



# TOWN OF MACEDON POLICE DEPARTMENT

<b>General Order:</b> 525	<b>Effective Date:</b> December 13, 2019
<b>Subject:</b> Accident Investigations & TraCS – UTT Issuance and MV104 Reports	
<b>Reference Standards:</b> 47.1, 47.7	
<b>Rescinds:</b>	
Page 1 of 8	<b>Attachments:</b> None

## I. Purpose

- A. To define the Macedon Police Department's policy regarding the investigation and reporting of motor vehicle accidents (MVAs).

## II. Policy

- A. Officers will respond to and thoroughly investigate all reports of motor vehicle accidents. The extent of the investigation and report will depend upon the severity of the incident and other accompanying factors.
- B. Officers must complete an MVA-104A report for every motor vehicle accident which involves personal injury, death, or property damage valued at more than one thousand dollars (\$1000). Aside from these requirements, officers will complete an MVA-104A at a scene whenever an accident has occurred and an involved party requests such a report.
- C. If a person involved in a motor vehicle accident reports such accident away from the scene without the other party present, but within 5 days of its occurrence, officers will complete an MVA-104A and conduct an investigation. After the 5-day period, officers are only required by law to document and investigate an accident involving serious physical injury or death.
- D. The New York State Vehicle and Traffic Law requires drivers to submit a report to the DMV regarding any accident which results in death, injury, or damage to a vehicle or property in excess of \$1000.00, within ten days of the MVA. The police MV-104A report does not fulfill this requirement. Drivers should be advised that the necessary forms may be obtained from the DMV, online, or from most insurance agents

## III. Arrival at the scene

- A. Upon arrival at the scene officers will:

1. Protect the scene by patrol vehicle placement, use of flares, or any other method that prevents further injuries or damage
2. Provide emergency first aid and patient comfort to injured persons
3. Summon necessary additional assistance through the dispatcher such as fire/rescue equipment, medical assistance, additional police units, HazMat, utility companies, and tow trucks
4. Establish a safe traffic pattern around the scene
5. Maintain security of the scene until all necessary investigative procedures have been completed, including photographs and/or measurements if required
6. Identify witnesses
7. Clear the scene as expeditiously as possible. NYS V&T Law §1219-c states the tow agency that tows a vehicle at an accident scene is responsible for removing accident debris from the highway. Tow operators who fail to fulfill this responsibility will be reported to the platoon commander.

#### **IV. Investigative procedures**

- A. The officer who is initially dispatched to the scene will be responsible for completion of the investigation and report, unless another officer arrives first and assumes responsibility. In the absence of a Supervisor, the officer responsible for the investigation will direct the activities of assisting officers.
- B. Statements will 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. Some investigations may require the officer to establish the actions of one or both drivers for the time period preceding the accident. The physical, mental or emotional state of a driver or passenger may have relevance to the accident.
- C. When written statements are required, the officer conducting the interview will prepare the supporting depositions for witnesses to read and sign.
- D. Physical evidence should be carefully collected and documented, as in any criminal investigation.
- E. Photographs will be taken at all accidents involving death, serious injury, extensive property damage or those involving town-owned vehicles and property. Photographs may be taken at other accident scenes if the investigating officer and/or a Supervisor deem it necessary.
- F. In serious accidents, the Wayne County Sheriff's Office or New York State Police will be requested to assist with Advanced Techniques in Accident Investigation and/or Accident Scene Reconstruction.
- G. When there is evidence or allegation that a mechanical failure contributed to an accident involving death or serious injury, that vehicle will be towed and impounded at the Macedon Police Department. The investigating officer will make arrangements to have the vehicle

inspected by a town highway department mechanic, or another certified professional.

- H. When there is damage to public property such as guide rails, traffic control devices, utility poles, and/or roadway surfaces, the officer will request the dispatcher to notify the appropriate service agency.

