



General Order 63.1 - Traffic Accident Investigation

PURPOSE: To provide a standardization for investigating, documenting, and reporting the facts surrounding motor vehicle accidents, determining their causations, and taking proper enforcement action when appropriate.

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ISSUED BY : Sheriff Jeffrey T. Easter

REVIEWED BY: Standard Review Committee

A handwritten signature in black ink, reading 'Jeffrey T. Easter', is positioned below the text of the order.

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63.1.1 ACCIDENT REPORTING OR INVESTIGATION

- A. The Sedgwick County Sheriff's Office shall investigate all motor vehicle accidents occurring on any traffic way or private property, anywhere within Sedgwick County, in a thorough and professional manner.

- B. Motor vehicle accidents requiring a more in-depth investigation are those involving:
 - 1. Death;
 - 2. Personal injury;
 - 3. Serious property damage;
 - 4. Hit and run;
 - 5. Hazardous materials;
 - 6. Alcohol or drug impaired driver;
 - 7. Sedgwick County Sheriff's Office vehicles; or
 - 8. Any other accident at the direction of a supervisor.
- C. Non-injury accidents with less than one thousand dollars (\$1000.00) damage need not be reported, if all responsible parties decline to make a report.
 - 1. These accidents are not required to be reported according to K.S.A. 8-1604.
 - 2. The deputy should provide the drivers with accident exchange forms.
 - 3. The deputy shall generate a Kansas Motor Vehicle Accident Report

63.1.2 DEPUTY RESPONSE TO ACCIDENTS

- A. A Sedgwick County Sheriff's deputy will respond when dispatched to any accident as outlined in section [63.1.1](#).
- B. Additional deputies will respond to the scene of any accident involving:
 - 1. Death or serious injury;
 - 2. A disturbance among principals; or
 - 3. A location where major traffic congestion can be expected.
- C. During weather emergencies when the volume of accidents becomes too burdensome, normal accident reporting may be curtailed in order to expedite the flow of traffic during treacherous road conditions.
- D. The emergency accident reporting plan provides for an alternative reporting procedure during weather emergencies, providing that the accident meets all of the following criteria:
 - 1. Non-injury accident;
 - 2. All vehicles involved are able to be driven; and
 - 3. No alcohol/drug use is suspected.
- E. The emergency accident reporting plan can only be activated by the Patrol Division commander, his/her designee, or higher competent authority.

1. Upon activation of the emergency accident reporting plan, the communications dispatcher will be notified.
 - a. The communications dispatcher will inform the news media of the emergency accident reporting plan and request news media to pass the reporting guidelines on to the public.
 - b. Communications dispatchers will advise people calling in to report accidents of the emergency accident reporting guidelines.
2. The emergency accident reporting guidelines shall require the persons involved to:
 - a. Exchange driver's, vehicle, and insurance information with all persons involved; and
 - b. File a written report at the Sedgwick County Sheriff's Office, Patrol Division, 3rd floor, within seventy-two (72) hours.
3. The first-watch and second-watch patrol supervisors will make available a deputy, if needed, to process accident reports during their respective watches at the Patrol Division office.
 - a. Special office hours will be from 0700 hours to 2300 hours until the emergency accident reporting plan is terminated.

63.1.3 FIRST DEPUTY ON THE SCENE, RESPONSIBILITIES

A. Protection of the Accident Scene

1. The patrol vehicle should be parked to provide the greatest protection for: the persons and property involved, lighting of the accident scene, and protection of the investigators and evidence.
2. The patrol vehicle shall be placed where it will be a minimal traffic hazard with respect to the conditions stated above.

B. Injuries

1. Check for injured persons at all accidents;
2. Evaluate the extent of injuries and request emergency medical assistance; and
3. Render first aid to the injured parties as necessary.

C. Special Circumstances

1. Protection of the scene should be augmented by flares and other precautionary devices, being mindful of the dangers of fire and/or hazardous materials.
 - a. If there has been a hazardous materials incident, refer to section [66.1.7](#) for guidelines.
 - b. If there is a potential fire hazard or if specialized tools are needed for extrication of persons, then the fire department should be requested.

2. The first deputy at the scene should request additional deputies to respond if the deputy determines the need for major traffic control.

D. Locate Principals

1. Locate and isolate all drivers, passengers and witnesses; and
2. Direct all non-essential personnel from the immediate area.

E. Vehicle Removal

1. Prepare for removal of vehicles and debris from the road as soon as possible; and
2. Assure that any person removing a wrecked or damaged vehicle from the highway removes any glass or injurious substance dropped upon the highway from such vehicle (K.S.A. 8-1583 (c)).

63.1.4 INVESTIGATIVE RESPONSIBILITY

- A. To ensure that all required tasks are carried out at the scene of an accident, the first responding deputy will be responsible for the investigation until relieved by:
 1. A supervisor;
 2. The deputy assigned to the response zone where the accident occurred; or
 3. The deputy directed to investigate the accident by a supervisor.
- B. A uniformed deputy upon arrival at any accident scene shall either investigate the accident or, if another law enforcement agency of competent jurisdiction is already conducting an investigation, shall assist that agency if needed.

