

FLORIDA HIGHWAY PATROL

POLICY MANUAL

	SUBJECT TRAFFIC CRASH INVESTIGATIONS	POLICY NUMBER 17.04
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17.04.01 PURPOSE

To standardize procedures for an effective and efficient traffic crash investigation and reporting program.

17.04.02 AUTHORITY

- A. Chapters 316 and 321, Florida Statutes
- B. National Safety Council Manual, entitled "Classification of Motor Vehicle Accidents"
- C. DHSMV Instructions for Completing the Florida Uniform Traffic Crash Report Form

17.04.03 POLICY

It is the policy of the Florida Highway Patrol to investigate traffic crashes in accordance with the provisions of law, to provide/obtain aid for the injured, to maintain public order, to protect the property of persons involved in motor vehicle crashes and to promote efficient utilization of Divisional resources.

17.04.04 DEFINITIONS

- A. **HAZARDOUS MATERIAL** – Any substance or material which has been determined by the Secretary of the United States Department of Transportation to be capable of imposing an unreasonable risk to health, safety and property. The term encompasses hazardous waste as defined in Section 403.703(13), Florida Statutes.
- B. **TRAFFIC HOMICIDE INVESTIGATION (THI) MANUAL** – The procedures manual that details investigative responsibility and appropriate reporting formats for specific types of fatal investigations.
- C. **VEHICLE** – Every device in, upon or by which any person or property is, or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

17.04.05 OBJECTIVES

- A. To delineate procedures for responding to and investigating traffic crashes referred to the Division.
- B. To specify requirements for preparation and dissemination of reports.
- C. To outline parameters for dealing with special hazards/conditions arising from traffic crashes.
- D. To standardize practices for referral or follow-up in traffic crash investigations.
- E. To enact measures that will ensure preservation of property of persons involved in traffic crashes.
- F. To promote operational efficiency.
- G. To ensure members utilize their training in determining whether a crash may be classified as a suspected staged crash.

17.04.06 RESPONSIBILITIES

A. DUTIES OF TROOP COMMANDER

Each Troop Commander shall arrange for the creation of a records component(s), which shall be appropriately located within the troop and which shall exercise the following responsibilities:

Reviewing, arranging correction of, duplicating, filing and retrieving/ disseminating traffic crash reports to ensure compliance with agency requirements and the lawful needs of the public.

B. DUTIES OF OFFICE OF STRATEGIC SERVICES

- 1. To arrange compilation of statistical data, concerning the occurrences of traffic crashes that may be required to fulfill Division informational needs as identified by the Director and members of the Command Staff.
- 2. Upon request, arrange for the transmission of traffic crash data to a certified local or county operations/engineering crash record agency.

17.04.07 PROCEDURES

A. INVESTIGATIVE/REPORTING RESPONSIBILITIES

- 1. Members shall respond to, investigate and document on the "Long Form" Crash Report (HSMV 90010S) all traffic crashes brought to their attention that involves:
 - a. Bodily injury to any person.
 - b. Death to any person.
 - (1) For crashes in which a fatality occurs, the narrative portion of the report shall contain the following information:

- (a) Name and date of birth of the deceased person(s).
 - (b) Month/Day/Year and time that the person(s) expired and the name of the attending doctor.
 - (c) The Traffic Homicide Case Number.
- (2) In all traffic-related death investigations, the Traffic Homicide Investigator is required to complete an approved Field Note Packet.
 - (3) In the case of a natural death, such as a heart attack, where vehicle/property damage and/or other injuries are evident, members shall complete the Long Form Crash Report while the Traffic Homicide Investigator will complete the Homicide Report and an approved Field Note Packet.
 - (4) In the case of a death of a driver where there is no evidence of property damage and/or other injuries, the Traffic Homicide Investigator will complete an Offense Report and an approved Field Note Packet. The vehicle may be held as evidence until the cause of death is confirmed, due to it being a potential crime scene. If the cause of death is determined to be something other than natural causes, an in-depth investigation will be conducted by the Traffic Homicide Investigator.
- c. Personal injury to or any indication of complaints of pain or discomfort by any of the parties or passengers involved in the crash.
 - d. A violation of Section(s) 316.027, 316.061(1) and/or 316.193, Florida Statutes.
 - e. A vehicle rendered inoperable to a degree that a wrecker is required to remove it from the scene of the crash.
 - f. Vehicle crashes involving Commercial Motor Vehicles (CMVs).
 - g. Hazardous material incidents, involving the actual/suspected release of toxic substances into the environment, or other unusual conditions that pose a significant threat to public safety.
 - h. Vehicle crashes involving DHSMV vehicles. Investigative photographs are to be taken of all crashes involving DHSMV vehicles or on-duty personnel.
 - i. Damage to vehicles/property owned by components of government. Such investigations will only be undertaken at the direction of command or supervisory personnel.

