

HONOLULU POLICE DEPARTMENT

POLICY TRAFFIC OPERATIONS

July 20, 2015

Policy Number 6.08

MOTOR VEHICLE COLLISIONS

POLICY

Honolulu Police Department (HPD) personnel must follow specific procedures when investigating motor vehicle collisions (MVCs).

PROCEDURE

I. DEFINITIONS

- A. Bodily injury: As defined in Section 707-700, Hawaii Revised Statutes (HRS), physical pain, illness, or any impairment of physical condition.
- B. Commercial motor vehicles: In accordance with Title 49, Chapter III, Part 390.5, Code of Federal Regulations, any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle:
 - 1. Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater;
 - 2. Is designed or used to transport more than eight passengers, including the driver, for compensation;
 - 3. Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or

4. Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, Subtitle B, Chapter I, Subchapter C.
- C. Government vehicles: All vehicles owned or subsidized by a federal, state, or city government entity (e.g., Oahu Transit Services [TheBus], Board of Water Supply, etc.). This includes both city-owned and privately owned, city-subsidized vehicles used in police service.
- D. Motor vehicle: Every vehicle which is self-propelled and every vehicle which is propelled by electric power, but which is not operated upon rails, including a moped. The term excludes motorized assistive devices (e.g., motorized wheelchairs) or toy devices.
- E. MVC: Any collision involving a motor vehicle in motion or ready for motion that results in death, injury, or damage to vehicles and/or property.
- F. Motor vehicle pursuit: An effort by an officer operating a motor vehicle to stop another motor vehicle when an occupant of that vehicle is a suspected violator of the law and the driver of that vehicle appears to be ignoring lawful commands to stop or to be fleeing from the police.
- G. Mutual agreement MVC: An agreement among all principals involved in an MVC to resolve the matter without a police report. The MVC must not have resulted in injury or death, and the total damage to all property must not exceed \$3,000.
- H. Police personnel: All employees of the HPD, including officers, reserve officers, recruits, and civilians.
- I. Police pursuit MVC: Any MVC occurring as a result of a motor vehicle pursuit, whether or not police vehicles are involved.
- J. Ready for motion: Any motor vehicle with the engine running and the operator behind the steering wheel or steering mechanism.

- K. Serious bodily injury: As defined in Section 707-700, HRS, bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.
- L. Single-vehicle, single-occupant fatality: An MVC involving a single motor vehicle with one occupant that results in the death of the driver and no other motor vehicles are involved.
- M. Single-vehicle, single-occupant critical: An MVC involving a single motor vehicle with one occupant that results in critical injuries and no other motor vehicles are involved.
- N. Substantial bodily injury: As defined in Section 707-700, HRS, bodily injury which causes a major avulsion, laceration, or penetration of the skin; a burn of at least second degree severity; a bone fracture; a serious concussion; or a tearing, rupture, or corrosive damage to the esophagus, viscera, or other internal organs.

II. EXCEPTIONS

The following incidents should not be considered MVCs:

A. Noncollision Incidents

Incidents involving motor vehicles which result in death, injury, or damages to vehicles and/or property, but which were not the result of forward or backward movement.

Examples: a passenger falls on a bus, but it is unrelated to any bus movement; a vehicle slips from a jack, causing injury, etc.

B. Controlled Sporting Events

Motor vehicles engaged in sanctioned-speed contests or other events in a controlled area.

C. Recreational Vehicles Used in Recreational Activities

Example: off-road collisions involving golf carts on golf courses, off-road motorcycles, all-terrain vehicles, etc.

D. Industrial Incidents

1. Any motor vehicle incident which occurs at a job site or work area that is not open to the general public and in which the person killed or injured was engaged in a lawful activity related to his or her employment.
2. An off-road collision involving a construction vehicle (e.g., backhoe, forklift, etc.).

E. Intentional Incidents

Any incident involving motor vehicles which is attributed to an intentional act and classified as a criminal offense, such as attempted murder or criminal property damage. For example, the operator of a motor vehicle intentionally collides into a person, property, or vehicle, causing damages, injury, or death.

