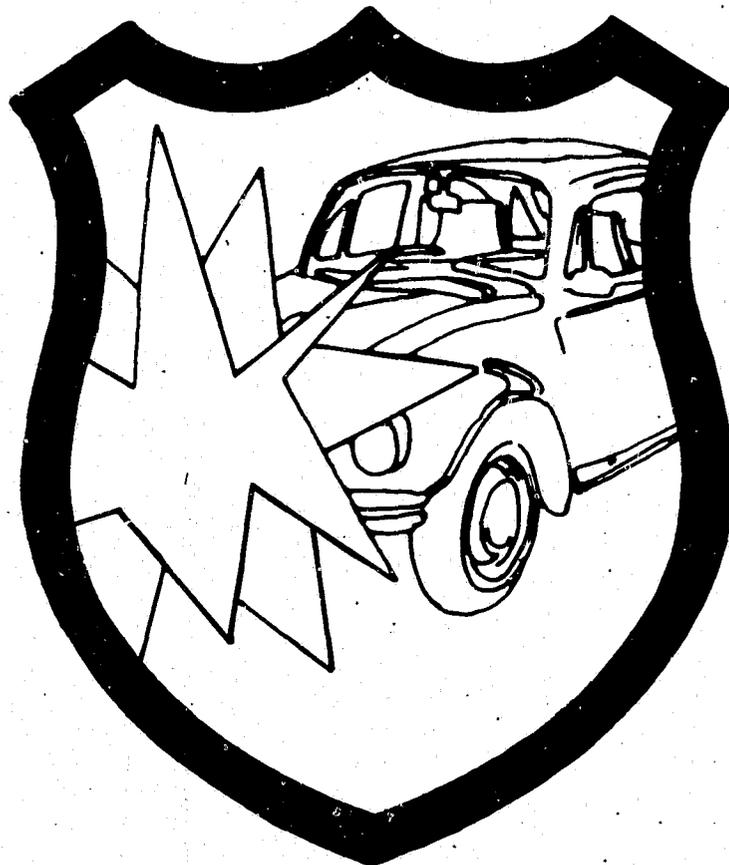


63358



COLLISION MANAGEMENT PROCEDURES

PART 9 Taking Law Enforcement Action



63358



Distributed by the
MARYLAND POLICE TRAINING COMMISSION
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ACKNOWLEDGEMENTS

The Maryland Police Training Commission would like to acknowledge the assistance of the following persons and organizations in their effort to develop training tools which are appropriate for the entrance-level student officer.

In the development of the materials, special recognition goes to:

Officer Bruce Elliott
Sgt. Larry Johnston
Officer William Kehne
Agent Phillip Reid

Prince George's County Education & Trng. Division
Baltimore Police Department-Traffic Division
Baltimore County Police Department-Trng. Division
Baltimore Police Department-Education & Trng. Center

The Police Training Commission would also like to recognize the Training and Education Center of Baltimore Police Department, the Education and Training Division of Prince George's County Police Department, and the Training Division of Baltimore County Police Department for their assistance in the administration and implementation of the pilot programs.

The Police Training Commission would also like to thank all of those individuals and their departments for participating in the pilot programs and for their contributions in the evaluation of the self-instructional units.

Below are the sites, dates and a listing of departments who participated in the pilot programs:

Baltimore City Police Academy - 9/29/75-11/21/75

Aberdeen Police Department
Baltimore County Sheriff's Office
Bowie State College
Brunswick Police Department
Cecil County Sheriff's Office
Coppin State College
Department of General Services
Harford County Sheriff's Office
Md. Center for Public Broadcasting
Mass Transit Administration
Military Department of Maryland
North East Police Department
University of Maryland-Baltimore County Campus

Salisbury, Maryland - 10/6/75-12/2/75

Cambridge Police Department
Centreville Police Department
Chestertown Police Department
Crisfield Police Department
Denton Police Department
Easton Police Department
Federalsburg Police Department
Fruitland Police Department
Hurlock Police Department
Kent County Sheriff's Office
Ocean City Police Department
Pocomoke City Police Department
Queen Anne's County Sheriff's Office
Queenstown Police Department
Rock Hall Police Department
Salisbury Police Department
Salisbury State College
Talbot County Sheriff's Office
University of Baltimore

Prince Georges County - 10/14/75-12/15/75

Armed Forces Police
Bladensburg Police Department
Brentwood Police Department
Calvert County Sheriff's Office
Charles County Sheriff's Office
Cheverly Police Department
GSA-Office of Buildings and Grounds
Hyattsville Police Department
Md. National Capital Park Police
Mt. Rainier Police Department
Riverdale Police Department
St. Mary's County Sheriff's Office
Takoma Park Police Department
University Park Police Department
Washington County Sheriff's Office

A special recognition should go to the Criminal Justice Resource Center of the Police and Correctional Training Commissions for the design on each of the self-instructional unit covers.

