



**Policy Number: 501 – Traffic Accidents**  
**Effective Date: December 30, 2020**  
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**Approved By: Brandon Gatlin, Interim Chief of Police**

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## **501.1 PURPOSE AND SCOPE**

This policy provides guidelines to officers from the Montana State University Billings Police Department (Department) for responding to and investigating traffic accidents.

## **501.2 POLICY**

It is the policy of this Department to respond to traffic accidents and render or summon aid to injured victims as needed. The Department will investigate and prepare reports according to the established minimum reporting requirements. The goal is to reduce the occurrence of accidents through identification of causes, education and law enforcement efforts. Unless restricted by law, traffic accident reports will be made available to the public, upon request.

## **501.3 RESPONSE**

Upon arriving at the scene, responding officer(s) should assess the need for additional resources and summon assistance as appropriate. Generally, the officer initially dispatched to the scene will be responsible for the investigation and report, if required, unless responsibility is reassigned by a supervisor.

A supervisor should be contacted when the incident:

1. Is within the jurisdiction of this Department and there is:
  - a. A life-threatening injury.
  - b. A fatality.
  - c. A State vehicle involved.
  - d. A State official or employee involved.
  - e. Involvement of an on or off duty member of this Department.
2. Is within another jurisdiction and there is:
  - a. A Montana State University Billings vehicle involved.
  - b. A Montana State University Billings official involved.
  - c. Involvement of an on duty member of this Department.

### **501.3.1 OFFICER RESPONSIBILITIES**

Upon arriving at the scene, the responding officer should consider and appropriately address:

- a. Traffic direction and control.
- b. Proper placement of emergency vehicles, cones, roadway flares or other devices if available to provide protection for officers, the public and the scene.
- c. First aid for any injured parties if it can be done safely.
- d. The potential for involvement of hazardous materials.
- e. The need for additional support as necessary (i.e. traffic control, emergency medical services, fire department, hazardous materials response, tow vehicles).
- f. Clearance and cleanup of the roadway.

## **501.4 NOTIFICATION**

If a traffic accident involves a life-threatening injury or fatality, the responding officer shall notify their supervisor and/or Command Staff as soon as practicable.

### **501.4.1 NOTIFICATION OF FAMILY**

In the event of a life-threatening injury or fatality, the supervisor responsible for the incident should ensure notification of the victim's immediate family or coordinate such notification with the Coroner. Notification should be made as soon as practicable following positive identification of the victim. The identity of any person seriously injured or deceased in a traffic accident should not be released until notification is made to the victim's immediate family, and at the direction of the Chief of Police, or their designee.

## **501.5 MINIMUM REPORTING REQUIREMENTS**

An accident report shall be taken when:

1. A fatality, any injury (including complaint of pain), driving under the influence or hit-and-run is involved (§ 61-7-109, MCA; § 61-8-401, MCA).
2. An on-duty member of Montana State University Billings is involved.
3. The accident results in any damage to any State-owned or leased vehicle.
4. The accident involves any other public agency driver or vehicle.
5. There is damage to public property (§ 61-7-107, MCA).
6. There is damage to any vehicle to the extent that towing is required.
7. There is property damage of at least \$1,000 (§ 61-7-109, MCA).
8. Prosecution or follow-up investigation is contemplated.
9. Directed by a supervisor.

### **501.5.1 PRIVATE PROPERTY**

Generally, reports should not be taken when a traffic accident occurs on private property unless it involves an injury or fatality, a hit-and-run violation or other traffic law violation. Officers may provide assistance to motorists as a public service, such as

providing a Vehicle Accident Exchange Form for exchanging information and/or arranging for the removal of the vehicles.

### **501.5.2 STATE VEHICLE INVOLVED**

A traffic accident report shall be taken when a State vehicle is involved in a traffic accident that results in property damage or injury.

A general information report may be taken in lieu of a traffic accident report at the direction of a supervisor when the incident occurs entirely on private property or does not involve another vehicle.

Whenever there is damage to a State vehicle, a vehicle damage report shall be completed and forwarded to the Assistant Chief of Police. The officer or supervisor at the scene should determine what photographs should be taken of the scene and the vehicle damage.

## **501.6 INVESTIGATION**

When a traffic accident meets minimum reporting requirements the investigation should include, at a minimum (§ 61-7-111, MCA):

1. Identification and interview of all involved parties.
2. Identification and interview of any witnesses.
3. A determination of whether a violation of law has occurred and the appropriate enforcement action.
4. Identification and protection of items of apparent evidentiary value.
5. Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence, reporting) on the appropriate forms.

### **501.6.1 INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY**

Officers should request assistance from an outside law enforcement agency to investigate and complete a traffic accident investigation when a life-threatening traffic accident occurs within the jurisdiction of the Montana State University Billings Police Department.

Department members shall promptly notify a supervisor when any Department vehicle is involved in a traffic accident outside the jurisdiction of the Montana State University Billings Police Department. The accident investigation and report shall be completed by the agency having jurisdiction.

## **501.7 ENFORCEMENT ACTION**

After a thorough investigation when physical evidence or independent witness statements indicate that a traffic law violation contributed to the accident, officers may issue a citation or arrest the offending driver, as appropriate.

More serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced. If a driver who is subject to enforcement action is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

## **501.8 REPORTS**

Department members shall utilize forms approved by the Montana Department of Justice (MTDOJ) Motor Vehicle Division as required for the reporting of traffic accidents. All such reports shall be forwarded to the Billings Police Department for filing (§ 61-7-111, MCA).

### **501.8.1 REPORT MODIFICATION**

A change or modification of a written report that alters a material fact in the report may be made only by the officer who prepared the report, and only prior to its approval and distribution. Once a report has been approved and distributed, corrections shall only be made by way of a written supplemental report. A written supplemental report may be made by any authorized officer.

(Cancels and Replaces 105.6 - Accident Investigation; 105.6.1 – State of Montana Incident Report Form; and 105.6.2 – Vehicle Accident Exchange Form)