

WINONA POLICE DEPARTMENT

NUMBER: 105-09 PAGES: 6

EFFECTIVE DATE: July 27, 2004

SUBJECT: TRAFFIC ACCIDENT INVESTIGATIONS

1.0 PURPOSE:

It is the purpose of this general order to establish policy on handling and/or assisting in the investigation of traffic accidents by officers of this department.

2.0 POLICY:

2.1 It shall be the policy of the Winona Police Department to respond to all accidents reported as occurring within the city limits of Winona. Officer(s) responding to an accident shall be responsible for rendering first aid to the injured, protection of the accident scene, providing traffic control, and performing any other function that is necessary to complete the investigation of the accident.

2.2 Based on prior agreement between the Chief of Police and the Minnesota Highway Patrol, all accidents occurring on Highways 61 and 14 will be investigated by the State Patrol, except as outlined later in this General Order.

2.3 It is also the policy of this department to comply with all requirements as to the reporting of accidents as outlined by Minnesota State Statutes and the Commissioner of Public Safety.

2.4 Minnesota State Statutes 169.09 - Accidents:

2.4.1 Subdivision 7. Accident report to commissioner. The driver of a vehicle involved in an accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of \$1,000 or more, shall forward a written report of the accident to the commissioner of public safety within ten days thereof. On the required report, the driver shall provide the commissioner with the name and policy number of the insurer providing vehicle liability coverage at the time of the accident. On determining that the original report of any driver of a vehicle involved in an accident of which report must be made as provided in this section is insufficient, the commissioner of public safety may require the driver to file supplementary reports.

2.4.2 Subdivision 8. Officers to report accident to the commissioner. Every law enforcement officer who, in the regular course of duty, investigates a motor vehicle accident of which report must be made as required in this section, either at the time of and at the scene of the accident or thereafter by interviewing participants or witnesses, shall, within ten

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days after the date of such accident, forward a written report of such accident to the commissioner of public safety.

2.4.3 Subdivision 9. Accident report forms. The department of public safety shall prepare and upon request supply to police departments, coroners, sheriffs, garages and other suitable agencies or individuals, forms for accident reports required to make such reports and the purposes to be served. The written reports to be made by persons involved in accidents and by investigating officers shall call for sufficiently detailed information to disclose with reference to a traffic accident and causes, conditions then existing and the persons and vehicles involved.

2.4.4 Subdivision 10. Use of form required. Every accident report required to be made in writing shall be made on the appropriate form approved by the department of public safety and contain all the information required therein unless not available.

2.5 Accident report forms required for investigations:

2.5.1 The Minnesota Traffic Accident Report is to be used by members of this department when investigating an accident as outlined later in this General Order

2.5.2 The Minnesota Fatality Report is to be used by members of this department when investigating a fatality accident.

2.5.3 The Minnesota Motor Vehicle Accident Report Form, hereafter referred to as the White Accident Form, is to be given to all drivers involved in accidents which result in an injury or death or total damage of \$1000 or more.

2.5.4 The Winona Police Department Traffic Accident Information Form will be hereafter referred to as the Driver Information Exchange.

3.0 PROCEDURE:

3.1 Property damage accidents will be investigated in the following manner:

3.1.1 (10-50's less than \$1,000) - Property damage accidents resulting in a combined damage of less than \$1,000 do not require a State Accident

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Report, but do require a CFS. A Supplementary Offense Report shall be filled out if the Supervisor feels that it is necessary. In all cases, where a Supplementary Offense Report is not filled out on a property damage accident (less than \$1,000) the names of the drivers shall be placed on the CFS.

3.1.2 (10-50's more than \$1,000) - Property damage accidents resulting in a combined damage of more than \$1,000 require a CFS and a State Accident Report. A Supplementary Offense Report may be filled out if the officer or Supervisor feels that it is necessary. White accident forms shall also be given to the drivers involved in the accident.

3.1.3 (10-50 Hit & Run, less than \$1,000) - Property damage accidents (hit and run) resulting in a combined damage of less than \$1,000 (investigated at the scene) do not require a traffic accident report, but do require a CFS and a Supplementary Offense Report.

3.1.4 (10-50 Hit & Run, more than \$1,000) - Property damage accidents (hit and run) resulting in a combined damage of more than \$1,000 require a CFS and a traffic accident report, if investigated at the scene. A Supplementary Offense Report shall be filled out if the Supervisor feels that it is necessary.