III. CLASSIFICATIONS

A. Types of Collisions

MVCs shall be classified as one of the following four types:

1. Major Motor Vehicle Traffic Collisions

MVCs that occur on public highways and that result in death, injury, or damages to vehicles and/or property to an apparent extent of \$3,000 or more (combined total damages to all property).

2. Major Motor Vehicle Nontraffic Collisions

MVCs that do not occur on public highways and that result in death, injury, or damages to vehicles and/or property to an apparent extent of \$3,000 or more (combined total damages to all property).

3. Minor Motor Vehicle Traffic Collisions

MVCs that occur on public highways and that result in damages to vehicles and/or property to an apparent extent of less than \$3,000 (combined total damages to all property).

4. Minor Motor Vehicle Nontraffic Collisions

MVCs that do not occur on public highways and that result in damages to vehicles and/or property to an apparent extent of less than \$3,000 (combined total damages to all property).

B. Categories of Collisions

MVCs shall be further classified as one of the following:

1. Category A Collisions

MVCs that involve one or more of the following:

- a. Fatality;
- b. Critical condition (as determined by Emergency Medical Services Division (EMS) personnel, Honolulu Emergency Services Department);
- c. Serious bodily injury;
- d. Serious condition (as determined by EMS personnel);
- e. Substantial bodily injury;

- f. Leaving the scene, including noncontact (witness) vehicles that are responsible for a collision;
- g. On-duty police personnel;
- h. Government vehicles;
- i. Drivers who are suspected of operating a vehicle under the influence of intoxicants; or
- j. Police pursuit MVCs.

2. Category B Collisions

MVCs that involve one or both of the following:

- a. Combined total damages to all property of \$3,000 or more; and/or
- b. Bodily injury.

3. Category C Collisions

MVCs that involve both of the following:

- a. Combined total damages to all property of less than \$3,000; and
- b. No bodily injury.

IV. RESPONSIBILITIES

- A. Officers who are not involved in the collision (driver, passenger, pedestrian, property owner, or vehicle owner) shall conduct all MVC investigations.
- B. The initial officer to receive the MVC complaint shall be responsible for the entire investigation of an MVC. The decision to contact the Vehicular Homicide Section (VHS) shall rest with a supervisor.

- C. The VHS shall continue the investigation to include reclassifying or adding new cases as needed on MVCs involving death, serious bodily injury, critical condition, or probable felonious traffic-related offenses.
- D. The VHS shall be the final authority when there is a question regarding the classification of a collision or which division shall be assigned to investigate the incident.
- E. The Medical Examiner/Coroner's Office shall make immediate notification to the next of kin on MVCs involving death, as provided by Section 841-15, HRS.
- F. The investigative responsibilities and procedures for crime scenes and specific crimes involving MVCs are spelled out in Policy 4.29, CRIME SCENE: INVESTIGATIVE RESPONSIBILITIES AND PROCEDURES.

V. PROCEDURES

A. Investigation of Category A Collisions

1. General Guidelines

- a. A complete investigation is required, which entails the completion of the following Department of Transportation (DOT), State of Hawaii (SOH), forms: SOH DOT-1-174A (face page), SOH DOT-1-174B (unit information page), SOH DOT-1-174C (unit information page, continued), SOH DOT-1-174D (diagram page), SOH DOT-1-174E (all persons page), SOH DOT-1-174F (commercial motor vehicle supplement page), and SOH DOT-1-174G (narrative page).
- b. Although these investigations require a diagram of the collision scene, officers are not required to return to the scene of a collision when the report is filed elsewhere unless a death, serious bodily injury, or probable felonious traffic-related offense was involved.

- c. Statements from drivers, passengers, pedestrians, witnesses, property owners, and others directly or indirectly involved are required. All statements shall be submitted using the Statement Form, HPD-252, and summarized on the SOH DOT-1-174G form. If an HPD-252 statement is not obtained, the officer shall state the reason(s) in the report.

All vehicle and person descriptions shall be submitted using the Suspect, Weapon, and Vehicle Description, HPD-458 form, and summarized on the SOH DOT-1-174G form.

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- d. Officers shall conduct a thorough investigation, including all written statements and available photographs, before submitting to the VHS a category A collision report with the disposition "Pending VHS."