63.1.5 AT-SCENE ACCIDENT INVESTIGATION

- A. Although every accident is unique, there is a minimum number of investigative requirements that the accident investigator shall perform, regardless of the severity of the accident:
 1. Locate and interview the principals of the accident. A written statement should always be gathered from them, unless they are physically incapable of providing a statement.
 - a. These statements shall be recorded upon the appropriate forms and are required to be filled out completely.
 - b. The deputy shall request the principals to provide adequate documentation of the information requested on the forms.
 - c. When property other than motor vehicles is damaged, a written statement should be obtained from the property owner. The statement should include the amount of the property damage and a description of the damage incurred.
 2. Examine and record information from all vehicles involved:
 - . All pertinent registration numbers;

- a. Vehicle damage; and
 - b. Pre-accident vehicle defects.
 - 3. Make sure that all the principals have exchanged their names, addresses phone numbers, vehicle registration number, driver's license information, and motor vehicle insurance information.
 - 4. If, during the course of the investigation, any violations of the law are discovered, the deputy should take appropriate law enforcement action. (Refer to section [63.1.9.](#))
- B. Those accidents involving death, personal injury, Sheriff's Office vehicle damage or property damage of one thousand dollars (\$1000.00) or more may require additional investigative steps:
- 1. Locate, examine, and document all evidence of a short-lived nature from the vehicle(s) and roadway.
 - a. Photograph all evidence of a short-lived nature immediately.
 - b. Make appropriate diagrams with measurements to record the location of evidence upon the roadway in order that a detailed diagram can be made.
 - c. Collect and preserve any evidence of a short-lived nature.
 - 2. Take the measurements necessary to record the entire accident scene to include, but not be limited to:
 - a. Roadway dimensions and layout;
 - b. Vehicle placement(s);
 - c. Location of traffic control devices;
 - d. Evidence other than short-lived evidence; and
 - e. Location of other objects which may have been a contributing factor in the accident (e.g., ditches, trees, buildings, hills, etc.).
 - 3. The following photographs will be taken on all accidents involving death, life threatening injuries, and Office vehicles, or as directed by a supervisor:
 - a. Photographs depicting the information recorded in section 2 above;
 - b. Vehicle damage; and
 - c. Photographs depicting the driver's approaching view to the point of impact.
 - 4. Evidence that can assist the investigator in determining vehicle movements, occupant placements, vehicle identification, drivers' impairment, and other causative factors, shall be documented and collected.
- C. Traffic accidents involving any Sheriff Office employee, that occur on or off duty, and result in code red or more serious injuries, will not be worked by the Sedgwick County

Sheriff's Office. If the accident occurs within the city limits of Wichita, the Wichita Police Department will be called to work the accident. If the accident occurs in Sedgwick County, the Kansas Highway Patrol will be called to work the accident.

1. No deputy will investigate an accident that he/she is involved in.
2. Any employee involved in a traffic accident while operating an Office vehicle shall:
 - a. Notify the communications dispatcher by the quickest means available;
 - b. Render aid as needed and protect the scene by use of emergency lighting, flares, cones, and other precautionary devices as needed;
 - c. If circumstances permit, refrain from moving any of the vehicles involved until the at-scene investigation is completed;
 - d. The employee involved in the accident will cooperate fully with the investigating agency.
 - e. A miscellaneous report/miscellaneous public case will be filed with the records section as soon as possible. The Sedgwick County Sheriff's Office will be listed as the victim.
3. A patrol supervisor will respond to the scene of all accidents involving Office vehicles, unless extenuating circumstances arise.
 - a. The patrol supervisor will evaluate the scene, statements, and reports.
 - b. The supervisor will write a deputys report containing his/her opinions as to the causations, damage, and fault in the accident.
 - c. The supervisors report will be directed to the accident review board and submitted directly to the Patrol Division Commander.
4. The employee and his/her immediate supervisor will complete the risk management vehicle accident report (PS191) prior to the end of the employees watch. It will be delivered to the Patrol Division office no later than 0800 hours the next business day.
 - a. If the employee receives any injury as the result of the accident, the risk management [on-the-job injury report](#) (PS219) will be completed and submitted in the same manner.
5. Copies of all reports involving accidents with Sheriff Office vehicles will be routed as follows:
 - a. Patrol Commander
 - b. Records
 - c. Risk Management Officer; and
 - d. The employees division commander.

