

**COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK**

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE October 16, 2024	EFFECTIVE DATE October 16, 2024	No. 014-24
SUBJECT: GENERAL ORDER Accident Investigations		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE: NYSLEAP 40.2, 47.7			RESCINDS 014-06

Purpose: To define policy regarding the investigation and reporting of motor vehicle accidents (MVAs).

Policy: Members will respond to and thoroughly investigate all reports of MVAs. The extent of the investigation and report will depend upon the severity of the incident and other accompanying factors. Factors to consider will include whether death or injury occurred, the extent of the property damage, alcohol or drug involvement and evidence of criminal conduct. Patrol personnel are responsible for maintaining a supply of MVA reports while on duty.

Definitions:

- * Field Testing. Field testing refers to a PBT (Preliminary Breath Test) fully described in NYS VTL§1194-1b.
- * Emergency Operation: Emergency Operation is defined by The New York State Vehicle and Traffic Law § 114-b. Emergency operation. The operation, or parking, of an authorized emergency vehicle, when such vehicle is engaged in transporting a sick or injured person, transporting prisoners, delivering blood or blood products in a situation involving an imminent health risk, pursuing an actual or suspected violator of the law, or responding to, or working or assisting at the scene of an accident, disaster, police call, alarm of fire, actual or potential release of hazardous materials or other emergency. Emergency operation shall not include returning from such service.

I. Arrival at the Scene

Upon arrival at the scene, deputies will:

- A. Protect the scene. This may be accomplished by patrol vehicle placement, use of flares or any other method that prevents further injuries or damage.
- B. Care for the injured. Involvement should be limited to emergency first aid and patient comfort.
- C. Summon necessary additional assistance through the dispatcher (e.g., fire/rescue equipment, medical assistance, additional police units, Haz Mat, utility companies, tow truck, etc.).
- D. Establish a safe traffic pattern around the scene.
- E. Maintain security of the scene until all necessary measurements, photographs and other investigatory processes have been completed.

- F. Identify witnesses.
- G. Clear the scene as expeditiously as possible.

II. Investigative Procedures

- * A. The deputy who arrives on scene first, if practical, shall be responsible for completion of the investigation and report. In the absence of a supervisor, the deputy responsible for the investigation shall direct the activities of assisting deputies. The investigating deputy will request the involved operators submit to "Field Testing" if the accident resulted in serious physical injury or death to any person.
- * B. Field testing results will be documented in the MVA report.
 - * Note: Field testing will not eliminate the need for normal investigative steps to be taken, including, but not limited to, Standardized Field Sobriety Testing and subsequent chemical testing. These procedures are more fully described in PGBO 12-P-08, "DWI Procedures."
- * C. Statements shall be taken from drivers, passengers and witnesses as soon as possible. When statements cannot be obtained at the scene, the follow-up investigation will be promptly completed. When written statements are required, the deputy conducting the interview will prepare the written documents for the signatures of witnesses. Written statements will be taken on Supporting Depositions.
- D. Physical evidence should be carefully collected and documented, as in any criminal investigation.
- E. Interviews and investigation should not be limited to the scene of the accident.
 - 1. In some investigations, it will be necessary to establish the actions of one or both drivers for the time period preceding the accident.
 - 2. The physical, mental or emotional state of the driver(s) may have relevance to the accident (e.g., heart attack and suicide attempts).
- F. In serious accidents, and with the permission of a supervisor, a member who has been certified in Crash Management and/or Accident Scene Reconstruction may be summoned to the scene to assist in the investigation.
- G. Photographs will be taken at all accidents involving death, serious injury, extensive property damage or those involving county-owned vehicles and property. Photographs may be taken at other accident scenes if the investigating deputy and/or supervisor deem it necessary.
- H. When there is evidence that mechanical failure contributed to an accident involving death or serious injury, the vehicle will be towed to the appropriate tow agency's impounding area. A **MB-003 Intra-Departmental Correspondence** will be submitted through the appropriate Zone Captain to the Commander of Staff Services through the chain-of-command, requesting authorization for a member of the Sheriff's Fleet Maintenance staff to inspect the vehicle.
- I. When there is damage to public property (e.g., guardrails, traffic control devices, and roadway surfaces) the dispatcher shall notify the appropriate agency upon notification by the investigating deputy.
- * J. TRACS will be utilized to generate UTTs whenever feasible.