- e. The Records and Identification Division shall forward all category A collision reports to the VHS for review. The VHS shall then conduct any required follow-ups, affix a disposition, and submit the proper closing.

2. Single-Vehicle, Single-Occupant Fatalities and Single-Vehicle, Single-Occupant Criticals

- a. Patrol personnel shall fully investigate single-vehicle, single-occupant fatality and critical cases.
- b. The patrol scene supervisor shall contact the VHS and fully brief the on-duty VHS supervisor. On-duty VHS personnel shall respond to oversee the investigation.
- c. VHS personnel shall be responsible for taking photographs, reclassifying or adding cases when needed, coordinating with the Medical Examiner's Office, and preparing a closing report.

- d. The VHS supervisor shall assess the circumstances at the scene. If the situation meets the criteria of a single-vehicle, single-occupant fatality or critical, only needed VHS personnel shall remain on scene to perform duties as outlined in section V A 2 c above and to provide investigative assistance to patrol personnel.

3. Leaving the Scene Collisions

- a. In "leaving the scene" cases, it is the responsibility of the initial officer to ensure that the residence or business of the registered owner of the suspect vehicle is checked to obtain a statement and to ascertain the identity of the person having custody of the suspect vehicle.

The officer assigned to check the registered owner's address shall submit a report that outlines the follow-up activities and findings using the appropriate forms.

- b. The incident shall be investigated as a felony whenever a collision results in death, serious bodily injury, or substantial bodily injury and a driver fails to stop and give information and/or render aid as specified under Sections 291C-12, 291C-12.5, and 291C-14, HRS.
 - (1) When a collision meeting these criteria occurs, the initial officer shall notify a supervisor who shall then notify the VHS. The VHS supervisor shall decide if their response is required.
 - (2) If a suspect is identified, he or she should be arrested for violating Section 291C-12 or 291C-12.5, HRS, as well as Section 291C-14, HRS, as applicable.

- c. Whenever a collision results in bodily injury and a driver fails to stop and furnish the necessary information, citations shall be issued under Sections 291C-12.6 and 291C-14, HRS.
 - d. A citation shall be issued under Section 291C-13, HRS, whenever a collision results in damages to a vehicle that is driven or property that is attended by any person, without injuries, and a driver fails to stop and furnish the necessary information.
 - e. A citation shall be issued under Section 291C-15, HRS, whenever a collision results in damages to an unattended vehicle or unattended property, without injuries to the driver, and the driver fails to stop and furnish the necessary information.
4. Police Pursuit MVCs
- a. A supervisor from the district or division responsible for the investigation shall monitor the investigation.
 - b. The supervisor shall notify the VHS of all MVCs involving police pursuits. The VHS supervisor shall then decide if the VHS's response is required.
 - c. In the event that personnel from the VHS respond, their purpose is only to oversee the investigation that is to be performed by the initial officers.
 - d. The VHS shall also be responsible for reviewing and affixing a final disposition.

5. Government Vehicle Collisions

- a. Whenever a police employee is involved in an MVC with a city-owned or city-subsidized police vehicle, either as a principal or second party, the employee shall immediately report the collision to the Communications Division by the quickest means available to ensure that it is investigated.
- b. Whenever any city-subsidized police vehicle is involved in an MVC while being operated by a person other than the employee who receives the subsidy, the employee (upon learning that the vehicle was involved in a collision) shall ensure that a police MVC report is made as quickly as possible to document the circumstances of the collision.
- c. A supervisor from the district or division responsible for the investigation shall monitor the investigation.
- d. The scene supervisor shall notify the VHS of all collisions involving city-owned or city-subsidized police vehicles and/or police personnel. The VHS supervisor shall then decide if the VHS's response is required.
- e. In the event that personnel from the VHS respond, their purpose is only to oversee the investigation that is to be performed by the initial officers.
- f. The VHS shall also be responsible for reviewing and affixing a final disposition.
- g. The VHS shall be responsible for notifying the Finance Division and the department's insurance carrier of MVCs involving city-owned or city-subsidized police vehicles and/or police personnel.

