

**SENECA FALLS POLICE DEPARTMENT
GENERAL ORDER**

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| General Order: 501 | Rescinds: New Issue |
| Subject: Traffic Crash Investigation and Reporting | NYS Accreditation: 47.7 |
| Effective Date: 07/01/13 By Order Of: Stuart W. Peenstra, Chief of Police | |

I. PURPOSE

To establish policy and procedures for the investigation and reporting of motor vehicle crashes.

II. DEFINITON

A motor vehicle crash is any incident in which injury and/or property damage is caused, unintentionally, by the movement of a motor vehicle. **(47.7.F)**

III. POLICY

A. Members will be selective in reporting motor vehicle crashes. Officers will determine if crash calls meet the established criteria for being reported by the Seneca Falls Police Department. All motor vehicle crashes occurring in the Town of Seneca Falls will be reported on either the hardcopy form MV-104A or the Traffic and Criminal Software program (TraCs) version when:

1. There are injuries or death; **(47.7.A)**
2. There is damage to one vehicle in excess of \$1000.00
3. Enforcement action is taken including offenses involving impairment due to alcohol or drugs; **(47.7.D)**
4. It is a hit-and-run crash involving two or more vehicles; **(47.7.C)**
5. There is damage to or by Town owned or Town leased property (e.g., school buses, plowing contractors).

B. Form MV-104S must be filed with the Police Accident Report (Form MV-104A) when the following conditions apply to the crash:

1. **Qualifying Vehicles** - The crash must involve at least one of the following types of vehicles:
 - a. A truck having a GVWR or GCWR greater than 10,000 lbs.; or
 - b. A vehicle with a HazMat placard; or
 - c. A bus designed to carry nine (9) or more persons, including the driver.

AND

2. **Severity of the Crash** - The crash must result in at least one of the following conditions for any vehicle or person involved:
 - a. At least one sustained fatal injuries; or
 - b. At least one person was transported for IMMEDIATE medical treatment.
 - c. At least one vehicle was disabled and was towed/transported from the scene.

*NOTE - If a crash involves both of these criteria, Form MV-104S must be

completed and submitted for each qualifying vehicle.

- C. Employees will ensure that injured persons are cared for and that proper identification information is exchanged between operators.
- D. Police Accident Report Forms (MV-I04A) will be completed in accordance with directions set forth in the Department of Motor Vehicles' Police Accident Manual, a copy of which has been assigned to each member. When a form MV-104S is required to be filed it will be filled out in accordance with instructions set forth in the DMV TRUCK AND BUS SUPPLEMENTAL POLICE ACCIDENT REPORT MANUAL.

IV. PROCEDURE

- A. The assigned officer will proceed to the crash scene without delay, take charge of the scene prior to the arrival of a supervisor and will:
 - 1. Safeguard the scene from further crashes and care for injured, if any;
 - 2. Request EMS response when injuries (reported or obvious exist)
 - 3. Request the Fire Department response when potential fire hazards exist; **(47.7.B)**
 - 4. Request tow truck services as needed;
 - 5. Interview drivers and witnesses and obtain statements;
 - 6. Complete an Accident Report (MV-I04A) when appropriate;
 - 7. Take enforcement action when evidence and/or statements indicate that traffic violations have occurred;
 - 8. Assist drivers with exchange of information;
 - 9. Secure property as necessary and have it stored per current directives.
***NOTE: ALL MEMBERS WILL WEAR THE ISSUED HI-VIS VEST ON ALL MOTOR VEHICLE ACCIDENTS, AT ALL TIMES.**
- B. If a crash does not meet the criteria for an MV-104A report as stated in section III-A, the operators will be advised to report the crash to their insurance companies and file an MV-104 form within ten (10) days.
- C. Supervisor(s) that will review the MV-104A report (and any related reports) for accuracy and completeness on TraCs, and validated online.

V. SPECIAL SITUATIONS

- A. **Fatal or Life-Threatening Injury Crashes – (47.7.A)**
 - 1. In addition to the procedures outlined in III-A, the assigned officer will:
 - a. Protect the scene and any potential evidence;
 - b. Notify the on-duty supervisor;
 - c. Request that an evidence technician(s) from the Seneca Falls Police Department and the Special Crash Investigation Unit from either the New York State Police or the Seneca County Sheriff Department respond to the scene;
 - d. Conduct a preliminary investigation;

