

CHAPTER 1
RESPONSIBILITIES AND POLICIES

REVISED JULY 2024

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CHAPTER 1

RESPONSIBILITIES AND POLICIES

1. GENERAL RESPONSIBILITIES. Every law enforcement agency within the state of California having responsibility for traffic enforcement should document traffic crashes in accordance with the provisions of this manual.

2. REQUESTS FOR ASSISTANCE. For assistance regarding preparation of CHP traffic crash report forms, classification of traffic crashes, or other available services, contact the CHP, Enforcement and Planning Division, Collision Investigation Unit.

California Highway Patrol
Enforcement and Planning Division
Collision Investigation Unit
601 North 7th Street
Sacramento, CA 95811-0228
Phone: (916) 843-3455
Fax: (916) 325-4749

3. LOCAL AGENCY RESPONSIBILITY. For the significant reasons provided in the foreword of this manual, local agencies should document and report all crashes that occur within the scope of their responsibility in accordance with the provisions of this manual and California State law. If a city has contracted for traffic law enforcement services with another law enforcement agency, the contract agency has reporting responsibilities. Local agency responsibilities include:

- a. All motor vehicle traffic crashes, as defined in Chapter 2, Definitions and Classifications of Crashes, of this manual, occurring on highways within the jurisdiction of the law enforcement agency.
- b. All motor vehicle nontraffic crashes, as defined in Chapter 2, resulting in personal injury or death, involving a violation of Section 20002 of the California Vehicle Code (CVC), or involving driving while under the influence of alcohol and/or drugs within the jurisdiction of the law enforcement agency.
- c. All bicycle crashes occurring on highways within the jurisdiction of the law enforcement agency.

4. LOCAL AGENCY POLICY. This chapter may be adopted in whole or in part by local law enforcement agencies. If this chapter is not adopted in its entirety, local

agencies should, at a minimum, establish a reporting policy concerning documentation of the following:

- a. All crashes resulting in injury or death to any person pursuant to Section 20008 CVC.
- b. Property-damage-only traffic crashes.

NOTE: All law enforcement agencies with crash reporting responsibilities are encouraged to document as many crashes as possible. Data is essential in the identification of traffic safety problems and the development of crash prevention programs. Local policy will determine the degree of participation.

- c. Crashes involving an identifiable violation when prosecution will be sought.
- d. Bicycle crashes.
- e. Noninjury motor vehicle traffic crashes filed as a Counter Report, as defined in Section 20015 CVC, either reported in-person at the police facility or online through the law enforcement agency's website.
- f. Motor vehicle nontraffic crashes as defined in Chapter 2.

NOTE: When referring to this manual, and because CHP policy may differ from other agencies, the word "shall" may be substituted with "should" by these agencies according to their local policy.

5. CALIFORNIA HIGHWAY PATROL RESPONSIBILITY. The CHP shall document the following crashes:

- a. All motor vehicle traffic crashes, as defined in Chapter 2, occurring on freeways, except as provided in paragraph 6.a(6).
- b. All motor vehicle traffic crashes, as defined in Chapter 2, occurring on highways outside the limits of incorporated cities, except as provided in paragraph 6.a.(6).
- c. All motor vehicle nontraffic crashes, as defined in Chapter 2, resulting in personal injury or death, involving a violation of Section 20002 CVC, or involving driving while under the influence of alcohol and/or drugs outside the limits of incorporated cities and not within the boundaries of a military installation, National Park, or National Monument held under exclusive federal jurisdiction.

NOTE: For crashes occurring on federal lands and associated departmental responsibility, refer to Highway Patrol Manual (HPM) 100.67, Law Enforcement Assistance and Interjurisdictional Operations.

d. All school bus crashes as defined in Chapter 2. Additional school bus crash references include the following:

(1) Section 12517.1(a) CVC.

(2) Title 13, California Code of Regulations:

(a) Section 1219, School Bus Accidents.