6. Alcohol/Drug Involvement

- a. Whenever a driver is involved in a collision and arrested for operating a vehicle under the influence of alcohol and/or drugs, the facts of the arrest shall be documented in the arrest report and on the SOH DOT-1-174G form.
- b. Whenever a driver involved in an MVC is taken to a medical facility and there is probable cause to believe that the driver consumed alcohol and/or drugs, the officer handling the hospital report shall follow the procedures outlined in the attachment.

7. Injured Person

- a. In circumstances in which a person is transported to a medical facility for treatment, the investigator shall:
 - 1. Obtain and submit all of the necessary information on the appropriate forms as applicable; or
 - 2. Request that the follow-up officer obtain and submit the necessary information. In this case, the investigator shall document in his or her report the name of the follow-up officer and the investigative information requested.
- b. In circumstances in which an injured person refuses treatment or is not transported to a medical facility, the SOH DOT-1-174E form shall be completed as fully as possible at the scene. If there are more injured persons than the spaces provided, another SOH DOT-1-174E form shall be used.

B. Investigation of Category B Collisions

1. An investigation entails the completion of the SOH DOT-1-174A, SOH DOT-1-174B, SOH DOT-1-174C, and SOH DOT-1-174D forms. As necessary, the SOH DOT-1-174E, SOH DOT-1-174F, and SOH DOT-1-174G forms shall also be completed. Although these investigations require a diagram of the collision scene, officers are not required to return to the scene of a collision when the report is filed elsewhere.
2. Full identification and other information on witnesses shall be recorded on the SOH DOT-1-174G form.
3. The SOH DOT-1-174E and SOH DOT-1-174G forms shall be completed as fully as possible at the hospital if the injury information was not obtained at the collision scene. In the event that the investigating officer at the scene was not able to obtain injury information from a principal transported to a medical facility for treatment, he or she shall have a follow-up investigation conducted to obtain the necessary information.
4. The Ambulance Report Form number is required if persons have been treated by EMS personnel. This number is especially important in the event that information is required at a later time.
5. Officers submitting reports shall ensure that they are complete and contain the disposition of "Records Only."
6. Records and Identification Division personnel shall retain these closed reports.

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7. In circumstances in which a mutual agreement was made between the principals involved in an MVC that is later determined to be a category B collision reported away from the scene, the following shall apply:
 - a. Information about the principals shall be as complete as possible on the SOH DOT-1-174A, SOH DOT-1-174B, SOH DOT-1-174C, and SOH DOT-1-174D forms. As necessary, the SOH DOT-1-174F form shall also be completed. The investigating officer may verify the information through computer checks.
 - b. It is not necessary to send a follow-up officer to obtain additional information.

C. Investigation of Category C Collisions

1. An investigation entails the completion of the Minor Motor Vehicle Collision (MVC) Report electronically in the Case Report System (CRS).
2. Reference shall not be made in this report to the drivers and/or vehicles as units one, two, or three. Instead, principals shall be listed in alphabetical order by last name.
3. Category C collision reports shall contain the disposition of "Records Only."
4. Records and Identification Division personnel shall retain these closed reports.

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D. General Guidelines

1. When an MVC involves death, serious bodily injury, or probable felonious traffic-related offenses, the initial officer shall preserve the scene as it then exists until a supervisor arrives and requests the support of the VHS.
 - a. Officers initially assigned to preserve evidence or assist at the scene shall maintain their posts until properly relieved by the VHS officer in charge of the investigation. These officers shall describe their activity at the scene in their follow-up reports.
 - b. Officers assigned to the investigation of the collision shall conduct a preliminary investigation. All necessary information shall be recorded on the appropriate forms and be provided to the VHS investigators upon their arrival.
 - c. Patrol personnel shall fully investigate single-vehicle, single-occupant fatality cases.
2. When it is determined that an MVC involves death or serious bodily injury to any member of the armed forces or whenever military vehicles are involved, the initial officer shall request that the Communications Division inform the Hawaii Armed Services Police (HASP).
3. The initial officer at the scene of an MVC shall proceed as follows:
 - a. Immediately make an initial assessment of the scene to prevent any additional injuries and care for the injured;
 - b. Preserve the scene and prevent the destruction of any physical evidence;

