

CHAPTER 13
GUIDELINES FOR THE INVESTIGATION AND DOCUMENTATION
OF SPECIFIC CRASHES

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TABLE OF CONTENTS

<u>SCOPE</u>	13-3
<u>SCHOOL BUS CRASH</u>	13-3
Traffic Crash Report	13-4
School Bus Crash Supplemental Report	13-4
Truck/Bus Crash Supplemental Report	13-5
Passenger Information	13-5
Crashes Involving the Student and/or Driver Only	13-5
<u>VEHICLE VERSUS PEDESTRIAN CRASH</u>	13-6
Traffic Crash Report	13-6
Primary Crash Factor	13-7
<u>VEHICLE VERSUS TRAIN CRASH</u>	13-9
Responsibilities	13-10
Train Crew	13-10
Train	13-11
Coding	13-11
Scene Documentation	13-12
Interviews	13-13
Additional Information	13-14
<u>VEHICLE VERSUS AIRPLANE</u>	13-14
<u>VEHICLE VERSUS WORKING MOTOR VEHICLE OR OTHER</u>	13-15
<u>VEHICLE VERSUS OTHER OBJECTS</u>	13-16
Vehicle versus Load	13-16
Vehicle versus Debris	13-17
Vehicle versus Displaced Part/Wheel	13-17
<u>HAZARDOUS MATERIAL CRASH</u>	13-18
Traffic Crash Report	13-18
<u>MEDICAL EMERGENCY-CAUSED CRASH</u>	13-19
<u>PASSENGER FALLS OR JUMPS FROM A VEHICLE</u>	13-20
<u>CALIFORNIA VEHICLE CODE SECTION 21658(A) VERSUS SECTION 22107</u>	13-20
<u>STAGED CRASH</u>	13-21
Types of Staged Traffic Crashes	13-21
Fraud Recognition and Indicators	13-22
Preliminary Investigation	13-24
Key Personnel in a Staged Crash Scheme	13-25

Crash Report 13-26
Resources 13-26
Applicable Code Violations..... 13-26
CRASHES ON TRIBAL LANDS 13-27
Traffic Crash Report 13-27

ANNEX

A – CALIFORNIA DEPARTMENT OF INSURANCE FRAUD DIVISION REGIONAL
OFFICES..... 13-29

CHAPTER 13

GUIDELINES FOR THE INVESTIGATION AND DOCUMENTATION OF SPECIFIC CRASHES

1. **SCOPE.** This chapter provides additional instruction in completing investigations which are unusual in nature or require supplementary documentation per statute. All appropriate information should be recorded as instructed in previous chapters.
 - a. The following paragraphs assist in the documentation of a variety of crashes. The instances described are merely a sampling of the possible scenarios. Each case should be considered based on its own set of facts. A thorough investigation must be conducted taking into account the pre-crash, at-crash, and post-crash events to arrive at the appropriate conclusion.
 - b. In addition to supplemental documentation, each of these situations may require specific notifications and additional policies and procedures must be followed. General Order 100.80, Notification and Report of Emergencies and Unusual Occurrences, and Highway Patrol Guide 50.3, Emergency Incident Guide, should be reviewed, as well as publications specific to the incident.

2. **SCHOOL BUS CRASH.** The following paragraphs provide specific instructions for documenting a school bus crash.
 - a. The criteria required to qualify a crash as a school bus crash are outlined in Chapter 2, Definitions and Classifications of Crashes. A school bus crash includes, but is not limited to, the following scenarios:
 - (1) A motor vehicle crash resulting in personal injury or property damage anywhere in California involving a school bus, youth bus, school pupil activity bus (SPAB), or general public paratransit vehicle (GPPV) while transporting a student(s) at or below the 12th grade level.
 - (2) A crash between a vehicle and a pupil or school bus driver while the pupil or driver was approaching or leaving the school bus and the school bus was stopped for the purpose of loading or unloading pupils regardless of Section 22112 California Vehicle Code (CVC) requirement.
 - (3) A pupil passenger is injured as a result of acceleration, deceleration, or other movement of the bus.
 - (4) A school bus transporting pupils in a public parking lot as defined in CVC Section 21113.

(5) The following are not considered a school bus crash by definition:

(a) Pupil injuries incurred while boarding or alighting from a stopped school bus, SPAB, GPPV, or youth bus.

(b) Charter-party carriers identified in CVC Section 545(a)(11), certified and licensed by the Public Utilities Commission (PUC), and transporting pupils to and/or from a school-related activity (e.g., limousine services enroute to/from a prom night). The driver, however, must have in their immediate possession a valid DL-45, California Special Driver Certificate, or SPAB Certificate, and a parental authorization form for each pupil.

(c) When school buses are used for transporting employees of the school district, parents of pupils of the school district, and adult volunteers to and from educational activities authorized by the school district as specified by Education Code Section 39837.5 and CVC Section 545(b).

NOTE: A school bus crash shall be documented as an Investigation.

b. Traffic Crash Report. Complete the CHP 555, Page 1, Traffic Crash Report; Page 2, Traffic Crash Coding; and Page 3, Injured/Witness/Passengers as outlined in the previous chapters. Additionally, note the following:

(1) Page 1.

(a) Record the school bus category, type, and number of passengers in the "Special Conditions" box as outlined in Chapter 3, Instructions for Completing the CHP 555, Page 1, Traffic Crash Report.

(b) Vehicle Type. Indicate the vehicle type code specific to the involved vehicle. The vehicle type code should correspond to the school bus category and type listed in the Special Conditions box. The vehicle type codes are listed in Chapter 3.

(c) Record the carrier identification number (CA number).