## **V. TraCS – Traffic and Criminal Software**

- A. The goal of TraCS is to facilitate the completion of motor vehicle accident reports (ACC), and the completion, issuance and printing of uniform traffic tickets (UTTs). TraCs will also electronically transfer the ticket and accident data to and from the Department of Motor Vehicles (DMV), Department of Transportation (DOT) and the Office of Court Administration (OCA).
- B. TraCS will be the primary method for the generation of motor vehicle accident reports and the issuance of traffic summonses. Handwritten MVA reports and UTTs will be utilized as required during field training, or 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 certain circumstances and exceptions noted below.
- C. Prior to utilizing TraCS, officers will be trained by a TraCS trainer who will ensure the officer has a working knowledge of the system, as well as the ability to perform simple troubleshooting. TraCS UTTs and ACCs will be completed in accordance with the “TraCS-New York State Uniform Traffic Ticket (UTT) and Traffic Accident Report (ACC) User Guide”.
- D. TraCs data will transmit wirelessly between patrol vehicle computers and the departmental server.

### **E. Motor Vehicle Accident reports**

1. All MVA reports will be completed utilizing TraCS.
2. Driver Exchange Forms will be prepared, printed, and issued to the all drivers and/or vehicle owners involved in an MVA.
3. In an effort to expedite the removal of vehicles from the roadway, officers will make it a priority to obtain and record the necessary information from all drivers and passengers involved in the MVA and complete the final report at an off-road or off-site location.
4. Prior to the end of his/her shift an officer is required to transmit or transfer all TraCs ACC reports to the departmental server.
5. The Road Patrol Sergeant will review every TraCs accident report submitted by members of their platoon and decide whether to “Accept” or “Reject” the report.
  - a) Once accepted reports will also be transmitted to New York State.

- b) The Road Patrol Sergeant can make notations on rejected reports detailing the reason the report is being rejected. These rejected reports will automatically be retained in the investigating officer's TraCS Manager file.
- 6. All road patrol officers are required to check the status of reports in their TraCS Manager file at the beginning of their shift. The officer will see the updated rejected status of an ACC report, and will be required to revise the report accordingly. The officer will then resubmit the report until it receives an accepted status.
- 7. It is the responsibility of the reporting officer to ensure that all incomplete TraCS reports are completed within seven days, unless an extension is granted by a command officer.
- 8. Supervisors must check their TraCS Manager each day to ensure that MVA reports that are not complete are subsequently submitted.
- 9. If an officer has to amend a transmitted TraCS ACC report, the original report will be replicated and only the revised or additional information will be added to the report.
- 10. If there is a need to delete a TraCS ACC report, a valid reason must be indicated. Once an ACC is transmitted, it cannot be deleted.

#### **F. TraCS Uniform Traffic Tickets (UTTs)**

- 1. All UTTs will be completed utilizing TraCS, unless there is TraCS malfunction.
- 2. TraCS supporting depositions should be completed and issued with a UTT for all moving violations.
- 3. When no Driver License or identification is provided, the scanner may be utilized to photograph the driver's image. Photos scanned as an attachment to a TraCS UTT should only be used for court purposes related to that traffic arrest.
- 4. When a TraCS UTT has been completed and a malfunction prevents printing, then a handwritten UTT may be completed and issued. The TraCS UTT must be deleted by the officer or voided by a Supervisor.
- 5. When a UTT requires consideration for voiding, the Road Patrol Sergeant must approve the void utilizing one of the predefined reasons listed in the TraCS program.

#### **VI. TraCS Hardware/software issues**

- A. When a TraCS problem is noted, officers will report the matter immediately by completing a Computer Deficiency Form. The form will be sent to the Road Patrol Sergeant.

#### **VII. Records Division/Police Clerk**

- A. In cases where a UTT is issued with an incorrect court date, either the court itself or the Police Clerk will ensure the proper court date is provided to the violator.
- B. In cases where fatal MVA reports are completed, the approved reports will be provided to the Police Clerk.

