITY VEHICLES

42. Traffic crash investigation reports shall be taken when a City-owned vehicle is involved in a traffic crash (**Signal 20-C**) on a roadway or highway, wherein any damage or injury results.
43. A general information report (**Signal 21**) may be taken in lieu of a traffic crash report at the direction of a supervisor when the crash occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a vehicle damage report shall be completed and forwarded to the appropriate city agency.

44. Photographs of the crash scene and vehicle damage shall be taken by the SOD Traffic Section (Car 17) on crashes involving NOPD vehicles.
45. All crashes involving a New Orleans Police Department vehicle being operated by a member of the New Orleans Police Department shall be handled by a member of the SOD Traffic Section (Car 17) consistent with **Chapter 17.3 Department-Owned and Personal Property**. The investigating officer will take photographs of the vehicle damage and crash scene. The investigating officer will report all such crashes to the Crash Review Board for its review consistent with **Chapter 13.22 Crash Review Board**.
46. No citations for moving violations will be issued on crashes involving City-owned vehicles; however, citations may be issued for violations not associated with the crash (i.e., no driver's license, no insurance, etc.).
47. Any crash that occurs outside of the City of New Orleans, the initial report will be handled by the jurisdiction in which it occurred.

#### **TRAFFIC CRASHES ON PRIVATE PROPERTY**

48. Traffic crash reports should not be taken for traffic crashes occurring on private property, unless:
  - (a) There is a death or serious injury to any person;
  - (b) A violation of the following laws has occurred LA RS 14:98, 14:99 14:100;
  - (c) Property damage of \$500 or more; or
  - (d) Damage to City property.
49. These limitations should not rule out the completion of an incident report (EPR), if necessary, or at the discretion of a supervisor. A crash report may be taken at the discretion of any supervisor.

#### **TRAFFIC CRASHES INVOLVING INJURED ANIMALS**

50. When a traffic crash involves disposition of an injured animal (not removal of remains of dead animals), members should notify Communications Services to contact the Society for the Prevention of Cruelty to Animals.

#### **NOTIFICATION OF TRAFFIC SECTION ON FATALITY CRASHES**

51. In the event of a serious injury or death-related traffic crash, the District Platoon Commander shall notify the Traffic Section Commander to relate the circumstances of the traffic crash and seek assistance from the Traffic Section. The Traffic Section Commander will advise if the Traffic Section will handle the investigation.

#### **HIT AND RUN**

52. Officers responding to a hit and run shall conduct a thorough investigation including contacting registered owners and obtaining statements, examining the vehicle for transfer evidence and completing a crash report.
53. A copy of all paper crash reports involving hit and run crashes shall be forwarded to the Hit and Run Unit for follow-up investigation.
54. The Hit and Run Unit shall conduct follow-up investigations on all crashes where a driver involved fails to stop his/her vehicle at the crash scene to give his/her identity and to render reasonable aid.

**HIT AND RUN CLASSIFICATION`**

55. All hit and run crashes shall be classified using the following criteria:
- (a) A-case (high possibility of solving).
  - (b) B-case (high possibility of solving): needs to develop missing data.
  - (c) C-case (low possibility of solving): the information contained in the report was general and vague.
  - (d) D-case (no possibility of solving): the report has no follow up factors.

**HIT AND RUN SUPPLEMENTAL REPORTS**

56. Supplemental reports shall be completed by Hit and Run Unit officers on all investigations they conduct. Follow-up investigations shall consist of the following procedures:
- (a) Review of the facts and circumstances stated in the original report.
  - (b) Determine the registered owner of the hit and run vehicle.
  - (c) Notify the owner that his/her vehicle has been implicated in a reported hit and run crash and instruct him/her to contact the Hit and Run Office.
  - (d) Obtain statements from witnesses recorded in the report.
  - (e) Check all physical evidence collected at the scene.
  - (f) Attempt to examine the victim's vehicle for possible transfer evidence.
  - (g) Examine the crash scene.
  - (h) Notification of the victim as to the outcome of the investigation upon its completion.