(2) Page 3. List all injured persons (the driver and all pupils) aboard the school bus, or persons injured while the pupil or driver was approaching or leaving the school bus per CVC Section 12517.1(a)(2).

c. School Bus Crash Supplemental Report. The CHP 555E, School Bus Crash Supplemental Report, shall be completed for each qualifying school bus involved in a school bus crash. (Refer to Chapter 15, Instructions for Completing the CHP 555E, School Bus Crash Supplemental Report.) If more than one qualifying school bus is involved in the crash, a CHP 555E shall be completed for each school bus.

The completed form(s) should be inserted just prior to the CHP 555D, Truck/Bus Crash Supplemental Report(s). If the Investigation/Report does not require a CHP 555D, the CHP 555E(s) should be the last page(s) of the Investigation/Report.

d. Truck/Bus Crash Supplemental Report. If the crash meets the criteria requiring documentation on a CHP 555D, collect the additional information required on the form. At a minimum, this will include:

- (1) Gross Vehicle Weight Rating (GVWR).
- (2) Motor Carrier Information. The carrier name, address, and telephone number.

e. Passenger Information.

- (1) Obtain a comprehensive list of all students onboard the school bus at the time of the crash. The list should include each student's name, date of birth, address, and phone number.
- (2) A list may be provided by the school bus driver or the school administration office and attached to the report.
- (3) Identify each student on the list with a number. Indicate the location of each student by noting the corresponding list number in the appropriate box on the diagram provided on the CHP 555E. Place an "X" in the row(s) that do not apply.

f. Crashes Involving the Student and/or Driver Only. The crash should be documented as described above with the following modifications:

- (1) A crash involving a vehicle and a pupil and/or school bus driver approaching or leaving the school bus, per CVC Section 12517.1(a)(2), will be documented as follows:
 - (a) The pupil and/or school bus driver will be documented as a pedestrian(s), if struck, and a witness(es), if not struck.
 - (b) The school bus will be listed as an involved parked vehicle, even if it was not struck.
 - (c) The other vehicle and driver will be listed in the normal manner.
- (2) A pupil injured as a result of acceleration, deceleration, or other movement of the bus will be documented as follows:
 - (a) The pupil will be reported as an injured passenger.

- (b) The school bus driver/school bus is considered a “Party” in the crash.

3. VEHICLE VERSUS PEDESTRIAN CRASH. A vehicle versus (vs.) pedestrian crash involves a motor vehicle in-transport or bicycle and a pedestrian as defined in Chapter 2. The crash investigation should be completed as outlined in previous chapters with the following as additional information specific to a vehicle vs. pedestrian crash.

- a. Traffic Crash Report. The CHP 555 should be documented as follows:

- (1) CHP 555, Page 1.

- (a) Party type should be marked “Pedestrian.”

- 1 A pedestrian may be a “Non-Contact Involved Party” if the pedestrian commits a traffic or other violation directly or indirectly causing, or directly contributing to, another party becoming involved in a crash.

- (b) Do not record the pedestrian’s driver license number on the CHP 555, Page 1. For identification purposes, an ID card or driver license number may be recorded in the “Miscellaneous” box on the CHP 555, Page 2, or in the narrative.

- (c) Mark the “Air Bag,” “Safety Equip.,” and “Insurance Carrier” boxes as N/A for Not Applicable.

- (d) Enter “60” in the “Vehicle Type” box. If the crash involves a pedestrian, no other information should be entered in that section. If the crash involves a pedestrian operating a personal conveyance (e.g., skateboard, motorized wheelchair, Segway), enter the applicable vehicle information.

- (2) CHP 555, Page 2.

- (a) “Type of Crash” field should be coded as “G - Vehicle/Pedestrian.”

- (b) “Motor Vehicle Involved With” field should be coded as “B - Pedestrian.”

- (c) Mark the box that best describes the pedestrian’s movement just prior to the crash in the “Pedestrian’s Actions” field. If there is more than one pedestrian involved, mark only the actions of the first pedestrian injured or otherwise involved.

(d) No entry is made in the "Movement Preceding Crash" field for the pedestrian.

(e) Mark the appropriate box in the pedestrian's Party column as it relates to the pedestrian's sobriety/drug/physical impairment status.

(3) CHP 555, Page 3. Enter the appropriate information as described in Chapter 5, Instructions for Completing the CHP 555, Page 3, Injured/Witness/Passengers. Leave the "Seat Pos.," "Air Bag," "Safety Equip.," and "Ejected" boxes blank.

b. Primary Crash Factor. When determining fault, the investigating officer will need to examine the totality of the circumstances. Factors to consider include, but are not limited to:

- (1) Roadway surface, environment, lighting, and weather conditions.
- (2) The reflective capabilities of the clothing worn by, or items associated with, the pedestrian.
- (3) Condition of the vehicle involved (e.g., headlight position, braking capabilities).
- (4) Time frame of the crash (how long was the pedestrian in the roadway).
- (5) Position of pedestrian (e.g., lying on the road, kneeling, standing).
- (6) The number of vehicles (if any) that were able to see and avoid the pedestrian.
- (7) A certified Traffic Crash Reconstruction Specialist may be needed to examine the scene or conduct a time-position analysis.
- (8) Driver. When the motorist is found at fault, the pedestrian should not be listed as an associated factor. Penal Code (PC) Section 647(f) should not be used as a primary or associated crash factor.

(a) The following CVC sections apply when considering only the vehicle's involvement with the pedestrian:

1 Section 21950(a) requires a driver to yield to any pedestrian crossing the roadway within any marked crosswalk or unmarked crosswalk at an intersection.