6. All employees who sustain an on the job injury will be sent to an appropriate medical facility for treatment or testing. Since treatment or testing is done at Office expense employees may not decline to be examined by a qualified medical practitioner when directed to do so by their supervisor. If such minimal injury exists, the employees immediate supervisor will decide whether medical attention is needed. If such attention is not sought, the supervisor will document the waiver of treatment.
- D. All personnel, while in an off duty status excluding clerical positions, involved in an accident with injuries coded by EMS as Red or worse shall do the following, if possible. Request a Sedgwick County Road Patrol supervisor respond to the scene if the accident occurs within Sedgwick County. The patrol supervisor will evaluate the scene, statements, and reports. The supervisor will write a deputy's report containing his/her opinion as to the causation, damage, and fault in the accident. Accidents occurring in the unincorporated areas of Sedgwick County will be investigated by the Kansas Highway Patrol.

63.1.6 ACCIDENT INVESTIGATION FOLLOW-UP

- A. The Sedgwick County Sheriff's Office will perform follow-up efforts on all accidents requiring post-scene investigation:
 1. Accidents involving death, life threatening injuries, hit and run, and Office vehicles;
 2. Whenever additional information is acquired that would warrant a re-examination of the facts previously reported in the accident; or
 3. Upon the request of various entities such as, but not limited to: the office of the district attorney, the accident review board, etc., and only at the direction of the Patrol Division commander.
- B. It is the responsibility of the investigating deputy to perform or direct the follow-up investigation efforts. These efforts may include, but not be limited to:
 1. Obtaining recorded interviews with the principals involved; and
 2. Re-examining the vehicles and accident scene.
- C. The investigating deputy will review all written and typed reports pertaining to the investigation, to include any toxicological and autopsy reports if applicable.
 1. The review will ensure that all reports have been accurately and completely filled out.
 2. The deputy will decide if he/she has probable cause to believe any violations of the law have occurred, and take appropriate law enforcement action. (See section [63.1.9](#)).

63.1.7 EXPERT ASSISTANCE

- A. **(R)** If a motor vehicle accident involves a life threatening or fatal injury and if there is a possibility that charges will be filed, the supervisor will request a specially trained accident investigator and a detective. A forensic investigator may be called if needed.
 - 1. If the assistance requires specially trained personnel from outside the Sheriff's Office, their assistance can be requested and the supervisor will advise the Patrol Division commander.
- B. **(R)** All follow-up actions will be transferred to the Investigations Division. A detective will be assigned to the case to investigate.
- C. The Patrol Division commander shall select deputies from within his/her division to form a specialized accident investigating unit.
 - 1. These deputies will undergo additional training, at the direction of the Patrol Division commander, in accident investigation techniques.
 - 2. These deputies will respond to all fatality accidents and any other accident scene upon the request of a patrol supervisor.

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63.1.8 ACCIDENT INVESTIGATION EQUIPMENT

- A. Sedgwick County Sheriff's Office patrol vehicles will be equipped with basic accident investigation equipment in addition to the equipment specified in section [41.2.12](#):
 - 1. A wrecking bar or extrication tool; and
 - 2. An accident investigation kit, which will include a sufficient number of accident report forms (including a coding manual), a marking crayon, and a traffic template.
- B. Deputies in the specialized accident investigating unit will be equipped with the following equipment in addition to that specified in section 63.1.8.
 - 1. Ten (10) ft. cord
 - 2. One hundred (100) ft. tape measurer.
 - 3. Scale
 - 4. Drag sled
 - 5. Camera
 - 6. Ten (10) red evidence cones
 - 7. Inverted tip marker (spray paint)
 - 8. Wire marker flags

63.1.9 ENFORCEMENT ACTION

- A. When the investigating deputy detects a violation of a traffic law and evidence exists to satisfy all the elements of the violation, the deputy shall take appropriate steps to ensure that enforcement action is taken against the violator.
- 1. [K.S.A. 8-2109](#) grants the deputy authority to issue a traffic citation or make an arrest when based upon personal investigation and the deputy has reasonable and probable grounds to believe that the violator has committed any offense under the provision of statutes in connection with the accident; however an individual cannot be arrested for committing a traffic infraction alone.
- 2. The investigating deputy will prepare and submit an affidavit, in lieu of issuance of a traffic citation, for charges including but not limited to :
 - a. Vehicular homicide;
 - b. Vehicular battery; and
 - c. Violations of the habitual violator act.
- 3. In the event that a death occurs or death is probable as the proximate result of a motor vehicle accident, no charges will be filed or citations issued, pending a review of the accident and consultation with the office of the district attorney.
- B. The investigating deputy may take law enforcement action in an accident occurring upon private property for the following violations of state statutes:
 - 1. Reckless driving;
 - 2. D.U.I.;
 - 3. Attempt to evade and elude;
 - 4. Hit and run; and
 - 5. Liability insurance violations, except that the private property must be open to use by the public.

63.1.10 PRIVATE PROPERTY ACCIDENTS

- A. Accidents occurring on private property will be handled in the same manner as that described in section [63.1.1](#).
- B. The deputy will advise the records clerk when generating a case whether the accident occurred upon a roadway or private property, and provide the information requested by records.