- c. Inform the Communications Division of the situation and request assistance, if needed. (Whenever a collision creates a traffic tie-up, additional officers shall be requested for traffic control.); and
 - d. In circumstances where there is a disturbance (e.g., argument, assault, etc.) among the principals involved in an MVC, the responding officer(s) shall maintain order between the principals and determine the need for the treatment of injuries, a criminal complaint, and an investigation of the MVC.
4. The initial officer shall provide principals involved in an MVC with an HPD-197 form. This form shall contain the name, address, description of vehicle, insurance carrier, and other pertinent information for all principals involved.
- a. When an unattended vehicle is involved, a completed HPD-197 form shall be left on the vehicle.
 - b. If the principal is unable to complete the form, the officer should facilitate the exchange of information by completing the form and exchanging the information.
5. Principals involved in an MVC shall not be referred to the VHS for information regarding their reports.
6. When there is insufficient information available to determine whether injury or damage resulted from a motor vehicle in motion or ready for motion, it shall be assumed that the incident was an MVC.

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7. Officers shall make an estimate of damages to each vehicle and/or items of property as "\$3,000 or more" or "less than \$3,000." Specific estimates shall not be made. In no case shall the investigating officer record the estimated damages as "total."
8. Supervisors of officers submitting MVC reports shall review the reports and affix their signature to signify that the reports were reviewed, are complete and acceptable, have the correct disposition, and meet departmental standards. Supervisors shall be responsible for any discrepancies and for any corrections.
9. When completing block number 8 (report type) of the SOH DOT-1-174A form, "Major" or "Minor" shall be selected and the category type (A or B) shall be written within the same block.
10. Police department personnel shall no longer accept statements from parties in category B and category C collisions who merely wish to include their version of what occurred. These parties shall be referred to their insurance companies.

If statements come in via mail, they should be returned to the sender with a divisional form letter attached.
11. The initial officer shall be responsible to assist parties who have reports that are obviously incorrect because of errors made by that officer.
12. A police report is not required for a category C MVC where all of the principals involved enter into a mutual agreement at the scene. Departmental personnel will no longer respond to category C collisions when the case is reported away from the collision scene, i.e., any farther away than is necessary to report the collision. In such cases, complainants should be referred to their insurance companies for assistance.

13. Officers at the scene of an MVC will ensure that debris from the collision (including the residue from flares) is cleaned up. If a tow wagon is at the scene, an officer will ensure that the tow operator cleans up the debris. If there is no tow wagon, an officer will clean up the debris. When appropriate, officers shall follow the procedures spelled out in Policy 4.06, BLOODBORNE PATHOGENS AND OTHER COMMUNICABLE DISEASES; and in Policy 4.42, HAZARDOUS MATERIALS AND WEAPONS OF MASS DESTRUCTION EMERGENCIES.

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14. All MVC reports shall be completed as accurately as possible using the records management system. When an entry in a field is unknown or not applicable, officers shall first select "unknown" if the choice is available. If "unknown" is not a choice, the officer shall leave the field blank.

15. The Ambulance Report Form number is required for persons who have been treated by EMS personnel. This is especially important for investigative purposes.

VI. ENFORCEMENT PROCEDURES

A. Citations

1. On-View Violations

Citations shall be issued for on-view violations witnessed by a police officer except when the officer is a driver, pedestrian, passenger, or property owner involved in the MVC.

In the event that an off-duty officer or supervisor observed the violation, his or her name(s) shall be written on the citation immediately above the issuing officer's name in the "complainant" space.

2. Other Violations

Where other violations are noted, such as equipment or driver's license violations, citations shall be issued in accordance with the Statewide Traffic Code or other chapters of the HRS.

3. Documentation

a. For category A collisions, the violation sections and citation numbers shall be listed on the SOH DOT-1-174C form within the appropriate numbered block for each unit. If there is insufficient space, it shall be documented in the investigative report. Facts substantiating the issuance of the citation(s) shall also be listed on the SOH DOT-1-174G form.

b. For category B collisions, the violation sections and citation numbers shall be listed on the SOH DOT-1-174C form within the appropriate numbered blocks. If there is insufficient space, it shall be documented on the SOH DOT-1-174G form.