2 Section 21951 applies to a driver overtaking another vehicle stopped at a crosswalk for a pedestrian.

3 Section 21952 requires a driver to yield to pedestrians upon a sidewalk.

4 Section 22350 is generally the most applicable Primary Crash Factor (PCF) for a vehicle vs. pedestrian crash occurring on a roadway, outside of a crosswalk.

5 Although Section 21950(c) is punitive, it should not be used as a PCF violation. Additionally, Section 21954(b) is nonpunitive.

(9) Pedestrian. The circumstances of how the person came to their position in the roadway must be established. If a pedestrian negligently stepped onto a roadway into the path of a motor vehicle; was walking within the center of a traffic lane without due care; willfully ran into the path of a motor vehicle; or willfully stood, sat, or laid in the roadway, they should be found at fault when evidence exists to support these violations. If evidence supports the pedestrian was willfully or negligently within the roadway, then one of the following CVC sections may apply:

(a) Section 21950(b) requires a pedestrian to yield to any vehicle approaching so close as to constitute an immediate hazard before entering any marked crosswalk or unmarked crosswalk at an intersection.

(b) Section 21954(a) requires a pedestrian to yield to any vehicle approaching so close as to constitute an immediate hazard. In 1961, Section 21954 was amended to substitute the word “upon” for the word “crossing” to eliminate confusion whether one standing in a roadway was crossing within the meaning of 21954(a) (*Meyers v. King*, 272 Cal.App.2d 571).

NOTE: This section would not apply to a pedestrian who walked into a traffic lane and then stopped, sat, or laid upon the roadway, and at the time was not an immediate hazard to vehicles upon the roadway.

(c) Section 21956 states a pedestrian may walk upon a roadway if, and only if, the pedestrian walks along their left-hand edge of the roadway. In 1968, *Fry v. Young* (267 Cal.App.2d 340), ruled the “*plaintiff was clearly a pedestrian, and the prohibition of Vehicle Code Section 21956 against walking upon the roadway except close to his left-hand edge necessarily barred his standing there as well. To do otherwise would be to permit standing pedestrians to create safety hazards in the same place where walking persons cannot lawfully do so.*” A person who walks onto a roadway and stands on it to talk to the driver of a parked vehicle is in violation of Section 21956.

NOTE: The courts have ruled exceptions exist for those persons whose duties require them to work upon the roadway. Additionally, a person may walk on the right-hand side of a highway if they are outside the limits of the roadway and a person walking near the left-hand edge of the roadway is not required to be completely off the roadway.

(d) Other CVC sections such as 21461.5, 21955, 21957, 21960(a), and 21966 are punitive, yet they should not be used as PCF violations.

NOTE: If the pedestrian's negligence contributed to the crash, yet no identifiable CVC violation exists, the investigation may include a request for the District Attorney's review, or a complaint to be filed, for applicable PC violations.

(10) As a general rule, the pedestrian has the right-of-way in marked crosswalks, at intersections, and on the side of the road. Drivers generally have the right-of-way elsewhere. The following cases support this guideline:

(a) *Hine v. Carmichael*, 205 Cal.App.2d 663: "...*She was crossing in the middle of the block. It was plaintiff's duty to yield the right-of-way to passing vehicles under the provisions of Section 21954. She had no right to assume that drivers of vehicles would slow down in order to give way to her. Plaintiff was under the positive duty under the provisions of the statute to yield the right-of-way to all vehicles upon the roadway.*"

(b) *People v. Walker*, 266 Cal.App.2d 562: "...*even if the victim was not in an unmarked crosswalk, defendant had a duty to exercise due care for the pedestrian's safety, by virtue of Vehicle Code Section 21954, subdivision (b).*"

(11) When it is determined the pedestrian is not at fault, and a "reasonable" driver under the same circumstances would not have been able to avoid such a crash, the PCF should be "C - Other Than Driver" and thoroughly described in the investigation narrative.

NOTE: Case law referenced in this section was current at the time of publication. If your crash involves one of the scenarios stated above, the case should be checked for any changes in the findings.

4. VEHICLE VERSUS TRAIN CRASH. A train is not a motor vehicle by definition for the purposes of crash reporting. Therefore, a train vs. vehicle crash is only reported if the crash involves a motor vehicle in-transport. Record the appropriate information on the involved vehicle in the normal manner on the CHP 555, Page 1. A train vs. pedestrian crash is not documented as a traffic crash.

NOTE: A crash involving a train that derails and subsequently becomes involved with a motor vehicle in-transport is a railway incident, not a traffic crash.

a. Responsibilities. Safe rail operations are governed, monitored, and influenced by several federal and state agencies and organizations to include the Federal Railroad Administration, National Traffic Safety Board, National Highway Traffic Safety Administration, National Committee on Uniform Traffic Laws and Ordinances, PUC, Operation Lifesaver, Inc., and state and local jurisdictions.

(1) Identify the entity responsible for the erecting and maintenance of the railroad crossing device(s). The PUC and/or local authorities may be responsible.

(2) Recognize the responsibilities between the government and private sector for maintenance adjacent to the railroad right-of-way.

b. Train Crew.

(1) Conductor. The conductor is the person in charge of the crew and is responsible for the paperwork of the train. Both the engine crew (engineer/firefighter) and the train crew (brakeperson/switchperson) report to the conductor. The conductor is responsible for the rules observance of all members of their crew.

(a) Obtain the conductor's name, address, and phone number(s). Record the conductor as a witness on the CHP 555, Page 3.

(b) Obtain additional train crew members' names from the conductor.

(2) Locomotive Engineer. The engineer is responsible for safely operating the train over the railway. The engineer is second in command of the train and is responsible for handling the train.