A special thanks goes to the University of Maryland University College, Conferences and Institutes Division for their administration of the project and to Dr. Peter Esseff and his staff at "Educational Systems for the Future" for their development of the self-instructional units.

This publication was prepared under a grant from the Division of Transportation Safety, Maryland Department of Transportation and the National Highway Traffic Safety Administration, United States Department of Transportation under project number PT 75-471-4.

The opinions, findings and conclusions expressed in this publication are those of the authors and not necessarily those of the State of Maryland or the National Highway Traffic Safety Administration.

XI

COLLISION MANAGEMENT PROCEDURES, PART IX: "TAKING LAW ENFORCEMENT ACTION"

ABSTRACT

This unit is designed to review with the student what laws are applicable from Article 66.1/2 to the collision scene. The unit discusses the attitudes towards law enforcement action which should be taken at the scene. The unit provides a review of traffic accident law enforcement policy and procedures.

BEHAVIORAL OBJECTIVES

Identify the requirements for law enforcement action at the scene of an accident, to include:

- Attitudes of the police and the public toward at-the-scene law enforcement action
- Traffic accident law enforcement policy and procedures

Familiarize the trainees with the requirements for concluding accident management activities.

XI

COLLISION MANAGEMENT PROCEDURES IX

Taking Law Enforcement Action

Attitudes Toward Law Enforcement Action at the Accident Scene

The patrolman should be mindful that enforcement action at the scene of an accident, where warranted, is a primary objective of accident investigation. The opportunity to take law enforcement action at the scene must not be overlooked, for in a majority of traffic accident cases, at least one driver is guilty of committing one or more traffic violations.

In the case of an apparent accident causing violation, the law enforcement action taken by the patrolman at the scene provides a singular opportunity to show people the direct connection between an alleged traffic violation and an accident. More specifically, the violator may be informed of the alleged violation he has committed, understand how it may have contributed to the resultant injury and property damage, and know that he is accountable to the public for his actions on the highway.

Accident scene law enforcement action will also have a deterrent effect on those parties not directly involved in the accident and cause them to be more conscious of their driving behavior. Accident scene law enforcement

action will support the accident prevention program by identifying accident susceptible individuals and enabling the "point system" to work effectively in causing suspension/revocation of chronic traffic offender's driving licenses.

The patrolman should never assume that once a violation has been found, that this is the end of his enforcement responsibilities. He should be alert to detect multiple violations (possibly involving more than one principal) and take the appropriate law enforcement action for each offense. The concern should be with detecting and enforcing not only "hazardous violations" that may have contributed to the accident, but other law violations that are incidental to the accident (e.g., unauthorized use, stolen merchandise, defective equipment, etc.).

Public Attitude

The public oftens expects that since there was injury and property damage associated with an accident, that sympathy and kindness should be forthcoming from the patrolman, not a citation or an arrest. Again, the patrolman is in a unique position to inform the public through his at-the-scene law enforcement efforts, that sympathy and kindness would not be necessary if a hazardous traffic violation had not been committed in the first place. Furthermore, the patrolman has a sworn obligation to uphold and enforce the law, no matter what the circumstances.

Traffic Accident Law Enforcement Policy and Procedures

1. "On-view" Versus "Investigative" Enforcement

Normally, the patrolman takes law enforcement action as a result of observing the commission of an infraction and being able to account for all the elements of the offense. This has been termed "on-view" enforcement.

A thorough traffic accident investigation, among other things, enables the patrolman to "discover" a violation by uncovering the elements of a contributing or associated offense. This has been termed "investigative" enforcement. Support for the discovery of a violation will come from all accumulated evidence, namely, the patrolman's observation of driver/pedestrian condition and the physical conditions and circumstances surrounding the accident, as well as the statements of witnesses, passengers, and drivers as to what happened.

2. Violations at the Scene of an Accident

The patrolman should be particularly attentive to uncover evidence to support the commission of the following violations frequently associated with traffic accidents:

- Speed too fast for conditions
- Failure to yield right-of-way
- Failure to keep safe distance (following too closely)
- Drove left of center
- Made improper turn
- Improper overtaking
- Improper lights; defective brakes or steering
- Ignored traffic control device
- Drove while under the influence of alcohol or drugs.

3. Support for Taking Law Enforcement Action

In addition to the statements forthcoming from people at the scene of an accident, the physical evidence present can provide additional support for taking law enforcement action. Listed below are several categories of traffic violations along with possible sources of information to support law enforcement action.