- j. Crashes that result from the commission of a criminal offense (robbery, auto theft, etc.) or from any pursuit.
2. For any other crash not included in the criteria specified in (A)(1) above and which occurs on a public roadway, members shall respond to, investigate and document on the "Short Form" Crash Report (HSMV 90010S). For the purpose of the policy, a public roadway does not include a parking lot.
 3. In addition to either a Long Form or Short Form Crash Report, (as outlined above) members are reminded to complete all additional required reports and/or notifications in the event they investigate a crash involving:
 - a. Serious, potentially violent arguments, disturbances or confrontations involving principals or other persons present at the scene. (If such altercations involve the commission of a criminal offense, an Offense Report or appropriate criminal arrest form shall be completed by the member.)
 - b. Major traffic congestion on all roadways. (Refer to Troop Watch Supervisor Protocols in FHP Policy 17.29).
 4. Unless exigent circumstances exist, members shall refrain from investigating crashes:
 - a. Previously investigated by another law enforcement agency. However, this provision shall not be construed to prevent members from responding affirmatively to requests for assistance put forth by another state law enforcement agency, county sheriff's office, or a municipal police department.
 - b. Which take place inside the limits of any incorporated municipality and/or which do not occur on the interstate highway system or other state highways, however:
 - (1) This section shall not be interpreted to nullify local mutual assistance pacts agreed to by Troop Commanders and county/municipal authorities.
 - (2) When jurisdictional disputes cannot be amicably resolved, members shall proceed to conduct the investigation, documenting the location of the crash in accordance with the available evidence and the member's own best judgment.
 - c. In which all participants have departed the scene prior to arrival of the investigating member, unless the crash resulted in injury or death or the investigating member's arrival has been delayed by other operational requirements.
 - d. Which takes place in parking lots and/or on private roads provided none of the criteria referenced in (A)(1) above is present.

5. If a Long or Short Form Crash Report (HSMV 90010S) is not required, the member will provide a Driver Exchange-of-Information/Optional Short Report Form (HSMV 90011S) to be completed by all drivers and passengers involved in the crash, which requires the identification of each vehicle that the drivers and passengers were in.
 - a. It is permissible for Regional Communications Center personnel to refer callers on private roadways and parking lots which do not meet the requirements for a Long Form or Short Form to the closest Police Station, Sheriff's Office, Highway Patrol Station, or to the Department's Internet Site to obtain the Driver Exchange-of-Information/Optional Short Report Form.
 - b. Division personnel may complete entries on the Driver Exchange-of-Information/Optional Short Report Form on behalf of participants in the event that one or more are elderly, confused, or otherwise indicate a need for assistance.

6. Driver Exchange of Information

The member at the scene of a traffic crash required to be reported in accordance with the provisions of Section 316.066, Florida Statutes, shall instruct the driver of each vehicle involved in the crash to report the following to all other parties suffering injury or property damage as an apparent result of the accident:

- a. The name and address of the owner and the driver of the vehicle.
- b. The name and address of any passengers.
- c. The license number of the vehicle.
- d. The name of the liability carrier for the vehicle.

Providing a copy of the crash report or a copy of a completely filled out Driver Exchange-of-Information/Optional Short Report Form (HSMV 90011S) to each participant may fulfill this requirement.