- C. Police related MVAs shall be forwarded to the Chief of Police, through the chain of command.
- D. The Police Clerk will print out the TraCS ACC reports completed since the last previous workday and store the paper copies in the appropriate file as per New York State SARA guidelines.

### **VIII. Reports and forms utilized**

- A. When the TraCS program is not available, or the MVA is an agency involved accident, a New York State Department of Motor Vehicles (DMV) report form MV-104A will be completed. The report will be completed in accordance with the Police Accident Report Manual issued by the NYS DMV. Additional MV-104A forms will be required when the accident involves more than two vehicles, more than one pedestrian/bicyclist or more than eight vehicle occupants. The MV-104A may be used for accidents occurring on private property.
- B. The Addendum report will be used to record the observations of the investigating officer, synopses of witness statements and/or narrative comments when the space provided on the MV-104A is not sufficient.
- C. A Tracs Vehicle Impound & Inventory Record will be completed only when a vehicle is **impounded** from an accident scene by a contract tow agency.
- D. A Standard Crime Report and additional required paperwork will be completed when criminal charges are filed as a result of an accident.
- E. The appropriate reports will be completed pursuant to General Order 510, for accidents where a driver is arrested for DWAI/DWI/DWAID.
- F. Driver's Exchange Slips identifying pertinent data regarding each driver and owner will be completed by the investigating officer at each accident investigation.
- G. UTTs may be issued as appropriate.
- H. Supplement Investigative Action Reports, as well as any other applicable reports or diagrams, will be completed when reporting additional information following the initial report.
- I. Most personal property can be left in a towed vehicle. When a vehicle driver or owner is unable to care for their personal property, the officer will make provisions to safeguard certain items. Any valuable or dangerous items such as money, jewelry, and/or firearms will be secured by the officer for safekeeping in accordance with General Order 480. This will include the submission of a Property Receipt. Pets will be secured by an Animal Control Officer.

### **IX. Diagrams**

- A. Accident scene diagrams details will be provided for every accident report. In cases of minor two-car accidents, the appropriate preprinted diagram may be utilized. If the accident does not involve a situation depicted by the preprinted diagrams, such as one car involved, more

than two vehicles involved, or an animal struck, a simple diagram indicating the position at impact shall be drawn in the appropriate box on the report.

- B. Accidents involving death, serious injury or significant property damage may require a more extensive diagram, which shall be submitted as a supplemental document.

## **X. Special Situations**

### **A. Serious injury/fatal MVAs**

1. Officers investigating fatal motor vehicle accidents or accidents involving serious injuries which may result in death will request a Sergeant and the Chief of Police to respond to the scene. The investigating officer will preserve any evidence. If the accident involves a fleeing vehicle, the investigating officer will broadcast pertinent information to other officers and appropriate police agencies.
2. The Sergeant will contact the Wayne County District Attorney's Office when deemed appropriate.
3. When applicable, the Sergeant will request the Wayne County Coroner be notified that the victim is deceased at the scene. The Monroe County Medical Examiner is responsible for the victim's property. Officers will not search the victim's property for identification or other information.
4. The Sergeant will arrange for notifications of next of kin. Names of the deceased will not be released to the media until such notifications have been made.
5. A NYS DMV Early Notification for Fatal MVA report will be completed by the investigating officer and faxed to the DMV within 24 hours of the accident.
6. The Police Report for Fatal Accidents (MV-104D) must be completed for all fatal accidents and attached to the original MV-104A.
7. The Sergeant will determine whether or not the services of the Wayne County Sheriff's Office or New York State Police are necessary. Photographs, measurements, and a detailed diagram will be completed for all fatal accidents. Accident diagrams will be recorded as accurately as possible utilizing scale diagrams noting the final resting positions of the vehicle(s). Measuring devices such as tape measures, lasers, and/or GPS measuring devices will be utilized.
8. The Chief of Police will be notified in the event of a serious or fatal MVA or any MVA involving a train.