3.1.5 Any property damage accident occurring within the city limits of Winona, not investigated at the scene, shall be investigated in the following manner. A CFS shall be completed. The determination as to the extent of the investigation of this type of accident shall be at the discretion of the on-duty Supervisor.

3.1.6 The investigating officer shall in all property damage accidents with a combined damage of more than \$1,000, personal injury accident, and fatality, provide the drivers (or owners) pedestrians and others who are required to submit a report to the State, a copy of a white accident form.

3.1.7 The investigating officer shall provide all drivers involved in an accident with Driver Information Exchange Sheets.

3.1.8 In all traffic accidents where a warrant will be requested, a Supplementary Offense Report shall be completed.

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3.1.9 Motor vehicle/train accidents - Same as other vehicle accidents.

3.1.10 Accidents involving city owned vehicles - Refer to General Order 100-05 (Section 5.0).

3.1.11 Vehicular Traffic Control - Work on Roadway - Refer to General Order 105-01.

3.2 Personal injury accidents shall be investigated in the following manner.

3.2.1 All personal injury accidents investigated at the scene by members of this department shall include a CFS and a traffic accident report. A Supplementary Offense Report shall be completed if the officer or Supervisor feels that it is necessary.

3.2.2 A personal injury accident not investigated at the scene but later reported at the LEC shall have a CFS completed. The determination as to the extent of the investigation of this type of accident shall be at the discretion of the on-duty Supervisor.

3.3 Fatal accidents will be investigated in the following manner:

3.3.1 All fatalities investigated by this department shall have a CFS, traffic accident, Supplementary Offense Report and a State Fatality Report.

3.3.2 The Death Investigation Team shall also be contacted pursuant to General Order 103-02.

3.4 Investigation of accidents by the Minnesota State Patrol within the city limits of Winona.

3.4.1 The Minnesota State Patrol is responsible for the investigation of all accidents occurring on Highways 61 and 14 within the city limits of Winona; however, the Winona Police Department shall respond to all accidents reported as occurring inside the city limits. The State Patrol shall be notified immediately of any accident within their jurisdiction in Winona.

3.4.2 Minor property damage accidents occurring on Highway 61 and 14 within the city limits will be investigated by the Winona Police Department only when one of the following conditions exist:

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3.4.2.1 The State Patrol is out of position (the response time by the State Patrol should be taken into consideration).

3.4.2.2 The State Patrol has no one on duty and it would require a call out.

3.4.2.3 If the State Patrol is currently involved in another investigation and it prevents them from responding.

3.4.2.4 Any other time when the on-duty Supervisor feels that circumstances warrant an investigation by the Winona Police Department.

3.4.3 Fatalities and personal injury accidents occurring on Highways 61 and 14 within the city limits of Winona will be investigated by the Minnesota State Patrol; however, the Winona Police Department shall respond to all accidents reported as occurring within the city limits and shall render first aid to the injured, assist in traffic control, protect the accident scene and perform any other function that may be required until the arrival of the State Patrol.

Every attempt shall be made by members of the department to keep the vehicles in their original positions; however, if this will cause an undue risk to either the officers, victims of the accident or other motorist, the officer shall mark the position of the vehicles with chalk prior to moving them.

3.4.4 When responding to an accident occurring on Highways 61 and 14, the officer shall remain at the scene of the accident until the arrival of the State Patrol or is relieved by his Supervisor.

3.4.5 Accidents occurring on Highway 43, from and including the Interstate Bridge to Highways 61 and 14 (within the city limits) shall be investigated by the Winona Police Department. Accidents occurring on Highway 43 from, and including the intersection of Highways 61 and 14, South to the city limits of Winona shall be investigated by the Minnesota State Patrol in the same manner as outlined by sections 6.1 through 6.1.4 of this general order.

3.5 Temporary Assistance at personal injury accidents (outside the city limits):

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3.5.1 When this department receives a notification of a severe accident in which there is believed to be personal injuries and the accident has been reported to the Winona County Sheriff's Department or other law enforcement agency within the immediate area of Winona, and the officers of the above-mentioned departments are out of position, Winona units may be sent.

3.5.2 Units dispatched will lend aid to the injured and protect the accident scene until the arrival of the agency responsible for the investigation, and all injured have been removed.

3.5.3 On-duty Supervisors shall (with information made available to them) make a determination as to the quantity and type of assistance to be given to agencies requesting assistance at an accident scene.

3.5.4 Cooperative Assistance with Wisconsin Law Enforcement Officers/Temporary assistance at personal injury accidents in Wisconsin - Refer to General Order 106-10.