7. According to Florida Statutes, the Florida Traffic Crash Report Long and Short Form (HSMV 90010S) **must** include:
 - a. The date, time, and location of the crash;
 - b. The description of the vehicles involved;
 - c. The name and address of the parties involved, including all drivers and passengers, and the identification of the vehicle in which each was a driver or passenger;
 - d. The names and addresses of all witnesses;
 - e. The name, badge number and law enforcement agency of the officer investigating the crash; and

- f. The names of the insurance companies for the respective parties involved in the crash.
- 8. For tracking purposes, members will utilize their Permanent Identification Number (PIN) instead of a badge number.
- 9. When a Long Form is required by the criteria listed above in (A)(1), the member must complete the narrative and diagram portion of the report.
- 10. Comprehensive instructions on how to complete crash reports can be found in the DHSMV Instructions for Completing the Florida Traffic Crash Report Manual and is hereby, adopted by reference.

B. PRELIMINARY DUTIES OF THE INVESTIGATING OFFICER

- 1. Upon arriving at the scene of a motor vehicle crash, members shall conduct a quick, preliminary survey of the scene to determine the existence of any hazards. Members shall then implement temporary measures to stabilize dangers posed by:
 - a. Downed power lines.
 - b. Gasoline/fuel spills.
 - c. Hazardous material leaks/incidents.
 - (1) If possible, ensure that all personnel are kept 2,000 feet/0.4 miles from the scene.
 - (2) Provide responding emergency personnel with spill/leak information and note content of identification placards.
 - d. The presence of explosives - arrange, if possible, for a protective zone as directed in the US Department of Transportation's Emergency Response Guidebook.
 - e. Unstable vehicles/traffic conditions - request assistance as required.
- 2. The primary responsibility of the first member responding to the scene of a motor vehicle crash is to care for injured persons and to protect the crash scene. Consequently, members shall:
 - a. Position the patrol vehicle to protect victims or warn other motorists of roadway obstructions or hazards that cannot be moved from the roadway. Members are cautioned not to rely on the presence of the patrol car to divert traffic around crash scenes. Other warning measures should be employed as well and vehicles should be removed from the roadway once the need to protect victims or warn other motorists no longer exists.
 - b. Utilize vehicle emergency lighting to maximize visibility/warning. Augment with safe, proper placement of traffic cones and/or fusees, if appropriate.

- c. Assess injuries, provide immediate aid to victims and initiate requests for first responder services (i.e. fire equipment, hazardous material response units, ambulances/paramedics, power companies, tow trucks, etc.)
 - (1) Members are responsible for caring for victims until professional medical assistance becomes available.
 - (2) Treatment of victims will be turned over to qualified medical personnel upon their arrival.
- 3. Subsequent to arranging for treatment of the injured, the investigating member should initiate measures to neutralize any remaining hazards and perform secondary duties prior to commencing an investigation, including:
 - a. Hazardous material spills/incidents.
 - (1) Procedures for dealing with such incidents are outlined in US Department of Transportation publication entitled "Emergency Response Guidebook".
 - (2) Member's responses to such incidents shall be in accordance with the provisions of the Emergency Response Guidebook, FHP Policy Chapter 16 and the All Hazards Plan, and will not exceed the scope of the member's training.
 - b. Maintaining order.
 - c. Establishing a safe traffic pattern around the crash scene. Cones, fuseses, or barriers other than vehicles should be used to divert traffic whenever possible.
 - d. Preserving evidence. For traffic crashes involving death, potential death or a violation of Section 316.027, Florida Statutes, the scene will be considered a crime scene. Relevant portions of FHP Policies 12.01, 22.01, and the Evidence/Property Procedures Manual will be followed.
 - e. Locating witnesses.
 - f. Determining the need for specialized intervention. A Traffic Homicide Investigator shall be summoned for the following criteria:
 - (1) For all crashes or any other motor vehicle related incidents involving the actual or impending death of any person.
 - (2) For all crashes involving Division vehicles or on-duty personnel that involves death, serious bodily injury or significant damage to property, unless this requirement is waived by the appropriate Troop/District Commander.