- e. Take depositions from witnesses;
- f. Assist with the completion of the case package as directed.
2. Members may make notifications to families of fatal crash victims upon request of the Medical Examiner or hospital authorities pursuant to General Order 565.
3. The Supervisor will:
 - a. Respond to the scene when notified;
 - b. Notify the Chief of Police of the incident immediately after assessing the situation;
 - c. Advise the dispatcher of requirements (e.g., Special Accident Investigation Unit, additional manpower, etc.).
 - d. Supervise the investigation and deployment of personnel;
 - e. Review reports and approve same for content, sufficiency, and clarity.
 - f. Advise the District Attorney's Office.
4. The Special Accident Investigation Unit will:
 - a. Assist with the on-scene investigation of all fatal and life-threatening injury crashes;
 - b. Conduct any necessary and related technical aspects of the continued investigation;
 - c. Determine the necessity of a scale diagram and crash reconstruction and perform same when necessary;
 - d. Assist in the preparation of the case package including completing mandated reports such as the MV-104A and MV104D - Report of Fatal Motor Vehicle Accidents in the event of a fatality. Said reports shall detail investigative actions taken by the unit.
 - e. Advise the technician, as necessary, in evidence collection, photography, etc.;
 - f. If a technical specialist is required (due to road conditions, medical conditions of crash victims, mechanical conditions of vehicles, etc.) contact such people and secure their services.
5. Technicians will:
 - a. Assist the Special Accident Investigation Unit as needed;
 - b. Take necessary photographs;
 - c. Collect physical evidence (and off-scene data at crime lab request);
 - d. Take measurements;
 - e. Assist in preparing a diagram of crash scene;
 - f. Complete Technicians Evidence and Photo Report.
6. The Criminal Investigation Unit will assume follow-up investigative responsibility if it is determined that a criminal act may have been involved.

B. Hit and Run Crashes (47.7.C)

Preliminary Investigation - The responding officer has the primary responsibility for the completion of the preliminary investigation and will exhaust all solvability factors prior to referring a case to the Criminal Investigation Unit. The Criminal Investigation Unit will take responsibility for case completion only after the preliminary investigation is completed and

if the crash is fatal or serious physical injury or major property damage occurs.

1. The assigned member will follow all procedures which apply to crash investigation and reporting and:
 - a. Obtain wanted vehicle information and transmit same to the dispatcher;
 - b. Take appropriate enforcement action;
 - c. Forward a copy of the Property Custody Report to the Criminal Investigation Unit when evidence is obtained.
2. Members will resolve the case by completion of the Accident Report and documenting their investigative efforts and the elimination of all possible solvability factors.
 - a. When a suspect admits his involvement, the officer will inspect the vehicle in question, revise or complete a new Accident Report and advise the suspect of the information on vehicle #1 (i.e., driver ID, insurance company, etc.). The officer will also advise the victim of all relevant data on the hit-and-run vehicle.
 - b. When the suspect denies involvement, an inspection will be made of the suspect vehicle, to determine if the statement/alibi of the individual and/or the condition of the vehicle substantiates the fact neither he nor the vehicle were involved in the incident.
 - c. When the suspect denies involvement but physical evidence indicates contrary, officers will photograph (or have photographed) the damage, secure evidence and complete an MV-104A form, detailing evidence found, and issue a traffic summons as appropriate.
 - d. When the owner acknowledges vehicle involvement, but denies being the driver and refuses to identify the driver, officers will complete the vehicle information section of the MV-104A form and make reference to the owner's statement.

NOTE: In order for an officer to issue a traffic summons, he must view both vehicles involved to be able to testify to "corresponding damage." Simple ownership is not sufficient for prosecution; witness description, driver admission, corresponding physical evidence, etc., is required.

C. Delayed Reports

1. Members will not take delayed property damage reports involving a motor vehicle.
2. The investigating officer will instruct persons involved to complete the Report of Motor Vehicle Accident (MV-104) when applicable.

D. Crashes Involving Hazardous Materials (47.7.E)

1. Officers should approach the scene with caution, attempting to stay upwind and out of low-lying areas.
2. Request immediate response from the Fire Department.
3. If possible to accomplish safely, officers shall identify the material through the placard on the side of the container and the bill of lading (shipping papers) which should be found near the driver's area. Officers should then consult the Department of Transportation's Emergency Response Guidebook (a copy of which has been assigned

to each patrol vehicle) for initial actions to be taken. Notify the dispatcher of the placard markings and request that they contact CHEMTREC. If safety concerns prohibit this action, await the arrival of the Fire Department.

4. Officers shall not attempt rescue/evacuation of persons in the area until chemical has been identified and its hazards confirmed.

VI. CASE PACKAGE

- A.** Case packages will be completed in the following situations:
 1. Fatal crashes;
 2. Life-threatening injury crashes;
 3. Serious crashes involving arrests for criminal negligence;
 4. Any other time the supervising officer or the Chief of Police deems it necessary.
- B.** Case packages will contain all reports, statements, diagrams, notes, etc., pertaining to the event including any arrest reports if applicable.

VII. INSPECTION AND BRAKE TEST

- A.** Officers will request a designated tow garage to inspect vehicles for defective brakes or other inspection violations in the following instances:
 1. When an arrest is made for inadequate brakes;
 2. When deemed necessary by the member's supervising officer.
- B.** Members will note in the MV-104A and in the officer's notes section of the Uniform Traffic Summons, the name of the tow company which inspects a vehicle.

VIII. CRASH PHOTOGRAPHY

Photographs will be taken in the following situations:

- A.** Fatal crashes;
- B.** Life-threatening injury crashes;
- C.** Crashes involving criminal negligence arrests;
- D.** Crashes involving damage to or by Town owned property;
- E.** To support enforcement action as needed;
- F.** As necessary or determined by a supervising officer.