



CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



Traffic and Crash Investigation

Eff. Date 02/08/2024

Purpose

The traffic enforcement objective of the Madison Police Department (MPD) is to reduce traffic crashes and injuries and to facilitate the safe and expeditious flow of vehicular, bicycle, and pedestrian traffic through voluntary compliance with traffic regulations.

Procedure

PUBLIC EDUCATION

MPD stands committed to the concept of education as an important factor in prevention and law adherence. Whenever appropriate, MPD will preface any new or concentrated traffic enforcement initiative with a period of public education or reeducation.

TRAFFIC ENFORCEMENT

MPD commissioned personnel should take appropriate enforcement action to address unsafe driving and bicyclist or pedestrian behavior, focusing on areas with a high incidence of traffic crashes as well as being responsive to neighborhood and community member complaints.

PARKING ENFORCEMENT & TICKET REVIEW PROCESS

Street parking is restricted in various areas of the City of Madison (City) to ensure fair access to parking and to expedite the flow of vehicular traffic. All existing parking regulations will be primarily enforced by members of the City of Madison Parking Division. On the limited occasions when Madison Police Officers engage in parking enforcement activities, they will do so with reasonableness and impartiality in all areas of the City.

On-duty City of Madison Police Department employees shall attempt to find available off-street parking for their vehicles whenever possible while conducting official business. In the event that an on-duty MPD employee must park in a restricted/enforceable city parking space, the on-duty MPD employee shall display the squad placard issued to the employee's squad in the windshield dash area to park in such a spot while conducting official business. Squad placards shall not be used in privately owned vehicles for any purpose. Replacement placards for lost or damaged placards may be obtained from the Captain or Lieutenant of Traffic & Specialized Services or the MPD Fleet Coordinator.

In the event that an on-duty Madison Police Department employee receives a parking citation in a City-owned vehicle, the employee shall notify their commanding officer of the ticket. If the commanding officer would like to have the ticket reviewed for dismissal, the commanding officer—or the employee who received the citation—shall follow the ticket review process outlined on the back of the parking citation and submit an online ticket review form by clicking the "Appeal Ticket" button on the following web page: <https://parkingtickets.cityofmadison.com/>.

In the event that an on-duty Madison Police Department employee receives a parking citation on a privately owned vehicle and the employee wishes to contest the citation, the employee will be responsible for submitting an online ticket review form by clicking the "Appeal Ticket" button on the following web page: <https://parkingtickets.cityofmadison.com/>.

TRAFFIC CRASH INVESTIGATIONS

Commissioned members of our department conduct traffic crash investigations in order to protect the rights of community members, to detect traffic violations, and to determine enforcement, engineering, and educational needs.

Officers will respond to, investigate, and **complete a Wisconsin Motor Vehicle Accident Report (DT4000)** within 10 days of the crash per Wisconsin State Statute 346.70(4) when the crash occurred on public property or private property held open to the public and the crash resulted in a reported injury or fatality of a person, or resulted in damage to government-owned property, to the apparent extent of \$200 or more, or to a government-owned vehicle, to an apparent extent of \$1,000 or more.

Officers should generally not be dispatched to private property vehicle crashes unless an injury is involved or other circumstances warrant a response (impaired driver, disturbance, etc.). Officers should also generally not be dispatched to crashes not involving injury or road blockage unless other circumstances warrant a response (impaired driver, disturbance, uncooperative driver, etc.). Involved parties should be referred to the Wisconsin Department of Transportation (WI DOT) website for self-report crash reporting.

If officers respond to a private property and/or a non-injury crash due to circumstances that warranted a response, officers will complete a Wisconsin Motor Vehicle Accident Report (DT4000) when the crash resulted in damage to one person's property to an apparent extent of \$1,000 or more. Officers responding to such crashes may complete a Madison Police Department crash report (MPD4000) when the crash resulted in less than an apparent \$1,000 damage to any involved owner's property/vehicle and there are community members requesting police documentation of their crash.

If an officer responds to a crash scene and determines that the crash does not meet the criteria for a reportable DT4000, the involved community members can mutually decide that they would rather simply exchange names at the crash scene and request not to have an MPD4000 accident report completed.