(b) Section 1237, Reporting of Accidents.

e. All crashes occurring on state property patrolled as a function of the Department's Safety Services Program. For additional guidelines, refer to HPM 100.70, Safety Services Program Manual.

f. All bicycle crashes occurring on highways within the Department's geographical responsibility.

g. All crashes involving a state vehicle or departmental bicycle occurring within the limits of an incorporated city when local agency procedures do not require documentation of the crash.

(1) Pursuant to HPM 100.86, Risk Management Manual, a state vehicle includes a state-owned, a privately-owned, or a commercial rental vehicle being used on official state business.

(2) These crashes shall be documented as a Courtesy Report as defined in Chapter 2.

h. Specified crashes occurring within an allied agency's jurisdiction when a written mutual agreement or contract has been established with the Department. As a result of the agreement or contract, the Department has all reporting, distribution, and retention responsibilities. Consequently, those specified crash reports shall not be documented as Courtesy Reports as defined in Chapter 2.

6. CALIFORNIA HIGHWAY PATROL POLICY.

a. Forms and Procedures.

(1) Documentation of crashes shall be made using the CHP 555, Traffic Crash Report, in accordance with the provisions of this manual and CHP policy.

(2) Crash investigations shall be documented in either Complex or Routine Crash Investigation format according to the provisions of this manual. Whichever documentation format is used, it is expected that the completed crash report will exemplify the best possible crash investigation and report writing techniques. The crash report shall lead to logical conclusions based upon the facts of the investigated crash. As necessary, additional headings may be inserted into the narrative of either format of a crash report to thoroughly document details specific to the crash and/or establish the elements of an offense.

NOTE: To emphasize the importance that all crashes need to be fully investigated by the Department, the terms "Complex Crash Investigation" and "Routine Crash Investigation" have replaced the preexisting "Investigation format" and "Report format" terms.

(3) The CHP 555 should be the primary investigative document when a crash investigation results in an in-custody arrest or recommendation for a criminal charge.

(4) A crash report shall not reference or direct the reader to refer to an arrest-investigation report or its associated file number. Crash reports shall not contain confidential information that shall otherwise be included in the arrest-investigation report.

NOTE: A crash report may refer the reader to another crash report and/or reference another crash report number if the crashes are directly related by a primary or associated factor. Refer to General Order (GO) 110.2, Release of Collision Information.

(5) Confidential and/or sensitive documents (i.e., Driver License or Vehicle Registration printouts from California Law Enforcement Telecommunications System [CLETS]) shall not be included or attached to a crash report. Such information should be attached to an arrest-investigation report and/or booked into evidence. Policy pertaining to CLETS is contained within HPM 40.4, Information Security and Administration Manual.

(6) If the individuals involved in a property-damage-only crash insist on exchanging the required information in lieu of a formal crash report, the parties will be allowed to do so after the uniformed personnel at the scene have advised them of the financial responsibility requirements of Section 16000 CVC. However, uniformed personnel shall not solicit individuals to exchange required information or to complete a Counter Report in lieu of a formal crash report.

b. Documentation Standards.

(1) All crash investigators shall document crashes according to the provisions of this manual, in compliance with current policy and commensurate with their level of training.

(2) Each crash investigator has the responsibility to develop report-writing and investigative skills that will lead to high-quality, professional documentation of crashes. Regardless of format, crash documentation shall be factual, accurate, clear, concise, complete, and timely, and answer the questions of who, what, when, where, why, and how, in a chronological manner, according to the provisions of this manual.

(3) The report examples contained in Chapter 14, Examples of Completed Traffic Crash Documentation, of this manual, represent the minimum level of documentation required. This includes proper formatting, content, and level of quality expected of crash investigators.

c. Area Commander Responsibilities.

(1) Area commanders shall ensure area personnel can identify those specific crashes which require Multidisciplinary Accident Investigation Team (MAIT) utilization and initiate the procedure to request MAIT. Refer to Annex A, Criteria for Requesting Multidisciplinary Accident Investigation Team Assistance.

