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|  | MESQUITE POLICE DEPARTMENT |
| | 216.00 RESPONDING AND REPORTING OFFENSES, INCIDENTS & MOTOR VEHICLE ACCIDENTS |
| | Effective Date: March, 2013 |
| | Approved: _____ <div style="text-align: center;">  Chief of Police </div> |

I. Policy Statement:

To establish a written guideline that outlines the conditions under which an Offense/Incident report will be taken or when motor vehicle accidents will be investigated and an accident report (CR-3) or an equipment damage report completed by Mesquite Police Department officers. This policy also sets guidelines for responding to accidents and accident investigation methods. Generally accidents involving only damage to property will not be investigated and no report will be taken, unless such accident occurs under very specific conditions that will be outlined in this policy. If the specified conditions exist, the accident will be investigated and an accident report will be completed.

II. Provisions Necessitating Accident Investigation - Routine Incidents

The following accident situations will be investigated and accident reports will be completed:

A. Fatality Accidents

All motor vehicle accidents resulting in death of any person will be investigated and an accident report will be completed. The accident may or may not be considered reportable to the Department of Public Safety; however, a report for departmental files will be completed as a minimum requirement. Traffic section personnel will be assigned to investigate all fatality accident situations.

B. Injury Accidents

All motor vehicle accidents resulting in an injury or complaint of injury to any person will be investigated and an accident report will be completed. Traffic Section personnel should be assigned, when available, to investigate accidents with "life threatening" injuries.

C. Any Accident - That Involves:

1. A criminal act (such as, but not limited to DWI, FLID, FSRA, stolen vehicle, etc.)
2. Damage to a vehicle belonging to a governmental agency.
 - a) Exception: Incidents involving damage to a City of Mesquite vehicle shall be reported through the use of a Mesquite Police Equipment Damage Report form, in lieu of the (CR-3) report form, under the following conditions:
 - (1) The incident results in less than \$1,000 total damage, and
 - (2) No other motor vehicle, pedestrian, bicyclist, etc. is involved, and
 - (3) No injury results.
3. A police pursuit (regardless of agency).
4. A hazardous materials spill.
5. Damage to any unattended property (such as, but not limited to unattended vehicles, fences, utility poles, buildings or residences).
6. Any commercial motor vehicle accident which results in substantial damage and/or spillage of cargo.
7. Hazardous Materials -any spillage of any hazardous materials as well as notifying proper authorities in the result of HAZ-MAT personnel required on scene.

8. The (CR-3) report form will not be completed when the accident involves only MPD equipment in contact with a foreign object in the roadway, damage is less than \$1,000 and the city driver had no reasonable expectation of the foreign object being in the roadway.
- D. Other Incidents/Supervisors
1. Any accident occurring outside the city limits of Mesquite that involves a City of Mesquite vehicle and which results in significant injury and/or substantial property damage should be investigated by a Mesquite Police Department traffic investigator, when available, as well as by the law enforcement agency with jurisdiction over the accident. The MPD report will be made for "Mesquite Files Only."
 2. Supervisory officers will have the discretion to direct that any accident be investigated and a report will be completed by the investigating officer.
- III. Delayed Accidents
- A delayed report shall generally mean the opportunity existed to notify the Mesquite Police Department at the earliest appropriate time, and the reporting party elected not to make such notification, but rather elected some other course of action (settle between drivers, go on to work, etc.) and subsequently reported the accident. Once the party has the opportunity to report the accident and elects not to exercise it, the accident becomes delayed. Only delayed accidents involving any of the criteria defined in A through D above will be investigated and an accident report completed.
- IV. Police Response
- Police officer(s) will be dispatched to all reports of traffic accidents when requested and respond without delay. The response can be code one or code three and in accordance to current department policy. There are certain duties that must be performed, absent the completion of a formal accident report. Police officers will discharge, as a minimum, the following duties:
- A. In situations where the officer is dispatched, witnesses, or drives upon an accident scene, the officer will be responsible for asking pertinent questions to determine if the accident situation fits the "reportable" criteria as outlined in this order.
 - B. If the determination is made by the officer that no "reportable" criteria is met, the drivers involved in the accident will be advised that the motor vehicle accident investigation policy of the Mesquite Police Department precludes our investigation and completion of an accident report for such accidents. The officer will be responsible for the following:
 1. Securing the safety of individuals involved in the accident. Rendering first aid to those injured and summoning ambulances for those requiring one.
 2. Providing traffic direction to ensure public safety.
 3. Take appropriate enforcement actions.
 4. Securing driver's license from each driver. The officer will check the driver's license through DPS to ensure that the license is valid.
 5. Securing liability insurance proof from each driver.
 6. Issuance of appropriate citations such as violations of the Safety Responsibility Act (liability insurance), driver's license violations, and/or other violations.
 7. Initiating stolen checks on license numbers of vehicles involved.
 8. Providing each driver with the "blue form" (CR-2).
 9. Arranging for debris to be cleared from the roadway.
 10. Contacting the appropriate contract wrecker, when a wrecker is required to clear a damaged vehicle from the roadway. When the vehicle requires wrecker service, but is clearly off the traveled portion of the roadway, the driver(s) are not required to use the services of a city contract wrecker operator since their vehicle(s) are not impeding the normal flow of traffic.
 11. Issuance of the "Service Assistance Information" form to involved drivers. This form will contain the service number which will facilitate the reporting of the