An MPD "Driver Information Exchange" form (with the case number and officer name only listed) should be provided to each driver to complete the remaining information. Officers themselves shall not provide identifying information of those involved in the crash to the other involved parties. Officers shall not utilize the Driver Exchange Form in Traffic and Criminal Software (TraCS) program.

Officers are also not required to complete a DT4000 or an MPD4000 crash report under the following additional circumstances:

- a) When the crash resulted in property damage only and occurred during a time period when the Officer in Charge (OIC) has determined that severe weather conditions, or other unusual circumstances have increased the number of crashes beyond the department's capacity to respond, or
- b) When all of the vehicles/pedestrians involved in the crash have left the scene of the crash prior to calling police, unless special circumstances prompted their leaving, such as, following a hit and run vehicle, seeking medical treatment, or moving to a nearby safe location.

When a. or b. above occur, community members involved in the crash should be referred to the WI DOT website to obtain and complete a DT4002 Self Report of Accident form.

Officers will not complete a DT4000 or an MPD4000 when the crash involved a collision between bicycles and/or pedestrians and no motor vehicles. In this case, officers shall document the incident in a regular police report.

Officers will submit addendum reports related to crash incidents under the following circumstances:

- a) When any charges are issued/pending (the DT4000 cannot be used in any criminal case), or
- b) When all of the information cannot be adequately reported in the narrative section of the DT4000 or MPD4000, e.g., hit & run, witness statements.

Issuance of Citations at Motor Vehicle Crashes

Officers shall issue citations in any crash where probable cause exists for a violation that is a causal factor in the crash, regardless of which crash form is used to document the crash investigation.

Investigation of Motor Vehicle Crashes Involving Serious Injury or Death

In order to ensure that motor vehicle crashes involving serious injury or death are handled consistently, the case management of such crashes will be the responsibility of Traffic & Specialized Services personnel.

Serious injuries are those injuries that appear life threatening. Crashes with injuries of questionable severity will be investigated as if they were serious injury/fatal crashes. An MPD Field Supervisor will be responsible for assessing the crash scene and any associated injuries to determine if a Forensic Services Unit (FSU) Investigator and a Traffic Specialist should be called to the crash scene.

If the MPD Field Supervisor determines a crash is a serious injury or fatal crash, the following procedural steps shall be considered and requested as necessary:

- a) The MPD Field Supervisor will be in charge of the crash scene and will be responsible for coordination of the initial investigation.
- b) The MPD Field Supervisor at the scene will consult with the OIC to determine if a Traffic Specialist, Detective, and/or additional Investigators are needed. The OIC should give particular consideration to the need for a Traffic Specialist when a driver has fled the scene of a serious injury/fatal traffic crash.
- c) If the OIC deems it necessary that a Traffic Specialist is needed to assist with the crash investigation, Traffic & Specialized Services Commanders should be contacted:
 - i. Lieutenant of Traffic & Specialized Services
 - ii. Sergeant of Forensics Services Unit
 - iii. Captain of Traffic & Specialized Services
 - iv. If unable to contact any of the above, Lead Traffic Specialist and/or Traffic Specialist
- d) At least one FSU Investigator will be dispatched to manage the collection of evidence and documentation of the crash scene. If determined appropriate after consultation with above command staff, a Traffic Specialist, Detective, and additional Investigators will be assigned.
- e) The MPD Field supervisor(s) will make all assignments, with specific attention to witnesses' statements, facilitation of blood specimen(s) collection, and collection of other evidence relative to the investigation (video evidence collection and/or preservation). Traffic Specialist and Detective resources should be requested and utilized as needed.
- f) Whenever possible, investigating officers should obtain a signature authorizing the release of medical information from injured persons who are conveyed to medical facilities for treatment. Officers should use the current version of the MPD Consent for Release of Medical Records form; this form is available for download on SharePoint, Forms & Resources, Forms, Consent. All medical facilities also have their own release forms that can be used if the investigating officer does not have access to SharePoint. Proper documentation of injuries is particularly critical in cases that may result in criminal charges against a driver. The signed medical release form should be filed with the officer's police report.
- g) MPD Field supervisors will ensure that a "Supervisor Serious and Fatal Crash Investigation" form is completed. MPD Field supervisors will also ensure that all essential witnesses' statements have been taken and that all Investigators, Detectives, and Officers assigned to the crash investigation complete their reports before ending their shifts when appropriate.
- h) The Dane County Medical Examiner (ME) will be contacted in cases involving a fatality and information detailing the ME's office personnel must be included in the appropriate report.
- i) The Major Case Investigations Standard Operating Procedure (SOP) should be followed for report completion.
- j) The Traffic & Specialized Services Lieutenant will make all follow-up investigation assignments as needed, in consultation with the Detective Lieutenant of the involved district. Detectives are to be assigned when appropriate.