(a) Record the engineer's information in the Party section of the CHP 555, Page 1. Per CVC Section 12953, the engineer is not required to provide a motor vehicle operator's license; consequently, do not enter the engineer's driver license number. Record the engineer's operator license/permit number in the Miscellaneous box on the CHP 555, Page 2, or in the investigation narrative. Record the engineer party type as "Other."

(3) Brakeperson. The brakeperson (on the train) or switchperson (in the yard) couple and uncouple cars, throw switches, and pass signals.

NOTE: The train crew falls under the Federal Hours of Service Act which limits the number of uninterrupted hours train service employees can work and their rest periods. Generally, a train service employee can work a maximum of 12 hours after a 10-hour off-duty period.

c. Train. The lead locomotive information will be entered in the involved vehicle information section on the CHP 555, Page 1. Obtain the following information:

- (1) Locomotive(s) company name, address, contact person, and phone numbers.
- (2) Railway company employing the crew.
- (3) Lead engine identification number.
- (4) Train identification number.
- (5) Locomotive year, make, model, color, and number.
- (6) Number and type (e.g., freight, passenger) of locomotive(s) and railcar(s).
- (7) Note the location and extent of damage (if any) to the train.
- (8) Record the vehicle type code as "95 – Miscellaneous Nonmotor Vehicle."
- (9) Train Inspection.
 - (a) Inspect the train for damage and locate the railcar struck by the vehicle.
 - (b) Test the lights, horn, and bell (required by federal regulation).
 - (c) Check headlamps and ditch lights. Federal regulations require these lights be working on any moving train.
 - (d) Check sanders.
 - (e) The Event Recorder may provide information to include the speed of the train at the time of the crash. The information collected by the Event Recorder may be obtained from the Railroad Claims Department. The information is not available at the scene and may not be available on all trains.

d. Coding. Record the appropriate information as outlined in previous chapters. Additionally, record the following:

- (1) "Type of Crash" field should be recorded as "H – Other: Train."
- (2) "Motor Vehicle Involved With" field should be recorded as "F – Train."
- (3) "Movement Preceding Crash" should be recorded as "R – Other: On fixed rails."

e. Scene Documentation. Include the following information:

- (1) Railroad crossing surface.
- (2) Line-of-sight obstructions (e.g., billboards, vegetation).
- (3) Type of railroad warning device(s) used at the crossing.
 - (a) Light/gate bell combination.
 - (b) Light/bell combination.
 - (c) Wig-wag type.
 - (d) Flagperson.
 - (e) Crossbucks only.
- (4) Advance warning signs present and distance from crossing.
- (5) Stop signs or traffic signal lights.
- (6) Department of Transportation (DOT) number affixed to the traffic control device or pole.
- (7) Railway company owning the track.
- (8) Number of the railcar on the crossing.
- (9) Distance from lead engine to the Area of Impact.
- (10) Track speed limit.
- (11) Crossing inspection.
 - (a) Date last inspected.
 - (b) Name of person inspecting.
 - (c) Any defects noted.

f. Interviews. The following are questions which may be helpful to the investigation:

(1) Train Crew.

- (a) What is your estimation of the train's speed?
- (b) What did you see upon approach to the crossing?
- (c) Was the grade crossing warning device(s) working properly?
- (d) Did you see the motor vehicle approaching?
- (e) Could you see the occupant(s) and, if so, what were they doing?
- (f) Did you see the driver take any evasive action?
- (g) Where was the train located (how far from the crash) when the horn was sounded?
- (h) Where was the train located (how far from the crash) when the engineer put the train into an emergency braking application?
- (i) Was the bell ringing?
- (j) Was the headlight on bright at the time of the crash (ditch lights)?
- (k) Where on the train were you at the time of the crash?
- (l) Where were you seated?
- (m) Did you see any additional witnesses that may have left the scene?

(2) Driver.

- (a) What were you doing prior to the crash?
- (b) Where was the train when you first saw it?
- (c) Where were you when you took evasive action?
- (d) Did you see the train headlight and/or hear the train horn?
- (e) Did you see an advance warning sign(s) on the approach to the crossing?

- (f) Where were you when you observed the sign?
- (g) Was the grade crossing warning device(s) working properly?
- (h) Were you listening to the radio?
- (i) Were there any distractions in the vehicle?
- (j) Were there any distractions outside the vehicle?

(3) Witnesses.

- (a) Where were you located in relation to the crash scene?
- (b) What were you doing at the time of the crash?
- (c) What did you see and hear?
- (d) Determine when, where, and how long the locomotive horn sounded.
- (e) Was the grade crossing warning device(s) working at the time of the crash?
- (f) Was the headlight on the train illuminated?
- (g) What were the motor vehicle occupants doing?
- (h) Did you hear any noises before the crash?
- (i) Have the witness(es) describe the sounds they heard and where the sounds originated.

g. Additional Information.

- (1) Determine the direction of travel for both vehicles (use compass direction).
- (2) Train origin and destination.
- (3) The driver of the motor vehicle is typically responsible at grade crossings. As a rule, the train has the right-of-way. (United States Supreme Court decision Pokora v. Wabash Railway Co.)

5. VEHICLE VERSUS AIRPLANE. The Federal Aviation Administration (FAA) will conduct an investigation. It is also required that an investigation be conducted by the responsible law enforcement agency as a result of the involvement of a motor vehicle

in-transport. The involved motor vehicle is coded in the usual manner. The airplane and pilot are coded as party type "Other." Enter the appropriate party and vehicle information, including the FAA tail number. Do not enter the pilot's driver license number on the CHP 555, Page 1. The vehicle type code should be "96 - Miscellaneous Motor Vehicle." The CHP 555, Page 2, should be coded as usual with the following:

- a. Type of Crash – "H - Other: Airplane."
- b. Motor Vehicle Involved With – "C - Other Motor Vehicle."