- (a) A waiver shall not be granted if any death or serious bodily injury occurs as a result of such crash.
 - (b) If the THI is not waived, THI members shall respond to, and investigate the crash. While investigating and reporting such crashes, the THI members will report directly to the appropriate THI Sergeant.
 - (3) For pursuit-related crashes involving serious bodily injury or death.
 - (4) For any crash whereby the National Transportation Safety Board (NTSB) has been summoned or is in response to.
 - (5) For any other crashes, when in the judgment of the on-scene supervisor, intervention by a THI member is clearly warranted.
4. The appropriate supervisor will be notified of any actual or impending traffic fatality.
- a. If on duty, the supervisor will respond to the scene.
 - b. If the supervisor is at home in an on-call status, he/she will use sound judgment in determining whether or not to respond to traffic crashes. Unusual, multi-vehicle and multi-fatality crashes require a supervisor to respond to the scene.

C. CONDUCTING TRAFFIC CRASH INVESTIGATIONS

Subsequent to arranging treatment for the injured and/or securing the scene, members shall initiate an investigation in accordance with the provisions of Section "A" and:

- 1. Obtain/record information required to complete appropriate crash reports.
- 2. Interview and document the statements of witnesses and document any spontaneous utterances offered by participants in the member's presence.
- 3. Examine the scene and:
 - a. Obtain appropriate measurements, to include pre-crash skid marks, post-crash marks, distance from area of collision(s) to final rest, roadway width, and any other measurements deemed necessary for the completion of a crash diagram.
 - b. Take all necessary evidentiary photographs and submit them, with a Photo Data Sheet, to the photographic evidence section (photo lab) at General Headquarters in Tallahassee.

- c. Collect, mark and preserve physical evidence in compliance with Division directives.
 - d. Obtain identification information from and assess damage to participants' vehicles.
4. Thoroughly document findings and prepare the appropriate crash report in compliance with requirements stated above. Such report shall be generated in accordance with crash investigation instructions. Such report shall be completed and submitted in accordance with the provisions of law. Copies shall be retained by local FHP facilities in compliance with procedures promulgated by the Troop Commander.
 5. Safeguard the property of victims until it can be claimed or returned to its rightful owner. Property not left in the vehicle will be treated in the same manner as evidentiary materials and handled in compliance with the provisions of FHP Policy 12.01 and the Evidence/Property Procedures Manual. Property that cannot be / is not removed from a towed vehicle shall be listed on the inventory.
 6. Upon completion of a crash investigation, the member should take enforcement action when a violation has been detected, the identity of the violator can be established and available evidence will allow each of the elements of the offense to be sustained. However, in fatal crashes the member shall refrain from filing routine infraction charges or non-crash contributing criminal charges, until after the Traffic Homicide Investigator has completed his/her investigation and determined whether or not criminal charges are to be pursued.
 7. Arrange for the notification of next-of-kin of persons killed or seriously injured in traffic crashes, which they are assigned to investigate. Such notification shall be delivered in person, not by telephone and ideally should be conveyed immediately after the investigation is concluded. **UNDER NO CIRCUMSTANCES** will the names of victims be released to the news media prior to notification of next-of-kin. When relatives of the victim(s) reside outside geographic troop boundaries, an administrative message shall be sent to the appropriate law enforcement agency with an accompanying request for notification of next-of-kin.
 8. Ensure prompt notification of medical examiners, prosecutors, and other officials as appropriate.
 9. For fatalities, the Traffic Homicide Investigator shall arrange for notification to be transmitted to Troop Headquarters and General Headquarters in Tallahassee. In addition, he/she shall forward a synopsis of the crash to the appropriate Public Affairs Officer to facilitate preparation of a press release.

D. ASSIGNMENT OF PERSONNEL/TRANSFER OF INVESTIGATIVE RESPONSIBILITY

1. Normally, the closest available FHP Unit will be assigned to respond to a crash and complete the investigation.
2. If two members are assigned to a crash, the lead investigator shall be the member assigned to the patrol zone in which the crash occurred unless otherwise specified by command personnel.
3. If two or more members arrive on the scene of a crash without prior notification, the zone trooper (or if none, the senior/ranking member) shall assume responsibility for directing the investigation.
4. If THI is responding to investigate, the senior trooper/lead investigator at a crash scene shall retain functional authority to direct the investigation unless/until relieved of that responsibility by supervisory and/or THI personnel. The member is not relieved of such authority until the following criteria have been met:
 - a. A supervisor or THI member arrives on the scene, **and**
 - b. A supervisor or THI member has been thoroughly briefed as to the situation and what has been done, **and**
 - c. A supervisor or THI member clearly advises the member that he/she is aware of the facts and is assuming responsibility for the scene.
5. Under ideal conditions, two members shall be assigned to the scene of all fatal crashes; one member being the assigned THI member and the other member to assist the assigned THI member with the initial aspects of the fatal crash investigation. The non-THI member shall conduct the next-of-kin notification(s).