- k) **Per WI State Statutes 165.785(1)(b)3, 165.785(2r), and 175.51(2m)**, if law enforcement receives a report of a hit and run violation, the agency **shall** disseminate the report through the integrated crime alert network if the law enforcement agency determines that **all** of the following conditions are met:
- i. A person has been killed due to the accident that is related to the violation;
 - ii. The law enforcement agency has additional information that could help identify the person who has allegedly committed the violation or the vehicle involved in the violation; and
 - iii. An alert could help avert further harm or could aid in apprehending the person who allegedly committed the violation.

DEPARTMENT VEHICLE TRAFFIC SAFETY

Proper and safe driving of department vehicles is an important job-related responsibility of MPD employees. Injuries and damaged property resulting from preventable employee crashes reflect adversely upon the department's image as a public safety agency. Therefore, the following procedure is intended as a positive education program aimed at reducing preventable motor vehicle crashes by correcting higher risk driving behavior.

All department employees who drive city-owned vehicles may be required to participate in crash prevention in-service programs which will include a review of existing policies, "good practices" in police driving, and special requirements of emergency driving, especially the use of speed and the approaching of intersections.

Madison Police Employee Involved Traffic Crash Protocol

Members of the MPD shall promptly report to any on-duty supervisor any traffic crash with, or damage to, any City-owned motor vehicle operated by them or in their charge.

If an off-duty MPD employee operating a privately owned motor vehicle is involved in a reportable traffic crash resulting in evident damage or reported injury within the City of Madison, an MPD field supervisor shall be dispatched to supervise. If no field supervisor is initially dispatched, the responding officer shall request a supervisor respond.

CITY VEHICLE/EMPLOYEE TRAFFIC CRASH INVESTIGATION PROCEDURE

Definitions

The following definitions will apply for reporting purposes under this SOP:

Traffic Crash: Any contact between a City-owned or on-duty City of Madison employee driven vehicle and another vehicle, bicyclist, pedestrian, or object, resulting in evident damage or reported injury.

Incident: Any time a City-owned or on-duty City of Madison employee driven vehicle:

- a. Has contact with an occupied, privately owned vehicle, or
- b. Is in motion and has contact with a pedestrian, bicyclist, or fixed object and there is no evident damage or reported injury.

Investigation

Officer Responsibilities: When an officer is dispatched to investigate a vehicle traffic crash involving a City-owned vehicle and/or an on-duty City of Madison employee, the officer shall:

- 1) Investigate the crash in a manner consistent with MPD policies and request that an MPD Field Supervisor be dispatched to the scene to oversee the investigation; any non-MPD City of Madison employee involved in an on-duty crash will follow the provisions of Administrative Procedure Memorandum (APM) 5-2.
- 2) Determine the causal factors of the crash and determine if probable cause exists that an involved driver committed a traffic violation.

- 3) Complete a DT4000 and report before the end of shift. The OIC or a Supervisor may grant approval to hold over the report, but all efforts should be made to have all crash documents submitted within two days of the crash. The MPD4000 short form is not to be used to document crashes involving City-owned vehicles and/or on-duty City of Madison employees except when approved by a Supervisor for single vehicle crashes on City property involving only City vehicles and very minor damage. The estimated damage costs must be under \$200 if utilizing the MPD4000 crash form.

Under no circumstances will an MPD employee complete a DT4000 or an MPD4000 crash report for an incident in which the employee was involved. If an MPD Field Supervisor is not available, the MPD OIC will make the determination as to whether an Investigator or Police Officer will investigate the crash. If the operator of the MPD vehicle involved is a commissioned officer, the involved officer may be required to complete a supplemental report.