NOTE: For all MAIT-related policy, refer to HPM 110.1, Multidisciplinary Accident Investigation Team Operations Manual.

(2) To enhance the high-quality, professional standards of crash investigations, Area commanders should encourage all officers and sergeants to complete the Intermediate Crash Investigation course. Additionally, Area commanders are strongly encouraged to support uniformed personnel who demonstrate a particular interest in advanced crash investigation methodologies with enrollment in the Advanced Crash Investigation course, the Traffic Crash Reconstruction series, and the Traffic Crash Reconstruction Specialist Certification (TCRSC) Program.

(3) Area commanders shall ensure sufficient levels of review exist and that all completed crash reports are high-quality, professional products. Therefore, Area commanders are responsible for strict adherence to the procedures contained in this manual. Area commanders or their designee shall review and approve all fatal injury crash reports.

(a) When the techniques used by the crash investigator are beyond the level of training of the reviewer, the Area commander shall ensure the crash report is reviewed by a departmental employee with an equal or greater level of training.

(b) Use of traffic crash reconstruction methodologies or analyses shall be restricted to MAIT personnel under the guidance of the appropriate Division MAIT.

1 When reconstruction methodologies are used by qualified personnel, the Area commander shall require those methodologies be reviewed in accordance with HPM 110.1.

2 Area Commanders are strongly encouraged to allow departmental employees to assist their Division's MAIT during investigations conducted within their Area. This will expose those employees to advanced crash investigation methodologies and the TCRSC Program and will enable them to further develop as traffic crash investigators.

(4) Area commanders shall institute procedures for the timely submission of crash reports, regardless of format, to emphasize the need to prepare, review, and approve these investigations within the appropriate completion time frame prescribed in this chapter. However, the unique investigatory and documentation needs (e.g., follow-up investigation, complexity of the diagrams, number of parties involved) of each crash should be considered.

(a) The crash investigator shall make every effort to submit crash reports in a timely manner. If more time is needed for a thorough investigation, the crash investigator shall request additional time from their immediate supervisor. If warranted, the supervisor should approve the request, provide a reasonable time frame for expected completion, and advise the Area crash reviewer.

1 Routine Crash Investigation reports should normally be submitted for review within five business days of the notification date and shall normally be available to the public within eight business days.

2 Complex Crash Investigation reports should normally be submitted for review within ten business days of the notification date and shall normally be available to the public within 15 business days.

3 Crashes involving a fatal injury should normally be submitted for review within 20 business days and shall normally be available to the public within 30 business days.

4 Crash investigations that will have a MAIT-authored report attached shall not be approved by the Area without concurrence from the appropriate MAIT.

(5) Pursuant to Section 7663 of the California Public Utilities Code, any departmental or designated local public safety agency response to a “railroad accident” shall be reported to the California Governor’s Office of Emergency Services. For notification procedures, refer to GO 100.80, Notification and Report of Emergency Incidents and Significant Events.

(6) Area commanders shall be responsible for establishing a system of administrative review and control to ensure all prosecution resulting from crash investigations conform to standards set forth in this manual.

7. COMPLEX CRASH INVESTIGATION. A crash shall be documented in a Complex Crash Investigation format, as outlined in this manual, when one or more of the following conditions are met:

- a. A motor vehicle crash resulting in the death of a person on or off a highway.
- b. A motor vehicle traffic crash or a solo on-highway bicycle crash resulting in a suspected serious injury.
- c. A school bus crash as defined in Chapter 2.
- d. All crashes that result in an in-custody arrest resulting from the cause or a consequence of the crash event itself. For example, a crash results in an arrest for Section 23152 CVC per Section 40300.5(a) CVC (regardless of fault).

