



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Traffic/Parking Enforcement and Crash Investigation

Eff. Date 12/28/2021

Purpose

The traffic enforcement objective of 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 citizen complaints.

PARKING ENFORCEMENT

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 enforced with reasonableness and impartiality in all areas of the City.

Withdrawal of Parking Citations

Parking citations may only be withdrawn by a Traffic/Specialized Services Supervisor pursuant to the following standard review process:

- 1) A written request for review is submitted to the Traffic Section (online or paper form).
- 2) A Parking/Traffic and Specialized Services Supervisor will review the circumstances of the issuance of the parking citation and will make a determination on the status of the citation.
- 3) A written response from the reviewing Parking/Traffic and Specialized Services Supervisor will be sent to the requestor notifying the requestor of the outcome of the review.

Commanding Officers may request withdrawal of parking citations for employees under their command if the citation resulted from an emergency call-in, holdover, or other unusual work related circumstances.

The Chief of Police or Commanding Officers may authorize withdrawal of parking citations issued to citizens if the citation resulted from department related issues.

A Traffic/Specialized Services Supervisor may withdraw a citation for “malfunctioning meter” when such conditions are verified.

When a parking citation is withdrawn for any of the above reasons, the disposition must be noted on the original citation, or on the written or electronic citation disposition record. No other method of withdrawing a citation is authorized.

TRAFFIC CRASH INVESTIGATIONS

Traffic crash investigations are conducted by commissioned members of our department in order to protect the rights of citizens, 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 per Wisconsin State Statute 346.70(4) when the crash occurred on public property or private property held open to the public, and:

- a) the crash resulted in a reported injury or fatality of a person,
- b) the crash resulted in damage to one person's property to an apparent extent of \$1,000 or more, and/or
- c) the crash resulted in damage to government-owned property, to the apparent extent of \$200 or more, or to a government-owned vehicle, to the apparent extent of \$1,000 or more.

Officers will respond to, investigate, and may **complete a Madison Police Department accident report (MPD4000) when:**

- a) the crash resulted in less than an apparent \$1,000 damage to either owner's property/vehicle, and
- b) the crash resulted in no reported injuries, and
- c) there are citizens requesting police documentation of their crash.

After an officer responds to a crash scene and determines that the crash does not meet the criteria for a reportable DT4000, citizens 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 parties. Officers shall not utilize the Driver Exchange Form in Traffic and Criminal Software (TraCS) program.

Officers are not required to complete a DT4000 or an MPD4000 accident report only under the following 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, the officer should advise citizens to obtain a DT4002 Self Report of Accident form from the Wisconsin Department of Transportation (DOT) website.

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, a report should be completed as an Incident Report.

Officers will submit addendum reports (Officer's Report Form) 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 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 and Specialized Services.

Serious injuries are those injuries which appear life threatening. Crashes with injuries of questionable severity will be investigated as if they were serious injury/fatal crashes. A Field Supervisor will be responsible for assessing the crash scene and any associated injuries to determine if an Investigator and Traffic Specialist should be called to the crash scene.

If the 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 Field Supervisor will be in charge of the crash scene and will be responsible for coordination of the initial investigation.
- b) The Field Supervisor at the scene will consult with the OIC to determine if a Traffic Specialist, Detective, and 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 traffic crash.
- c) If the OIC deems it necessary that a Traffic Specialist is needed, Traffic/Specialized Services and Forensics Commanders should be contacted:
 - i. Lieutenant of Traffic & Emergency Management
 - ii. Lieutenant of Forensics Services Unit
- d) At least one Forensics Services Unit 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) Field supervisors 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). 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 for treatment. The forms are available in all medical facilities and will ensure proper documentation of injuries, which is particularly critical in cases that may result in criminal charges against a driver. The medical release form should be filed with the officer's original report.
- g) Field supervisors will ensure that a "Supervisor Serious and Fatal Crash Investigation" form is completed. Field supervisors will also ensure that all essential witnesses' statements have been taken and that all Investigators', Detectives', and Officers' reports 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 SOP should be followed for report completion.
- j) The Traffic & Emergency Management 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.

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 traffic crash within the City of Madison, a 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 employee driven vehicle and another vehicle, pedestrian, or object, resulting in evident damage or reported injury.

Incident: Any time a City or on-duty 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 a Field Supervisor be dispatched to the scene to oversee the investigation.
- 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 employee complete a DT4000 or an MPD4000 crash report for an incident in which they were involved. If a Field Supervisor is not available, the 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: A Field Supervisor will be required to respond to all motor vehicle crashes involving City of Madison vehicles or on-duty employees, as well as those involving off-duty MPD employees.

If probable cause exists for a violation by an **on-duty** City employee, the on-scene/Field Supervisor shall:

- **For non-MPD City employees:**
 - Issue the appropriate citation.
- **For MPD employees:**
 - Do not issue a citation at the scene.

The on-scene/Field Supervisor must also complete, within two days of the incident, a Blue Team entry and a memo to the Captain of Traffic & Specialized Services for all crashes involving an on-duty MPD employee. 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 "Investigation of Motor Vehicle Accidents Involving Serious Injury or Death" 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 Attorney and to the District Attorney 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 & Emergency Management as well as the employee's Commander/Manager for follow-up.
- The Lieutenant of Traffic & Emergency Management 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 & Emergency Management 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 & Emergency Management will enter the memo into Blue Team and will route the entry to the 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 employee.
- If it is determined that a citation is warranted, the on-scene/Field Supervisor will be responsible for issuing the citation. The involved 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 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 & Emergency Management will chair the committee. In addition to the chair, the committee will consist of four to six Madison Professional Police Officer Association (MPPOA) members of the department, a Parking Enforcement Officer, and the Sergeant assigned to PS&IA. The Captain of Traffic & Specialized Services will designate members to serve on the committee. When selecting 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 line personnel and who may include Traffic Specialists, Emergency Vehicle Operations Course (EVOC) Instructors, and Officers or Sergeants assigned to patrol.

The Lieutenant of Traffic & Emergency Management will schedule meetings based on the number of incidents requiring review. Minimally, the committee 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 & Emergency Management and will be disseminated through Blue Team to the appropriate 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.

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(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)

(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>