Supervisor Responsibilities: An MPD Field Supervisor will be required to respond to all motor vehicle crashes involving City of Madison vehicles or on-duty City of Madison employees that occur within the City of Madison.

For crashes involving City of Madison vehicles or on-duty employees that occur outside of the City limits, but within Dane County, only a Field Supervisor from the same City agency as the involved City of Madison employee is required to respond. An MPD supervisor will also be required to respond to all reportable motor vehicle crashes involving off-duty MPD employees as drivers that occur within the City of Madison.

MPD supervisors shall complete a City Involved Crash Notification form for any crash involving a City of Madison employee as a driver to which they respond and shall send the completed form and any photos to the following personnel:

- Captain of Traffic & Specialized Services
- City of Madison Risk Manager
- City of Madison Risk Manager Assistant

Supervisors shall send this information via email prior to clearing from the crash investigation, or as soon as practicable thereafter.

MPD supervisors shall also complete a Squad Damage Log entry in SharePoint as soon as practicable after any crash involving an MPD vehicle.

For all crashes involving an on-duty MPD employee, the on-scene/MPD Field Supervisor must also complete, within four days of the crash, a Blue Team entry and a memo to the Captain of Traffic & Specialized Services. The investigative memo should include all pertinent details of the crash to include probable cause for any applicable moving violation as well as any **duty related mitigating factors** that may exist. Follow the memo template attached to this SOP.

In the event of a serious injury crash involving on-duty City employees, the steps outlined under the "Investigation of Motor Vehicle Crashes Involving Serious Injury or Death" heading of this SOP will be followed. As a standard procedure, all crashes involving on-duty City employees in which serious injury or death occurs shall be submitted to the City of Madison Attorney's Office and to the Dane County District Attorney's Office for review.

Citation issuance: If probable cause exists for a violation by an **on-duty** City employee, the investigating officer shall:

- **For non-MPD City employees:**
 - Issue the appropriate citation.
- **For MPD employees:**

- Do not issue a citation at the scene.

For crashes that occur within the City of Madison and that involve on-duty law enforcement personnel from another law enforcement agency as an involved driver, do not issue a citation at the scene and route the crash report(s) to the Captain of Traffic & Specialized Services and to the Lieutenant of Traffic & Specialized Services for review.

Review and Follow-Up

For crashes involving on-duty MPD employees, the following review and follow-up process shall be followed:

- All traffic crash memos involving on-duty MPD employees will be entered into Blue Team by a supervisor and will be routed to Professional Standards & Internal Affairs (PS&IA). PS&IA will review and will assign the incident to the Lieutenant of Traffic & Specialized Services well as to the employee's Commander/Manager for follow-up.
- The Lieutenant of Traffic & Specialized Services will convene a meeting of the Vehicle Operations Review Committee (VORC) to review any crash involving an MPD employee as determined by the Captain of Traffic & Specialized Services. VORC will conduct a review of the crash within 45 days of the incident. This timeframe may only be extended if essential documentation from the crash is not available.
- The Lieutenant of Traffic & Specialized Services will complete a memo detailing the committee's review of the crash as well as any recommendation for additional training or equipment modifications. The Lieutenant of Traffic & Specialized Services will enter the memo into Blue Team and will route the entry to the MPD employee's Commander/Manager for further review.
- The Captain of Traffic & Specialized Services will coordinate with PS&IA to present the findings from the crash review and will offer recommendations to the Chief of Police. The Chief will make the final determination as to the issuance of a citation to the MPD employee.
- If it is determined that a citation is warranted, the MPD on-scene/Field Supervisor will be responsible for issuing the citation. The involved MPD employee's Commanding Officer will be notified of the decision.
- In addition, the department will assess whether remedial training or internal discipline is appropriate for the involved employee.

For crashes involving all other on-duty City of Madison employees, the following review and follow-up process shall be followed:

- All traffic crash reports involving on-duty (non-MPD) City employees will be routed to the Captain of Traffic & Specialized Services for review.
- The Captain of Traffic & Specialized Services (or designee) will review the circumstances of a crash involving an issued citation. Consideration should be given to establishing probable cause, mitigating circumstances, and equity with similar incidents. For this review, the employee's supervisor or Department Head may be consulted. The Captain of Traffic & Specialized Services will be responsible for a decision regarding whether the citation will stand or be withdrawn.