- * K. The MSO Case Report within the RMS application, shall be used for property damage incidents occurring on private property not generally open to the public (e.g., residential driveways).
 - * **Note:** In minor accidents that do not involve injuries, where no damage is apparent and with the agreement of the involved parties, the deputy does not need to complete a written report. In these cases, the deputy must advise the parties that there will be no report. (Deputies must still complete Driver's Exchange Slips in TraCS in accordance with section D below.)
- * L. An MSO Vehicle Impound shall be completed in Tyler when a vehicle is towed from an accident scene by an authorized tow agency. The person or agency that tows the vehicle(s) is responsible for removing accident debris from the highway. Tow operators who fail to fulfill this responsibility will be reported to the zone commander.
- * M. A MSO Case Report and necessary court documents shall be completed when criminal charges will be filed as a result of an accident. A MSO Case Report is not required when the only criminal charge is DWI-related. Documentation may be noted on a DWI form.
- * N. Driver's Exchange Slips identifying pertinent data regarding each driver and owner shall be completed by investigating deputies at each accident investigation through the TraCS software. Drivers may complete their own Driver's Exchange Slips at the direction of the deputy.
- * O. When a DWI-related arrest is made as a result of an accident, reporting procedures in **PBGO-12 DWI Procedures** shall be followed.
- P. When an investigation provides probable cause to believe that a traffic infraction has been committed, the deputy shall cite the offender as appropriate.
- Q. When a deputy takes an accident victim's property into custody, a **PB-199 Property Custody Report** shall be completed. Most personal property can be left in the vehicle. When an operator is unable to care for the property, any unusual or valuable items (e.g., significant sums of money, jewelry, firearms) left in the vehicle shall be taken by the deputy for safekeeping.

Note: The Vehicle and Traffic Law requires drivers to submit a report to the DMV regarding any accident which results in death, injury or property damage to a vehicle in excess of \$1,000.00. The police **MV-104A** report does not fulfill this requirement. Drivers should be advised that the necessary forms may be obtained from the DMV or from most insurance agents.

III. Diagrams

- A. Accident scene diagrams will be provided as required for every accident recorded on a **MV-104A** report in accordance to NYS DMV Accident Report Manual within the TraCS Software.
- * B. In cases of minor two (2) car accidents, the appropriate preprinted diagram may be selected. If the accident does not involve a situation depicted by the preprinted diagrams, such as only one car, or three (3) or more vehicles, a simple diagram indicating the position at impact shall be provided in the appropriate box on the **MV-104A within the TraCS software**.
- * C. Accidents involving death, serious injury or significant property damage requires diagram completed in TRACS.

- D. Accident diagrams shall be recorded as accurately as possible utilizing scale diagrams noting the final resting positions of the vehicle(s), physical measuring devices such as tape measured distances, and/or total station measuring devices that use triangulation to record distance, angle and elevations.

IV. Special Situations

- A. Deputies investigating fatal motor vehicle accidents or accidents involving serious injuries which may result in death will:
1. Request the immediate supervisor to respond to the scene, who will advise the dispatcher to notify the on-call Assistant District Attorney when deemed appropriate.
 - * 2. Request the Medical Examiner when the victim is deceased at the scene. The Medical Examiner is responsible for the victim's property. Deputies will not search the victim's property for identification or other information.
 3. Arrange for notifications of next of kin. Names of the deceased shall not be released to the media until such notifications have been made.
 4. The New York State DMV requires documentation of the following information on the **MV-104A** for all fatal accidents (Fatal Accident Reporting System - FARS).
 - * Note: The Police Report for Fatal Accidents (**MV-104D**) must also be completed for all fatal accidents within the TraCS Software.
 - a. Posted speed limit
 - b. Roadway surface (e.g., concrete, blacktop)
 - c. Number of lanes on the roadway
 - d. Roadway type:
 - i. One way
 - ii. Two-way, individual lanes
 - iii. Divided highway - median
 - iv. Divided highway - guide rail
 - v. Divided highway - other barrier
 - e. Emergency medical services:
 - i. Notification time
 - ii. Arrival time at scene
 - iii. Arrival time at hospital
 - f. Initial point of impact of the vehicles.
 - g. Name and address of all involved