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c. For category C collisions, the violation sections and citation numbers shall be listed on the Minor MVC Report in the CRS.

4. Confinement

If any person injured as a result of an MVC is confined to a medical facility in other than critical condition, the court appearance date for the party cited shall be set for the sixth week from the date of occurrence, on the day and hour for the applicable court (Honolulu, Ewa, Wahiawa, Kaneohe, etc.) having jurisdiction.

B. Arrests

1. An officer shall not arrest for any traffic infraction as defined in Section 291D-2, HRS, but may issue a traffic citation for any such violations.
2. The following shall apply when an officer arrests a person for other than traffic infractions and the person has also committed traffic infractions:
 - a. If the person is charged on the arrest, the traffic infractions will be listed on the booking so that the prosecutor can charge those violations in court; or
 - b. If the person is released on the arrest, the officer may cite for the traffic infractions unless this person is released pending investigation in a felony case.
3. If the incident is classified as a category A collision, the facts substantiating the arrest shall be included in the arrest report and on the SOH DOT-1-174G form.
4. If the incident is classified as a category B collision, the facts substantiating the arrest need only be included in the arrest report.

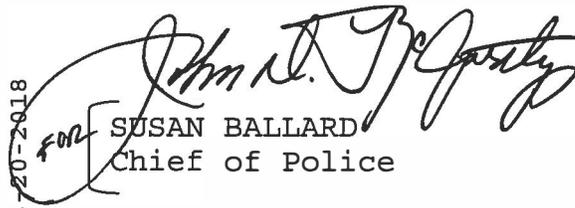
VII. JUVENILE INVOLVEMENT

When a juvenile is involved in an MVC involving death, serious bodily injuries, or probable felonious traffic-related offenses, the procedures outlined in this directive and in Policy 4.33, HANDLING JUVENILES, will be followed.

VIII. MAJOR TRAFFIC TIE-UPS

- A. A field lieutenant shall respond to all MVCs that create a major traffic tie-up.
 1. Upon arrival, the field lieutenant shall assess the situation and direct field personnel, as needed.
 - a. Request assistance (e.g., additional personnel, fire department, road maintenance).
 - b. Determine the preservation of the scene for the VHS or the Criminal Investigation Division (CID).
 - c. Address the need for alternative travel routes.
 - d. Address the need to notify the media.
 - e. Address the need to alter the scene.
 2. If the lieutenant clears or alters the collision scene prior to the arrival of VHS and/or CID investigators, the lieutenant shall submit an activity report explaining the reason(s) for clearing or altering the scene.

- B. The field sergeant shall direct all field officers present and make every effort to create an open traffic flow. Should the field sergeant decide to clear the scene, all vehicles and items of evidence moved or removed shall be documented. The officer removing the item(s) shall submit a detailed activity report documenting his or her actions. The field sergeant shall apprise VHS and/or CID personnel of any scene alterations. The field sergeant shall also submit an activity report, including justification as to why the alteration was required.

8-20-2018
FOR

SUSAN BALLARD
Chief of Police

Attachment

Post on bulletin
board for one week

Policy first issued
October 25, 1995

**PROCEDURES WHEN A DRIVER INVOLVED IN AN MVC
IS TAKEN TO A MEDICAL FACILITY AND THERE IS PROBABLE CAUSE
TO BELIEVE THAT THE DRIVER CONSUMED ALCOHOL AND/OR DRUGS**

1. Make a request to the medical staff via the HPD-13A form to have blood drawn for alcohol concentration testing or blood and/or urine for drug testing. The sample(s) shall be submitted for testing in accordance with established departmental procedures.
2. Obtain the complete identification of the person drawing the blood or urine specimen and, if possible, the person testing the blood or urine. Also, obtain the results of the test.
3. Obtain a statement from the examining physician assessing the degree of intoxication, including the name of the person tested, blood alcohol concentration or drug content, and the date and time of the test.
4. Submit a follow-up report on the appropriate form.