Recordkeeping

All crash data will be stored in a designated MPD database. Details regarding crashes involving MPD employees will be shared with the Chief and Assistant Chiefs on a biweekly basis.

Vehicle Operations Review Committee

The Vehicle Operations Review Committee (VORC) will review crashes involving on-duty City of Madison Police Department employees as directed by the Captain of Traffic & Specialized Services. This may include operations of City-owned vehicles, leased vehicles, or privately owned vehicles if the operator is on duty. The committee may also be asked to review operations that Command staff consider potentially hazardous or unprofessional.

The Lieutenant of Traffic & Specialized Services will chair the VORC. In addition to the chair, the VORC will consist of four to six Madison Professional Police Officer Association (MPPOA) members of the department and a PS&IA Sergeant. The Captain of Traffic & Specialized Services will designate members to serve on the committee. When selecting VORC members, consideration should be given to the prospective members' training and assignment, utilizing persons who regularly operate city vehicles in conditions similar to those experienced by field personnel and who may include Traffic Specialists, Emergency Vehicle Operations Course (EVOC) Instructors, and Officers or Sergeants assigned to patrol.

The Lieutenant of Traffic & Specialized Services will schedule crash review meetings based on the number of incidents requiring review. Minimally, the VORC shall meet biannually.

The Vehicle Operations Review Committee will consider the following factors in their review of an employee-involved crash:

- 1) Type of vehicle involved
- 2) Environmental factors
- 3) Training and experience of the operator
- 4) Past incidents involving similar circumstances
- 5) Applicable policy and procedures

The results of the review will be recorded in memo format composed by the Lieutenant of Traffic & Specialized Services and will be disseminated through Blue Team to the appropriate MPD managers/commanders. This review may include recommendations for additional training or equipment modifications. Once the review of a crash is completed, PS&IA will consider MPD employees' actions for compliance with Codes of Conduct and/or Standard Operating Procedures.

Original SOP: 02/25/2015

(Revised: 02/29/2016, 03/11/2016, 05/18/2016, 05/19/2016, 01/09/2017, 02/03/2017, 04/27/2017, 11/09/2017, 02/06/2020, 12/28/2021, 10/03/2022, 02/08/2024)

(Reviewed Only: 11/01/2016)

APPENDIX A: ON-DUTY OFFICER CRASH MEMO TEMPLATE

DATE:

TO: PS&IA

FROM: Your name

SUBJECT: **Case Number of On-Duty MPD Crash**

PS&IA,

Enter Basic Information

Initial Dispatch

<When were you notified? How? By Whom? Did initial information include blockage or injuries?>

Police Officer's Statement

<Enter the officer's statement regarding what happened. Include what they were doing before the crash, such as traffic enforcement. In this section, also note what work related mitigating factors are present.>

Department Vehicle

<Enter the squad car's info. License plate number; squad number; vehicle make, year, and model; marked/unmarked; and light package information are all good to include. Also include new vehicle damage and any mechanical issues that may be germane.>

Involved Subject's Statement

<Enter the statement of the non-MPD involved subject. Include anything you think is germane to the investigation.>

Subject's Vehicle

<Just like the squad information, enter all the identifying information that you have available. Also include any equipment or visibility factors that may have been part of the crash.>

Witness Statements

<If applicable.>

Squad video

<Enter the squad video information, if the vehicle is so equipped. Describe your observations from watching the video, if it is available to you. Note the time/date/officer information from the video, including the file name if you can.>

Road Conditions

<Enter any road, traffic, or weather information that you think is pertinent. Consider noting any traffic signs that the involved vehicles would have had to obey.>

Conclusion

<Enter a brief statement covering your conclusions as of the completion of this memo. If you issued the other party a citation, note it here.>

Incident Documentation

<Use this section to list the resources and supporting documents that you relied on in making this report. Include the DT4000 number, case number, citation number, and any squad video or photos that are part of this investigation.>

Respectfully submitted,

<Enter Your Name>