6. VEHICLE VERSUS WORKING MOTOR VEHICLE OR OTHER. This includes highway construction equipment and highway maintenance vehicles in the act of performing work related to the highway, implements of husbandry which are only incidentally operated or moved on a highway, and vehicles described as Other on the CHP 555, Page 1 (refer to Chapters 2 and 3).

- a. The vehicles described above, while traveling from one location to another and not actively engaged in the performance of their duties, are considered in-transport and should be documented as a crash in the usual manner.
- b. Actively engaged in the performance of its duties applies when the vehicle is no longer used primarily for the purpose of moving persons or property (to include itself) on a highway; therefore, it is no longer considered in-transport.

NOTE: A crash event or incident involving the vehicles described above, while they are not in-transport and not involved with a motor vehicle in-transport, should be documented as an incident and not a traffic or nontraffic crash. To facilitate the recording of information, documentation may be made on a CHP 555; however, the document should not be sent to the Statewide Integrated Traffic Records System.

(1) A vehicle outfitted with snow removal equipment while traveling to or from the area where snow removal is to be completed is in-transport. When the vehicle is in the actual act of removing snow from a highway (e.g., the blade is down), the vehicle is no longer in-transport.

(2) A farm tractor while moving from one part of a farm to another or moving upon a highway from one farm to another farm is in-transport. When the tractor is actively engaged in farming operations (e.g., workers are loading produce onto a trailer attached to the tractor), the vehicle is no longer in-transport.

(3) A California Department of Transportation paint striping truck traveling to and from its work area is in-transport. When the vehicle is in the actual act of striping the roadway, it is no longer in-transport.

- (4) A patrol vehicle that is participating in a stationary or mobile maintenance activity in a traffic control or visual capacity is not in-transport.
- c. If actively engaged in the performance of its duties, and involved with a motor vehicle in-transport, the involved motor vehicle is coded in the usual manner. The operator and equipment will be coded as follows:
- (1) The party type is Other.
 - (2) Enter the appropriate party and vehicle information for the equipment; however, do not enter the operator's driver license number on the CHP 555, Page 1. The CHP 555, Page 2, should be coded as usual with the following exceptions:
 - (a) If the equipment operator is found to be at fault, mark the PCF field "B – Other Improper Driving" and describe the improper movement.
 - (b) Mark the Type of Crash field as "E – Hit Object."
 - (c) Mark the Motor Vehicle Involved With field as "I – Fixed Object" if the equipment was stationary or "J – Other Object" if the equipment was moving.

7. VEHICLE VERSUS OTHER OBJECTS. This section concerns traffic crashes involving a vehicle and various objects. The crash investigation should be completed as outlined in previous chapters with the following as additional information specific to a vehicle versus object type crash.

- a. Vehicle versus Load. A vehicle strikes an object that was originally part of a load transported by another vehicle.
- (1) If the object was still moving or dropped directly in the path of another vehicle not allowing the driver to avoid the object, the following applies:
 - (a) The object is considered part of the vehicle that dropped the object (a load); consequently, the driver and vehicle are an involved party.
 - (b) The Type of Crash field on the CHP 555, Page 2, should be coded as "H – Other: Load."
 - (c) The Motor Vehicle Involved With field on the CHP 555, Page 2, should be coded as "C – Other Motor Vehicle."
 - (2) If the object had come to rest and is subsequently struck by a passing vehicle, the following applies:

(a) The object is no longer considered part of the vehicle that dropped the object. The vehicle is not listed as an involved party on the CHP 555, Page 1; however, if the driver and vehicle are still on scene, the information should be listed in the narrative.

(b) The Type of Crash field on the CHP 555, Page 2, should be coded as "E – Hit Object."

(c) The Motor Vehicle Involved With field on the CHP 555, Page 2, should be coded as "J – Other Object" with a description.

b. Vehicle versus Debris. A crash occurs when an object is set in motion by one vehicle and struck by another. This is an unintended event which caused damage, involving a vehicle in-transport; therefore, it is documented as a crash.

(1) If the event is substantiated by the party who set the object in motion (involved party), an independent witness, or physical evidence, the involved party is documented on the CHP 555, Page 1.

(a) The Type of Crash field on the CHP 555, Page 2, should be coded "H – Other" with a description.

(b) The Motor Vehicle Involved With field on the CHP 555, Page 2, should be coded "C – Other Motor Vehicle."

(2) If the event is not substantiated, the crash should be coded as a standard "hit object" type crash. In the "Other Associated Factor(s)" field on the CHP 555, Page 2, the "L – Uninvolved Vehicle" box should be marked in the column designated for the party striking the object. Any information pertaining to the uninvolved vehicle should be mentioned in the narrative.

c. Vehicle versus Displaced Part/Wheel. A vehicle experiences the loss of a part (e.g., wheel, drive shaft) and the loss results in a crash.

(1) The Type of Crash field on the CHP 555, Page 2, should be coded "H – Other" with a description.

(2) If nothing else is struck, the Motor Vehicle Involved With field on the CHP 555, Page 2, should be coded "A – Non-Collision."

(3) If the mechanical failure was plausibly unknown or unforeseeable through normal and reasonable maintenance, then the PCF field should be coded "C – Other Than Driver." The Other Associated Factor(s) field will be coded "K – Defective Vehicle Equipment" and enter the applicable CVC section.

(4) If statements and/or other evidence are obtained to show that the mechanical defect was known, or should have been known, prior to the crash, the PCF field should be coded “A – 24002(a).”