NOTE: Violations and charges filed by the crash investigator that are not directly related to the cause or consequence of the crash event (e.g., driver license violations, assault and battery after the crash, possession of a controlled substance, domestic violence, an arrest for an outstanding warrant) do not require use of the Complex Crash Investigation format unless a qualifying requirement has been met.

e. An involved party has not fulfilled the requirements pursuant to Section 20001 CVC. This includes all levels of injury.

f. An involved party has not fulfilled the requirements pursuant to Section 20002 CVC, on or off the highway, and the identity of the driver has been established through a thorough investigation. For example:

- (1) A witness to the crash recorded the license plate number of the hit-and-run vehicle and identified the driver.

(2) A video recording showing the hit-and-run vehicle and the face of the driver was obtained, and subsequent investigation led to the identification of the driver.

g. Any vehicle that is used on official state business (e.g., state-owned, privately owned, commercial rental) or a departmental bicycle is involved in a crash.

h. When the crash investigator, supervisor, or manager recognizes that the crash may warrant a more thorough investigation based on the totality of circumstances, it shall be documented in the Complex Crash Investigation format. Such circumstances may include possible fraud, significant liability, or a higher probability of a more serious injury that is not readily apparent.

8. ROUTINE CRASH INVESTIGATION. A crash shall normally be documented in a Routine Crash Investigation format, as outlined in this manual, if none of the Complex Crash Investigation format conditions are met. Conditions for using a Routine Crash Investigation format include the following:

a. A crash involving property damage only (includes vehicle fire while in transport).

b. A crash involving damage to private property when the driver is unable to notify the property owner (in compliance with Section 20002 CVC) but notifies the law enforcement agency with jurisdictional authority without unnecessary delay.

c. A crash involving a driver who committed a violation of Section 20002 CVC and the driver remained unidentified despite a thorough investigation.

d. A motor vehicle traffic crash, as defined in Chapter 2, where the highest level of injury is a suspected minor injury or possible injury.

e. A motor vehicle nontraffic crash, as defined in Chapter 2, involving a nonfatal injury.

f. A "Late-Reported" crash, as defined in Chapter 2, involving a nonfatal injury.

g. A crash that is not otherwise included within the categories of a Complex or Routine Crash Investigation (e.g., a private property crash involving property damage only) and an individual requests documentation. The departmental employee shall advise the individual of the following:

(1) Documentation by law enforcement is not required.

(2) The financial responsibility requirements of Section 16000 CVC if applicable.

(3) Documentation may be made by completing a Counter Report at a CHP office or online.

NOTE: If the individual still requests formal documentation, the crash should be documented on the CHP 555.

9. FILING OF COMPLAINTS.

a. Prosecution. Recommendations for prosecution shall be based on a thorough investigation with adequate documentation of evidence and/or statements to support all necessary elements of any offense.

b. Complaint Criteria. Each complaint sought against an individual resulting from a crash investigation shall meet the following criteria:

(1) The facts determined by the investigation shall constitute a violation of a specific statute.

(2) There shall be adequate evidence and/or statements to support each element of the offense.

(3) Applicable departmental enforcement policies shall be observed.

10. ISSUING OF CITATIONS.

a. A CHP 215, Notice to Appear, may be issued in either crash investigation format.

c. Pursuant to Section 40600 CVC, a CHP 215 may be issued to a party in the crash for being the cause of the crash or for contributing as an associated factor in the cause.

d. The crash investigator shall follow policies and procedures pursuant to HPM 100.68, Traffic Enforcement Policy Manual, when issuing citations resulting from traffic crashes, including violations of Section 16028(a) CVC.