- h. Vehicle model (e.g., Mustang, Corvette)
 - i. Estimated speed of each vehicle
 - j. Temperature at time of MVA
 - * k. Write "FATAL" across the top of the **MV-104A** report. Select the Fatal box in TraCS and it indicate it is a Fatal Accident.
5. Photographs and a detailed diagram will be completed for all fatal accidents. Whenever possible, a technician shall be summoned to the scene. When a technician is not available, the zone camera may be used for photographs.
- * 6. Early Notification of Fatal Accident Form (MV-104EN) must be completed and either faxed to 518-474-7302 or emailed to NYSfatals@dmv.ny.gov within 24 hours from the date of every fatal accident that occurs in NYS.
- B. Hit and run accidents involving serious physical injury or death must be reported to the Criminal Investigation Section (CIS). CIS personnel will assist the patrol with the investigation (the use of zone or Major Crime Unit personnel to be determined by the captain assigned to CIS).
- C. The Major Crimes Unit will be responsible for the investigation of accidents involving serious assault or homicide with a motor vehicle.
- * D. Accidents involving certain trucks, tractor-trailers and buses will be investigated as any other motor vehicle accident. In addition to the **MV-104A from TraCS**, a Truck and Bus Supplemental Police Accident Report (**MV-104S**) will be completed within the TraCS software when appropriate.
- * E. Accidents involving a train will be investigated as any other motor vehicle accident. In addition to the **MV-104A within the TraCS application**, a **PB-065 Train Accident Report** will be completed by the investigating deputy.
- * F. Any accident involving a snowmobile and resulting in injuries, death or property damage over one thousand dollars (\$1000.00) requires the filing of a Police Snowmobile Accident Report. If a motor vehicle is involved and injuries or death occur, a **MV-104A** within the TraCS application must also be prepared and a copy forwarded to the Special Services Group (SSG) supervisor. In addition, the snowmobile operator must be provided with a Snowmobile Accident Report which he/she completes. The original and one copy are forwarded to the State of New York and one copy is forwarded to the Sheriff's SSG.
- * G. Accidents involving a vessel being operated on a waterway and resulting in injuries, death or property damage over one thousand dollars (\$1,000.00) must be reported on a Recreational Boating Accident Report (**OPS 218**). Any other boating accidents require that the operator of the boat complete a Boating Accident Report (**OPS 201**), sending the original and one copy to the State and one copy to the SSG supervisor. A copy of the Police Vessel Accident form shall also be forwarded to the SSG supervisor.
- * 1. When on-duty, Marine Unit deputies will be responsible for conducting investigations of boating accidents. When no Marine Unit personnel are on-duty, a patrol supervisor shall notify the Special Services Group (SSG) supervisor who will make arrangements for the investigation to be completed.
2. In the event that a victim is believed to be under water, the SCUBA supervisor is to be immediately notified. Witnesses should be kept at the scene until interviewed by the SCUBA supervisor.

- * H. Accidents involving all-terrain vehicles (ATVs) will be reported on a **MV-104A** within the TraCS application or Case Report in the RMS application depending upon the location and severity of the accident.
 - I. School bus accidents involving a fatality or potential fatality must be reported to the National Response Center in Washington, D.C. as quickly as possible. The commanding officer responsible for the investigation will initiate such notification by calling (800) 424-8802 or (800) 424-8803. The center is manned twenty-four (24) hours a day, seven (7) days a week. The information required is contained on a DOT form which must be attached to the investigation report. A notation shall be made in the investigation report narrative as to who called the Response Center and the date and time of the call.
 - * J. All accidents involving damage to an RG&E power pole should be so noted on the **MV-104A** within the TraCS application. The letters "RG&E" shall be typed in the "Local Codes" box within the TraCS application. Deputies will notify the dispatcher of the pole number and location, and the dispatcher will immediately notify the RG&E.
 - * K. Accidents involving a police vehicle require that Police Involved is indicated in TraCS. All accident investigations involving department vehicles will refer to **MBGO #32 Agency Vehicles, Vessels and Motor-Bicycles**.
 - * Note: When a MV-104A in TraCS is prepared for an accident involving a department employee operating a department vehicle, the agency address shall be entered as the driver's address. The Sheriff's vehicle will always be listed as vehicle number one. A MVA-104L (Police Line of Duty) report will be generated with the MVA-104A from TraCS whenever an MVA involves a department vehicle. It shall be mentioned in the narrative portion of the report if the crash occurred during emergency operation. Emergency operation is defined in VTL §114-b.
 - L. When an accident creates a risk of contamination from hazardous materials, a supervisor shall respond to the scene. The appropriate emergency agencies, including Haz Mat teams, shall be summoned to the scene. Sheriff's personnel shall work in conjunction with other emergency personnel to ensure the safety of the public.
 - M. Whenever a traffic engineering deficiency is suspected the reporting deputy shall notify the dispatcher of the problem and request that the DOT responsible for the particular roadway be advised of the problem. Long term or persistent traffic engineering deficiencies/problems will be reported to the zone commander for follow-up and resolution, and coordinated with the appropriate DOT entity.
- V. Traffic and Criminal Software Program (TraCS)**
- * A. The goal of the TraCS program is to automate the issuance and printing of MVA reports in police vehicles and to electronically transfer the ticket and the accident data to and from the DMV, DOT and the Office of Court Administration (OCA).
 - * B. TraCS will be the only method for the generation of MVA reports. Handwritten MVA reports should ONLY be performed when automated reporting is not feasible due to the absence or availability of TraCS equipment, a hardware or software malfunction or as a result of the circumstances/exceptions noted below. When members complete a paper crash report, that member shall personally transfer that report into Tracs without reasonable delay.
 - C. Prior to utilizing TraCS, members will be trained by a certified TraCS instructor who will ensure the deputy has a working knowledge of the system as well as the ability to perform simple troubleshooting. Every deputy is responsible to retain their issued TraCS manual for reference when utilizing TraCS.