8. HAZARDOUS MATERIAL CRASH. A crash involving a “Hazardous Materials Incident,” as defined in Highway Patrol Manual (HPM) 84.2, Hazardous Materials Transportation and Incident Management, must be documented as such in the traffic crash Investigation/Report. When the crash involved a hazardous material, or there is a question as to whether or not the crash involved a hazardous material, HPM 84.2 and related publications should be reviewed to ensure all policies and procedures are followed, notifications have been made, and proper documentation is completed.

a. Traffic Crash Report. Complete the CHP 555, Pages 1 through 3, as outlined in the previous chapters. Additionally, note the following:

(1) CHP 555, Page 1.

(a) Record “Hazardous Material” in the Special Conditions box as outlined in Chapter 3.

(b) Indicate the vehicle type code specific to the involved vehicle under the “Hazardous Waste or Hazardous Waste/Material Combination” type codes. The vehicle type codes are listed in Chapter 3.

(c) Record the CA number.

(2) CHP 555, Page 2. Mark the Hazardous Material box under the appropriate party number column, in the “Special Information” field.

(3) CHP 555, Page 3. List known or suspected hazardous material exposure(s) and/or contamination(s) injuries to involved and uninvolved persons. Record the method of exposure (e.g., inhalation, skin contact).

(a) Do not include these injuries in the number injured count on the CHP 555, Page 1, and do not complete “Extent of Injury” in this section if the injuries were sustained after the crash as a result of the hazardous material release.

(4) CHP 556, Narrative/Supplemental. Provide the following information in the Hazardous Material section of the crash narrative:

(a) The shipping or container name of the hazardous material.

(b) The carrier/shipper ID.

- (c) The type of container/packaging (e.g., cylinders, metal or fiber drums).
- (d) The presence or absence of placards, labels, and/or shipping papers.
- (e) The name and address of the clean-up contractor, the method of cleanup, and the disposition of the waste material.

b. In nearly all cases, the crash will fall under the qualifying information outlined in Chapter 8, Instructions for Completing the CHP 555D, Truck/Bus Crash Supplemental Report; therefore, if appropriate, a CHP 555D shall be completed.

9. MEDICAL EMERGENCY-CAUSED CRASH. A crash where the driver suffers a significant medical emergency (e.g., heart attack, stroke, diabetic emergency) and consequently becomes involved in a crash is documented as a traffic crash if the vehicle is originally, or becomes, in-transport and a damage or injury-causing event occurs. The following are possible circumstances and type of documentation required:

a. The driver of a motor vehicle in-transport suffers a fatal heart attack (verified by a doctor or the coroner) and subsequently becomes involved in a traffic crash involving property damage only.

(1) The driver died as a result of the heart attack and not the crash; therefore, the crash will be documented as a noninjury traffic crash. The PCF should be coded "C – Other Than Driver" with a detailed explanation provided in the report narrative.

b. The driver of a motor vehicle in-transport suffers a nonfatal diabetic emergency (verified by a doctor or coroner) and subsequently becomes involved in a traffic crash involving a fatality (either the driver or another person).

(1) The crash will be documented as a fatal traffic crash. The PCF may be attributed to the driver if there is sufficient evidence to prove the driver was negligent. If not, the PCF may be coded as "C – Other Than Driver." In either case, the cause must be supported in the investigation narrative.

c. The driver of a motor vehicle in-transport suffers a fatal heart attack (verified by a doctor or coroner) and the vehicle leaves the roadway. The vehicle continues through a field and comes to rest in a ditch.

(1) If there is no property or vehicle damage, the event is not documented as a crash.

d. The driver of a motor vehicle on private property suffers a stroke and subsequently becomes involved in a crash with a tree. The driver is found deceased at the scene. There are no other occupants.

(1) If the death is attributed to the stroke (verified by the coroner), the event is not documented as a crash.

(2) If the death is attributed to the crash, it will be documented as a motor vehicle nontraffic crash.

10. PASSENGER FALLS OR JUMPS FROM A VEHICLE. A crash involving the passenger of a motor vehicle in-transport who falls or jumps from the vehicle.

a. An investigation and determination must be made of the driver's culpability in the crash. If the driver is not responsible, the PCF should be coded "C – Other Than Driver."

b. An investigation and determination should be made as to the intent of the passenger that jumps from the vehicle. Based on the intent of the passenger and the reasonable consequence of the action, the event may be an intentional act and not a crash. (Refer to Chapter 2, paragraph 36.)

NOTE: If a thorough investigation cannot determine the intent of the passenger, the event should be documented as a crash.

c. The Type of Crash field on the CHP 555, Page 2, should be coded "H – Other" and include a description.

d. The Motor Vehicle Involved With field on the CHP 555, Page 2, should be coded "A – Non-Collision."

e. A detailed summary of the events must be provided in the crash narrative.

11. CALIFORNIA VEHICLE CODE SECTION 21658(A) VERSUS SECTION 22107.

a. Section 21658(a) CVC is applicable under the following conditions:

(1) A driver makes, or is in the process of making, an unsafe lane change and becomes involved in a crash.

(2) A driver makes, or is in the process of making, an unsafe lane change, causing another vehicle to take evasive action to avoid a crash, causing the latter vehicle to subsequently become involved in a crash.

(3) A driver begins to make a lane change, realizes it is not safe, loses control while quickly moving back into the original lane, and becomes involved in a crash.

(4) The "Movement Preceding Crash" section should be marked "J - Changing Lanes" in the appropriate party column.

b. Section 22107 CVC is applicable under the following conditions:

(1) A driver allows their vehicle to veer left or right out of its lane, loses control, and becomes involved in a crash.