- incident to their respective insurance companies. It also contains other helpful information pertaining to the accident.
12. Enter all accident information into the Mesquite Police Department Intranet database (NX).
- C. If the determination is made by the officer that at least one item of criteria is met, the officer will investigate the accident and will complete an accident report (CR-3) in addition to the applicable duties as described in Section III-B of this order.
- V. Citizen Information
- Many citizens may not agree with the policy change concerning investigation of traffic accidents. Therefore, it is incumbent upon each member of the department to remain calm and patient with those who disagree with the change.
- VI. Private Property Accidents
- A motor vehicle accident on private property will not be investigated unless it involves one of the requirements of Section (I, C, 1-7).
- A. Security of Victim's Property.
1. Personal Property (purses, wallets, etc.) belonging to an accident victim who is transported by ambulance to a hospital shall be turned over to ambulance personnel, so the property may be inventoried, and the person properly identified at the hospital.
 2. The victim's other property, as a general rule, may be left with the vehicle for safekeeping in the police auto pound; however, valuable items such as cash, jewelry, etc., which cannot be transported with the victim should be taken into protective custody by the officer for storage in the police property room.
- VII. Accident Reports
- All Accidents investigated will be documented by:
- A. Completion of the (CR-3) form and any state required supplements. Hit & Run accident report will be completed when applicable.
 - B. Recording of all witness information.
 - C. Supplemental accident report may be used as needed.
 - D. An offense report for Death Investigation will be initiated on all fatality accidents.
 - E. Filing of appropriate charges for causative factors.
- VIII. Enforcement/Classification Policy
- A. The policy of the Mesquite Police Department is to file appropriate charges for a violation of a traffic law or ordinance.
 - B. Accident classification procedures will be those specified by the Texas Department of Public Safety.
- IX. Accident Investigation Unit Policies and Procedures
- A. Accident Investigation Procedures
1. The Traffic Officer will conduct a thorough field investigation, utilizing traffic control assistance from other officers as needed.
 2. Officers at the scene prior to a Traffic Officer's arrival should maintain the scene and protect it as a crime scene, maintaining location of vehicle and evidence unless directed by a Traffic Officer or supervisor on the scene.
- X. Seizure of Automobiles by Property Damage Victims
- In accidents where a motor vehicle has caused damage to private property, there is no statutory authority for the owner of the damaged private property to seize and retain the motor vehicle which has caused the damage.
- If the motor vehicle causing the damage remains on private property, the owner of the vehicle has the right to make his own arrangements to have the vehicle removed, if not in conflict with Mesquite Police Department impoundment guidelines.
- XI. Guidelines: Offenses/Incidents

- A. Officers shall investigate each offense or potential criminal incident reported to them. A written report shall be prepared and submitted before officer's tour of duty ends, unless:
 - 1. The incident is clearly not a crime,
 - 2. The incident occurred outside the Mesquite Police Department jurisdiction,
 - 3. The incident appears trivial in nature, which justifies a periodic check rather than a criminal investigation, or
 - 4. The complainant does not want a report.
- B. If it is questionable whether or not an incident falls within an exception listed above, the report should be taken and submitted.
- C. Should the reporting party withdraw his desire for a report, or the situation resolved (as when a missing person returns home) after completion of the report, the report shall be submitted with the subsequent information noted in the details.

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