- Hazardous violations
 - Speeding
 - Minimum speed can be estimated from any skidmarks present
 - Traffic signs, signals, and markings
 - Can be supported by the location of skidmarks and/or the point of impact
 - Right-of-way, wrong side, wrong way, overtaking
 - Can be indicated by the location of skidmarks or tire prints associated with the offending vehicle, or the position of debris locating the key event
 - Driving under the influence of alcohol or drugs
 - Patrolman's observation of behavior to support reasonable grounds/probable cause for arrest; pre-arrest breath screening test, if used
 - Physical evidence of use
 - Following (too closely)
 - Relative positions of vehicles and nature of damage sustained
 - Location of skidmarks present
 - Defective brakes
 - Test skids conducted/brake tests

- **Non-hazardous/other violations**
 - **Inspection/testing of vehicle components**
- **Criminal acts**
 - **Unauthorized use/stolen vehicle**
 - **Registration check**
 - **Stolen merchandise**
 - **Vehicle contents/debris on roadway.**

4. Taking Law Enforcement Action

The procedures for taking law enforcement action (e.g., making traffic arrests, issuing citations and warnings) at the scene of an accident are basically the same as for any roadside situation. In the case of an arrest for driving under the influence of alcohol or drugs, the patrolman should consider requesting outside police assistance to process the suspect (e.g., booking, charging, chemical tests at headquarters) while he remains on the scene. If the patrolman has taken law enforcement action at the scene, he should make it clear to the individual(s) involved that such action was not taken as punishment for being involved in a traffic accident, but for violating a specific law. The time taken to explain this point will do much for furthering good public relations. If a citation has been issued, the patrolman should be sure that the violator knows why he was cited and what his obligations are regarding fines and/or court appearances, before the violator leaves the scene.

The patrolman should not engage in a discussion, merely determine if a law has been violated. If there is sufficient evidence then its charge shall be laid. Point out that there is a fine line between being compassionate and cruel at the time of accident.

Remember that proper charging will lead to proper remedial action.

Terminal Accident Management Activities

Any law enforcement action taken at the scene of an accident normally terminates the patrolman's major accident management responsibilities. However, before leaving the scene of an accident, he should be sure to accomplish or arrange for the accomplishment of the following tasks:

- Verify that all requisite forms have been completed and distributed, as the case may be.
- Ensure that all physical evidence collected has been properly marked and stored.
- Return the license, registration, and all other official documents to those individuals who may leave the scene. Be sure to offer directions to those who may not know the way to resume their journey.
- Verify that all the personal property of injured or deceased individuals is properly marked and safeguarded for transport.
- Check to see that all of the patrolman's equipment (e.g., tape measure, blanket, flashlight, etc.) has been returned to the patrol car.
- Verify that the roadway is in such a condition as to allow for safe passage of traffic. Where serious damage has been done to the roadway and repair will be delayed, the area should be conspicuously marked (flares, barricades, lanterns) to allow safe passage of traffic. Report all damage done to traffic-way equipment/facilities (especially traffic control devices) so that prompt repair may be effected. Remove all hazardous debris including disabled vehicles, from the road. Remove and dispose of all warning signals (flares, fusees) no longer serving a useful purpose. Report to the dispatcher before leaving the accident scene.

Directions: Circle the letter of the one item which best completes the following statements.

1. In the case of an apparent accident causing violation, the violator:
 - a. does not necessarily have to be informed of the alleged violation he has committed
 - b. should be informed how it may have contributed to the resultant injury and property damage
 - c. neither of the above
 - d. both of the above.

2. When a patrolman takes law enforcement action as a result of observing the commission of an infraction and being able to account for all the elements, is a definition of:
 - a. on-view enforcement
 - b. investigation enforcement
 - c. accountability
 - d. all of the above.

3. The location of skid marks can support taking law enforcement action in which of the following situations:
 - a. speeding
 - b. wrong side
 - c. following too closely
 - d. all of the above

4. If the patrolman has taken law enforcement action at the scene of an accident, he should make it clear that such action:
 - a. was taken as punishment for being involved in a traffic accident
 - b. was taken because a specific law was violated
 - c. was necessary to set an example for bystanders
 - d. all of the above .

5. Before leaving the scene, the patrolman should:
 - a. verify that all requisite forms have been completed and distributed
 - b. give receipts for official documents to all individuals
 - c. ensure that all physical evidence has been properly returned to its rightful owner
 - d. all of the above.

6. Before leaving the scene, the patrolman should report to:
 - a. the dispatcher
 - b. his supervisor
 - c. the fire station
 - d. all of the above .

Turn to the next page to check your answers.

KEY

1. b. should be informed how it may have contributed to the resultant injury and property damage.
(See page XI - 2)
2. a. on-view enforcement.
(See page XI - 4)
3. d. all of the above.
(See page XI - 6)
4. b. was taken because a specific law was violated
(See page XI - 8)
5. a. verify that all requisite forms have been completed and distributed
(See page XI - 9)
6. a. the dispatcher
(See page XI - 9)

END