(2) A driver fails to negotiate a curve in the roadway and becomes involved in a crash.

(a) For examples 11.b.(1) and 11.b.(2) the "Movement Preceding Crash" field on the CHP 555, Page 2, should be marked "M – Other Unsafe Turning" in the appropriate party column, if the crash occurs other than on a freeway. If the crash occurs on a freeway, mark "R – Other" in the appropriate party column, and write in "Unsafe Turn."

(3) A driver swerves to avoid a stationary object and becomes involved in a crash.

(a) The "Movement Preceding Crash" field on the CHP 555, Page 2, should be marked "B – Proceeding Straight" or with the movement of the vehicle prior to the evasive maneuver. Document the party's movement in the narrative.

(4) A driver simply drifts out of the lane and collides with an object either before or after leaving the road.

(a) The "Movement Preceding Crash" field on the CHP 555, Page 2, should be marked "C – Ran Off Road."

12. STAGED CRASH.

a. Types of Staged Traffic Crashes.

(1) The Swoop and Squat Technique. Two suspect vehicles target one victim vehicle. The first suspect vehicle makes a safe lane change in front of the victim vehicle. The second suspect vehicle makes a quick lane change in front of the first suspect vehicle (the swoop), then aggressively applies the brakes

(the squat). The first suspect vehicle is forced to stop suddenly and the unsuspecting victim collides with the rear of the first suspect vehicle.

(2) The Sudden Stop Technique. The suspect vehicle pulls in front of the victim vehicle prior to a red traffic signal or stop sign. The suspect vehicle pulls forward into the intersection. When the victim vehicle starts moving forward, as in normal traffic situations, the suspect vehicle suddenly stops causing the victim vehicle to rear end the suspect vehicle.

(3) Crashes Involving the Victim Vehicle Backing.

(a) Driveway. The suspect vehicle waits for the victim vehicle to begin backing out of a driveway. The suspect vehicle then drives into the path of the victim vehicle causing a crash.

(b) Parking Lot. Similar to the driveway technique, but instead of a driveway, the victim vehicle will be backing out of a parking stall.

(4) Pedestrian. The suspect pedestrian will wait for the victim vehicle to pass at a crosswalk or back out of a driveway. When the victim vehicle passes, the suspect walks into the side of the vehicle and claims to be struck.

(5) Right-of-Way Crashes. The suspect driver yields the right-of-way to the victim driver. The victim driver proceeds forward and the suspect drives into the victim vehicle causing a crash.

(6) Phantom Vehicle. The vehicle the suspect claims caused the damage does not exist. All damage was caused by the suspect driving into a fixed object or by some other means of intentionally creating damage to the suspect vehicle.

(7) Fabricated or Paper Crashes.

(a) This is a crash which has not actually occurred. This type of crash is normally documented as a Counter Report or a Late Reported crash.

(b) Vehicles with pre-existing damage may be used or a vehicle may be intentionally damaged.

(8) Stuff-in Passengers. In this situation an individual claims to be a passenger after the crash has occurred. Municipal bus lines are a frequent target of this type of insurance fraud.

b. Fraud Recognition and Indicators.

(1) Staged Crashes.

- (a) A victim or witness claims the crash appeared to be an intentional act.
- (b) The suspect vehicle is an older model with prior damage.
- (c) There are numerous passengers in the suspect vehicle.
- (d) Passengers in the suspect vehicle either seem to not know each other or where they were going, or make conflicting statements to the same.
- (e) Suspicious actions of drivers and passengers prior to crash.
 - 1 Watching the victim vehicle.
 - 2 Boxing the victim vehicle in traffic.
 - 3 Communications between swoop vehicle and squat vehicle (e.g., hand signals, cellular telephones, handheld radios).
- (f) Nonvisible injuries are claimed (e.g., soft tissue injuries).
- (g) The driver and passenger(s) do not have satisfactory identification.
- (h) The vehicle is insured for an excessive amount compared to the value of the vehicle.
- (i) An injury is claimed when there is no, or very little, damage to either vehicle. The suspect begins to “play up” the injury when the police arrive.
- (j) Late reported injury.
- (k) The suspect driver is over-concerned with victim’s insurance coverage.
- (l) Rental vehicle.
- (m) The suspect is hesitant to file a police report.

(2) Fabricated Crash or Paper Crash.

- (a) There is major damage to the vehicle with no injuries claimed by passengers.

- (b) There is a lack of physical evidence (e.g., tire friction marks, broken glass) or damage to one vehicle which is inconsistent with the damage on the other vehicle.
- (c) The vehicle damage is not consistent with driver or passenger statements.
- (d) One of the vehicles is inoperable.
- (e) The driver readily admits liability for the crash.
- (f) Damaged vehicles were taken to the same repair shop.
- (g) Both parties have the same doctor and attorney and are claiming soft tissue injuries.
- (h) Both parties have unsatisfactory identification.
- (i) Vehicles are not available for inspection.
- (j) There is no description of the “phantom vehicle.”
- (k) There are numerous passengers involved.

c. Preliminary Investigation.

(1) On Scene.

- (a) Photograph damage and evidence.
- (b) Obtain statements from all involved parties separately. Statements should be written by the suspect or recorded. Be sure to ask clarifying questions. In cases that may result in a charge of 187 PC, the custodial interrogation of any suspect shall be conducted in a fixed place of detention and shall be electronically recorded in accordance with Section 859.5 PC. Recordings shall be made by video for juvenile suspects; interrogation of adult suspects may be recorded by video or audio alone. Pursuant to Section 859.5 PC, a fixed place of detention is any fixed location under the control of a law enforcement agency, such as a jail, a police or sheriff's station, or an Area office.
- (c) Ask questions regarding injuries. Photograph injuries if possible.
- (d) Identify each occupant and verify identification. Obtain statements from all passengers in the vehicle or any witnesses who claim to have

seen the crash. Be sure to separate passengers and witnesses before interviewing and ask clarifying questions.