E. FOLLOW-UP INVESTIGATIONS

1. Fatalities – responsibility for conducting follow-up investigations for crashes involving actual or impending death of any person shall be vested in the crash investigator unless the crash falls under THI jurisdiction. In that case, the responsibility shall be vested in the assigned Traffic Homicide Investigator.
 - a. If due to transfer or other reason, the original THI member is unable to complete the investigation, the THI supervisor will assign another THI member to complete the investigation and file the appropriate reports and charges.
 - b. Such investigations shall be pursued:
 - (1) In accordance with procedures specified in this policy or, if applicable, the Traffic Homicide Investigation Manual.

- (2) Until available leads have been fully explored or until a decision that further investigative effort is unlikely to be productive has been rendered by appropriate command/supervisory personnel.
2. Non-Fatality – responsibility for conducting follow-up investigations for crashes not involving actual or impending death to one or more persons shall be vested in the member assigned to investigate the crash in accordance with procedures outlined in Section “D” above. If due to transfer or other reason the original investigator is unable to complete the investigation, a supervisor will assign another member to complete the investigation and file the appropriate reports and charges.
 - a. In attempting to determine whether additional investigative effort is warranted, members/supervisors shall consider whether or not any of the following information factors are available:
 - (1) Has a reliable witness to the incident been located?
 - (2) Is the suspect known or can he/she be identified?
 - (3) Has an identifiable description of the suspect vehicle been obtained?
 - (4) Was any physical evidence recovered?
 - (5) Will recovered evidence tie the suspect/vehicle to the incident under investigation?
 - (6) Is physical evidence pending completion of laboratory analysis or testing?
 - b. If a negative response is obtained to each of the questions referenced in Section “a” immediately above, further investigative effort will not in all likelihood be successful. Consequently, unless contrary instructions are received from supervisory personnel, the member shall advise the victim:
 - (1) That the investigation has been concluded and that information leading to the identification of the offender has not been developed.
 - (2) That further investigative effort is not likely to be productive and the case will be closed.
 - (3) That if further information is developed, the case will be reopened and the victim will be advised of the outcome.
 - c. Follow-up reports on all open investigations shall be required at no more than **30-day intervals**.

F. DUI CRASH INVESTIGATIONS

1. Members are to carefully observe all parties involved in a traffic crash, paying particular attention to the behavior, attitude, speech, physical condition, balance and other characteristics that may indicate impairment on the part of any driver.
2. Consult with attending medical personnel to identify any indicators of impairment they have observed and obtain written statements, if applicable.
3. If signs of impairment are observed, the member will, at the conclusion of the traffic crash investigation, conduct a criminal investigation to determine if probable cause of DUI exists.
4. When probable cause of DUI exists, the driver shall be arrested.
 - a. Every effort should be made to ensure that an appropriate test is performed to determine the driver's blood alcohol content or the presence of chemical or controlled substances, if warranted. If the suspected DUI driver has caused death or serious bodily injury to any human being, members shall:
 - (1) Ask for a voluntary consent from the driver. If the driver refuses, or is unable to consent due to injuries, i.e. unconscious, intubated, etc.; then
 - (2) Obtain a search warrant.
 - (a) Members are to contact the appropriate on-call Assistant State Attorney and/or on-call Judge in their respective counties for assistance.
 - (b) Members shall notify the FHP Office of General Counsel for any assistance, if required, in securing necessary warrants.
 - (c) Regional Communications Center Managers shall, in consultation with each District Commander, maintain lists of all applicable on-call Assistant State Attorneys and Judges within their respective areas. After-hours phone numbers and contact names shall be updated as necessary.
 - (3) If the member is unable to obtain the warrant in a timely manner, the member shall:
 - (a) Cause the blood to be taken. Only those individuals enumerated in Section 316.1932, Florida Statutes, shall be authorized to draw blood.