### **B. Truck and bus supplemental reports**

1. MVAs involving certain trucks, tractor-trailers and buses will be investigated as any other motor vehicle accident. In addition to the MV-104A, a Truck and Bus Supplemental Police Accident Report (MV-104S) will be completed when appropriate. The investigating officer may contact the NYSP Commercial Vehicle Inspection Units for assistance if

necessary.

C. Snowmobile accidents

1. Any accident involving a snowmobile and resulting in death, injury, or property damage in excess of one hundred dollars (\$100.00) requires the filing of a Police Snowmobile Accident Report. Snowmobile accident report forms are provided by the NYS Office of Parks, Recreation and Historic Preservation. If a motor vehicle is involved and injury, death, or property damage in excess of thousand dollars (\$1000) occurs, an MV-104A must also be prepared.

D. Waterway accidents

1. All accidents occurring on the waterways will be investigated by the Wayne County Sheriff's Department or other appropriate agency.

E. ATV MVAs

1. All accidents involving all-terrain vehicles (ATVs) will be reported on an MV-104A.

F. Fatal school bus MVAs

1. School bus accidents involving a fatality or potential fatality must be reported to the National Response Center in Washington, D.C. as soon as possible. The center is staffed twenty-four hours a day, seven days a week. The commanding officer responsible for the investigation will initiate such notification by calling (800) 424-880 or (800) 424-8803. The information required is contained on a Department of Transportation 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.

G. Public property damage

1. All accidents involving damage to a service utility poles or other public property will be noted on the MV-104A. The identifying letters located on the utility pole will be placed in the narrative of the report. Officers will notify the dispatcher of the pole number and location, and the dispatcher will immediately notify the appropriate utility company.

H. Agency involved MVAs

1. Accidents involving a department member operating a police vehicle require that the words "Police Involved" be written across the top of the MV-104A form. The police department's address will be entered as the driver's address. Emergency operation of the police vehicle shall be mentioned in the narrative portion of the report if the vehicle was in such a mode.

I. Traffic engineering deficiencies

1. Whenever a traffic engineering deficiency is suspected, the reporting officer will notify the dispatcher of the problem and request that the appropriate Department of Transportation responsible for the particular roadway be advised of the problem. Long

term or persistent traffic engineering deficiencies and/or problems will be reported to the Road Patrol Sergeant. The Road Patrol Sergeant will ensure follow-up and resolution are coordinated with the appropriate Department of Transportation agency.

J. Fire hazards

1. Officers investigating accidents will request a fire department response in the event of a fire, a potential fire, a fluid leak, or if a person is trapped inside a vehicle.

K. Hazardous Materials

1. Whenever a vehicle transporting hazardous material is involved in an accident, the officer will ensure the safety of all persons at or near the scene. The vehicle operator is an excellent source of information and should be interviewed for information pertaining to the hazardous material cargo. If the driver cannot be located, officers should attempt to identify the material involved through the placard on the side of the vehicle or container. This should only be attempted if it can be accomplished safely from a distance. If safety concerns prohibit this action, await the arrival of the fire department.
2. If the placard is visible, or the substance is otherwise identified, officers should then consult the US DOT Emergency Response Guidebook for initial actions to be taken. The officers should also notify the dispatcher of the placard markings and request the dispatcher contact the Monroe County HazMat team.
3. In the event of a spill or leak of the hazardous material, the officer should immediately request a fire department response, and approach the scene with caution, attempting to stay upwind and out of lowlying areas. Officers should not attempt rescue or evacuation of persons in the area until the chemical has been identified and its hazards confirmed.

By Order of the Chief of Police

*John P. Colella*

John P. Colella (Dec 14, 2019)

John P. Colella

Chief of Police

Dated this 13<sup>th</sup> day of December 2019