(e) Information to obtain from the passengers:

1 Seated position in vehicle, in order to determine the mechanism of injury, consistency of statements, and properly identify the driver.

2 Whether or not the passengers know one another, or are just mutual acquaintances of the "capper."

3 Where are they going to or coming from? Check for inconsistent statements.

4 Note any discrepancies in statements from the passengers.

(2) Late Reported Crashes.

(a) Inspect all vehicles for recent damage. Identify any damage which appears to be "old."

(b) Photograph the vehicle, the driver, and all damage, including any damage which appears to be from a previous crash.

(c) Obtain written statements and ask clarifying questions.

(d) Verify the driver's identification, registration, and the vehicle identification number.

d. Key Personnel in a Staged Crash Scheme.

(1) The Doctor.

(a) The doctor provides medical care to the injured passengers in the suspect vehicle.

(b) Injuries are normally to soft tissues which are hard to refute.

(c) Injuries normally take several visits with the doctor before fully treated.

(d) Medical bills are the greatest source of income; therefore, the greatest motivation for staged crashes.

(2) The Capper or "Administrator."

(a) The capper recruits key players, drivers, and passengers for the staged crash.

(b) The capper may be affiliated with a body repair shop to inflate claims against the insurance company.

(3) The Law Firm. Files claims with the insurance company for claim settlements.

e. Crash Report.

(1) When there are indications a traffic crash has been staged, enter "550" in the Special Conditions box on the CHP 555, Page 1, and forward a copy of the report to the California Department of Insurance (DOI) at the address listed below.

(2) The DOI will process the case and forward it to their closest regional office for investigation.

f. Resources.

(1) California Highway Patrol
Enforcement and Planning Division
Collision Investigation Unit
601 North 7th Street
Sacramento, CA 95811
(916) 843-3455
CHP-CIU@chp.ca.gov

(2) California Department of Insurance
Fraud Division – Intake Unit
9342 Tech Center Drive, Suite 100
Sacramento, CA 95826
(916) 854-5760
fraud@insurance.ca.gov

(3) National Insurance Crime Bureau
2001 East Financial Way, Suite 100
Glendora, CA 91741
(626) 963-6058

(4) For additional resources, refer to Annex A, California Department of Insurance, Fraud Division Regional Offices.

g. Applicable Code Violations.

- (1) Insurance Fraud – Section 550 PC and California Insurance Code (CIC) Section 1871.4.
- (2) Capping – Business and Professions Code Section 650 and CIC Section 750.
- (3) Conspiracy – Section 182 PC and Title 18, United States Code Section 371.
- (4) Mail Fraud – Title 18, United States Code Section 1341.

13. CRASHES ON TRIBAL LANDS. When investigating a crash on tribal lands (as defined in Chapter 2, paragraph 70), the crash investigation should be completed as outlined in previous chapters with the following information specific to crashes occurring on tribal lands.

a. Traffic Crash Report. The CHP 555 shall be documented as follows:

(1) CHP 555, Page 1.

(a) The number associated with the Tribal Lands shall be listed under “Reporting District.” (Refer to Chapter 3, Annex G.)

(b) If the crash occurred on a state- or county-maintained highway, enter the appropriate Area/Line beat code. If the crash did not occur on a state- or county-maintained highway, enter beat code 903.

(c) “Tribal Land Reportable” or “Tribal Land Non-Reportable” shall be marked under the “Special Conditions” box. (Refer to Chapter 3, paragraphs 3.m. and 3.n.)

(2) CHP 555, Page 2. Should be coded as usual with the following exceptions:

(a) If a reportable crash involves a tribal member on their tribal land, mark “B – Other Improper Driving” for the PCF, unless the tribal member is under the influence of alcohol and/or drugs. For reportable crashes involving tribal members on another tribe’s reservation, or by nontribal members, enter the CVC violation considered to be the PCF.

(b) Officers shall not issue a citation to a tribal member as a result of a traffic crash occurring on their tribal land. This does not preclude the filing of criminal charges if the involved party is arrested as a result of any of the following:

- 1 Fatality.
- 2 Driving under the influence of alcohol and/or drugs.
- 3 Hit and run.

ANNEX A

CALIFORNIA DEPARTMENT OF INSURANCE FRAUD DIVISION REGIONAL OFFICES

Golden Gate Regional Office
1100 Rose Drive, Suite 100
Benicia, CA 94510
(707) 751-2000

Central Valley Regional Office
5737 North Fresno Street
Fresno, CA 93710
(559) 440-5900

Inland Empire Regional Office
9674 Archibald Avenue, Suite 100
Rancho Cucamonga, CA 91730
(909) 919-2200

Orange Regional Office
333 South Anita Drive, Suite 450
Orange, CA 92868
(714) 712-7600

Sacramento Regional Office
2400 Del Paso Road, Suite 250
Sacramento, CA 95826
(916) 854-5700

San Diego Regional Office
10021 Willow Creek Road, Suite 100
San Diego, CA 92131
(858) 693-7100

Silicon Valley Regional Office
18425 Technology Drive
Morgan Hill, CA 95037
(408) 201-8800

Valencia Regional Office
27200 Tourney Road, Suite 375
Valencia, CA 91355
(661) 253-7400

Southern Los Angeles County
Regional Office
5999 East Slauson Avenue
City of Commerce, CA 90040
(323) 278-5000

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