- (b) Members are to clearly describe all exigent circumstances, which led to the request for a blood draw.
 - (c) Members shall document and include all steps taken in an attempt to secure a warrant including any contact with the Assistant State Attorney and/or the Judge; that there was serious bodily injury or death involved; the condition of the driver of whom the blood is being requested (i.e. Are they about to go into surgery?); the length of time between the actual crash and blood draw request, etc., in their required reports.
 - (4) Members are reminded that if a driver is being treated at the hospital and medical blood is drawn, the results of the medical blood test may be obtained by warrant or subpoena at a later date. The decision to obtain medical blood, however, shall be in concert with the local Assistant State Attorney and FHP General Counsel.
 - b. If a blood sample is obtained and the driver is not going to be admitted to a hospital, the driver shall be arrested where probable cause for DUI exists, and:
 - (1) The member shall request that the driver submit to an approved test of his/her breath or urine and appropriate sample(s) shall be collected.
 - (2) If the driver refuses to submit to an approved test of his/her breath or urine, the member shall inform the driver of the applicable implied consent warnings and the refusal noted in the required reports.
 - c. If a blood sample is obtained from a driver where probable cause for DUI exists, and the driver is going to be admitted to a hospital, the member shall immediately notify the on-duty/on-call supervisor and brief him/her of the circumstances of the case. The member in consultation with the on-duty/on-call supervisor, Troop Watch Supervisor and the FHP Office of General Counsel will determine the proper course of action.
 - (1) When the driver is not a flight threat due to the severity of his/her injuries, hospital personnel shall be requested to notify the member when the driver is going to be released. Once released, the driver shall be arrested and processed.
 - (2) If the driver is a flight threat, the member shall place the driver under arrest and make arrangements to ensure a guard is stationed with the prisoner at all times.

G. STAGED CRASHES

1. While investigating traffic crashes, members shall pay special attention in determining whether the crash may be classified as a suspected or confirmed staged crash.
2. Based on a member's training and investigation, the designation of not suspected, suspected, or confirmed fraud shall be indicated in the appropriate section of the crash report.
3. Members are reminded that some possible indicators of staged crashes include, but are not limited to:
 - a. Rental vehicle involved, usually at-fault;
 - b. Cars with pre-existing damage;
 - c. Vehicles loaded with passengers;
 - d. Late night, isolated locations;
 - e. Relatives in different cars;
 - f. Persons in both vehicles are from the same neighborhood, and crash is in a remote/isolated location;
 - g. Some rings involve children to throw off law enforcement; and
 - h. Participants are eager to provide information when law enforcement arrives.

17.04.08 REGULATIONS

- A. Crash reports shall not be utilized to document incidents involving vehicles damaged by vandalism, thrown objects, or by fire, unless the fire resulted from a traffic crash. Such occurrences shall be reported on the Offense Report when a report is not filed by another agency, such as the fire department or sheriff's department.
- B. All photographs, audio/video recordings, reports, and any other materials, generated or obtained during the course of any crash investigation may not be sold, disposed of, disseminated, or otherwise released, except in accordance with the provisions of law and DHSMV Policy #9.03 – Providing Records to the Public. Members shall be prohibited from selling or releasing photographs, audio/video recordings or other materials made in conjunction with the performance of their official duties whether such materials were produced using Division or personally owned equipment and supplies.
- C. All photographs taken by any member shall be submitted to the photographic evidence section (photo lab) at General Headquarters in Tallahassee. A Photo Data Sheet shall also be submitted. This policy applies to all photographs taken in the official performance of a member's duties, including all photographs taken with personal equipment, cellular phone, etc.

- D. Members are not permitted, while either on duty or on off-duty police employment or non-police employment to investigate or reconstruct a traffic crash that has been previously investigated by another member of this Division or another law enforcement agency, unless specifically authorized to do so by the appropriate Deputy Director, or designee.
- E. All traffic crash reports completed utilizing the Mobile Forms software are to be transmitted to the server as soon as the report has been completed, not to exceed ten (10) calendar days as required by Section 316.066, Florida Statutes.