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ANNEX A

CRITERIA FOR REQUESTING MULTIDISCIPLINARY ACCIDENT INVESTIGATION TEAM ASSISTANCE

1. Each Division commander shall establish standard operating procedures for the notification process involving MAIT use.
2. For the following types of incidents, the appropriate Division commander or their designee shall contact their respective MAIT to determine if MAIT assistance is appropriate and if an immediate MAIT response to an active scene is required:
 - a. A fatal or suspected serious injury crash occurs involving an on-duty CHP or California Department of Transportation (Caltrans) employee, including subcontractors working on a Caltrans work project. The fatal or suspected serious injury pertains to any involved party, and not specifically to the on-duty CHP or Caltrans employee.
 - b. Any aircraft crash involving a departmental aircraft in which any person suffers death or serious injury, or in which the aircraft receives substantial damage, or when specifically requested by the Office of Air Operations (OAO) to assist with an aircraft incident investigation. A qualified member of the OAO shall be assigned as a member of the MAIT conducting the investigation of any departmental aircraft crash or incident.
 - c. Any crash in which the Department has been notified that federal agency investigators, like those from the National Transportation Safety Board or National Highway Traffic Safety Administration, are going to respond to conduct a parallel investigation.
3. The following list is representative of the type of incidents when, at the discretion of the Division commander, a MAIT may be used:
 - a. Any crash or incident which, in the judgment of the Area commander or a higher command authority, MAIT involvement would be appropriate. An example of this would be a crash involving a law enforcement agency during which a fatal or suspected serious injury occurred.
 - (1) Any significant crash in which a fatality or fatalities occurred which could lead to prosecution for murder or manslaughter.
 - (2) Any crash in which a fatality or fatalities occurred involving any vehicle or combination of vehicles described in Section 34500 CVC.

ANNEX A

CRITERIA FOR REQUESTING MULTIDISCIPLINARY ACCIDENT INVESTIGATION TEAM ASSISTANCE (*continued*)

- (3) Any crash which results in the spillage or leakage of a significant amount of a hazardous material which seriously threatens life or property.
 - (4) Any fatal or suspected serious injury crash involving a possible roadway defect as a primary cause or contributing factor.
 - (5) Any crash where there is an indication that an involved vehicle has a manufacturing defect which was the primary cause or contributing factor.
 - (6) Any crash where there is a need for an in-depth speed analysis.
- b. A fatal or suspected serious injury crash occurs in which the investigating officer suspects a safety restraint system failed to operate as designed. With appropriate Division approval, in cases where the only issue is the possible failure, a consultation with the team leader may be conducted. After consultation, the team leader will determine if a failure analysis should be conducted, and whether or not sufficient physical evidence is available to complete the investigation. If enough physical evidence is documented, a failure analysis should be conducted. If enough physical evidence is not available, the Area should document the condition of the safety restraint system with MAIT assistance/consultation.
- c. A MAIT should not be called to a crash scene when the intent is to have the MAIT prepare a physical evidence diagram only. It is the intent of the MAIT program that resources be used to investigate complex crashes. Diagramming alone is not to be considered a complex investigative procedure. A MAIT may be used to prepare physical evidence diagrams for incidents being investigated, such as shooting and crime scenes.

ANNEX B

CROSS REFERENCE TO OTHER PUBLICATIONS REGARDING TRAFFIC CRASHES/SERVICES

There are several HPMs, GOs, Highway Patrol Guides (HPG), and other miscellaneous publications that provide instruction and information regarding investigating traffic crashes, selling traffic crash reports, and providing traffic services. This list includes, but is not limited to, the following:

<u>Publication</u>	<u>Title</u>
GO 100.30	Closing of Highways for Salvage Operations
GO 100.39	CHP 202, Driving Under the Influence Arrest-Investigation Report, and CHP 216, Arrest-Investigation Report
GO 100.46	Reporting of Highway Conditions
GO 110.2	Release of Collision Information
GO 110.7	Policy - Daily Reporting of Traffic Deaths
GO 110.8	Processing and Storage of Digital Media
HPG 40.60	SWITRS Users' Guide
HPM 11.1	Administrative Procedures Manual
HPM 84.2	Hazardous Materials Transportation and Incident Management
HPM 100.67	Law Enforcement Assistance and Interjurisdictional Operations
HPM 100.68	Traffic Enforcement Policy Manual
HPM 100.70	Safety Services Program Manual
HPM 100.86	Risk Management Manual
HPM 110.1	Multidisciplinary Accident Investigation Team Operations Manual

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