- * D. The member may log-into TraCS with their user credentials (ID and Password) for their tour-of-duty.
- * E. Driver Exchange Forms will be prepared, printed and issued to the driver(s) of each MVA. In an effort to expedite the removal of vehicles from the roadway, deputies will make it a priority to gain the necessary information from all drivers and passengers involved in the MVA and complete the final report at an off-road/off site location.
- F. Deputies will need to scan all of the driver's licenses and registrations into the TraCS system and attach this data to fields in TraCS prior to closing out the program.
- * G. Upon completing electronic reporting, the MVA shall be validated and submitted. If there is a need to delete the accident report, the reason must be indicated.
- H. Supervisors will review every MVA to either Accept or Reject the report. When rejected, the supervisor will note the reason it is being rejected. The deputy will see the updated status as rejected and will revise the report accordingly and re-validate, re-submit for supervisory review until the report is accepted.
- * I. Fatal and all police involved MVA's will not be approved and submitted via TRAC's prior to review/authorization by the applicable Zone Captain. Once the Zone Captain gives authorization, the appropriate supervisor will approve the report for submission to Albany (via TraCS IT window).
 1. The approval process will be as follows:
 - a. Reporting member initiates, validates, and submits the report.
 - b. Upon receipt of the submitted report, the supervisor will review the report. If the supervisor finds no errors, he/she will submit the draft copy to the Zone Captain for review.
 - c. The Zone Captain will review the report and authorize the supervisor to approve the report.
 - d. Only after the Zone Captain authorizes the TraCS submission will the supervisor approve the report.
 2. Fleet Damage Packages will continue to be submitted according to current procedure. MV-104A reports included with Fleet Damage Package must be generated in TraCS. Handwritten MV-104A reports will not be accepted.
- * J. MVA's that are not submitted by the member on the day of the crash will be considered "on-hold". It is the responsibility of the member to ensure on-hold MVA's are completed within seven (7) calendar days, unless approved by a supervisor for an exception.
 1. On-hold MVA's will be saved in each deputy's TraCS respective account, with supplemental details to be added upon completion of the investigation and submitted to a supervisor for review.
 2. Central Records Staff will check the Hold File weekly to ensure that MVA reports are submitted and reconciled with the TraCS MVA database to ensure electronic submission of final report.

- * K. Deputies must check their contact forms in Manager each workday to determine if there are any outstanding MVA's that require revision, correction or attention. Supervisors are also accountable to review their subordinate's TraCS manager on a daily basis to review, accept, or reject submitted reports.

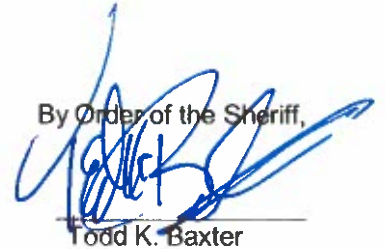
VI. TraCS Hardware/Software Issues

- * In the event of a TraCS problem or concern, contact the TraCS administrator in Staff Services by email or phone.

VII. Central Records Unit

- * In cases where fatal MVA's are completed, all original paperwork will be provided to the Central Records Unit upon approval by a supervisor.

By Order of the Sheriff,



Todd K. Baxter

- * Indicates a significant change from the previous order.