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1789

TRAFFIC COLLISION INVESTIGATIONS
GENERAL ORDER NO: 3.4.10

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PURPOSE: The purpose of this policy is to insure that motor vehicle collisions that occur in the City of Albany are thoroughly investigated and consistently documented.

POLICY: It is the policy of the Albany Police Department to investigate all motor vehicle collisions reported to the department, and to thoroughly complete all necessary paperwork for reportable motor vehicle collisions, as defined in this policy.

I. COLLISION SCENE RESPONSE

A. Per New York State Vehicle and Traffic Law, police officers must investigate and report motor vehicle accidents involving death or personal injury (as required by Sections [600](#), [601](#), [602](#), [603](#), and [604](#)), provided that the report of the accident is made within five (5) days of such accident.

1. Accident report forms shall be completed in accordance with the directions set forth in the [New York State Department of Motor Vehicles' Police Accident Manual](#).

B. A thorough investigation, along with a mandatory [Police Accident Report, form MV-104A](#), shall be completed whenever a collision (reportable accident) occurs, involving any of the following:

1. Death or Injury;
2. Property damage, the value of which exceeds \$1,000.00;
3. Hit and Run;
4. Impairment of an operator due to alcohol and/or drugs;
5. Damage to public vehicles or property;
6. Collision involving hazardous materials;
7. Collision involving a City vehicle;
8. Altercation between parties;
9. Major traffic congestion as a result of the collision; and
10. Damage to a vehicle(s) to the extent that towing is required.

- a. Collisions occurring on private property, which include one of the above listed factors (1-10) shall be investigated and reports shall be

filed as if the collision occurred on a public roadway.

11. In certain cases where damage is minor, less \$1000.00, the drivers may wish to exchange relevant information and not have a police report taken.
 - a. Officers should not encourage this as a substitute for a collision investigation and report.
 - b. At the request of any of the involved motorists, an accident report will be completed.
- C. Per [New York State Vehicle and Traffic Law Section 603 -2](#), police officers must investigate and report motor vehicle accidents involving certain commercial vehicles, provided that the report of the accident is made within five (5) days of such accident.
1. In addition to completing a MV-104A report, officers shall complete a separate [Truck and Bus Supplemental Police Accident Report, MV-104S form](#), for each qualifying commercial vehicle, only if the following criteria applies:
 - a. The accident involved a qualifying vehicle, as listed below:
 - i. Any commercial truck having a Gross Vehicle Weight Rating (GVWR) or Gross Combined Weigh Rating (GCWR) > 10,000 lbs.;
 - ii. Any vehicle displaying hazardous materials (Haz Mat) placard; or
 - iii. A bus designed to carry nine (9) or more persons, including the driver.

AND

 - b. One of the following events occurred:
 - i. At least one vehicle was towed/transported from the scene (other than for a flat tire);
 - ii. At least one person sustained fatal injuries; or
 - iii. At least one person was transported for immediate medical treatment.
- D. Fatal Motor Vehicle Accident:
1. As part of the National Highway Traffic Safety Administration (NHTSA) accident reporting requirements, NYS DMV has implemented an Early Notification Program for all fatal motor vehicle accidents.
 2. In addition to completing a MV-104A report, officers shall complete the following two (2) additional reports:
 - a. [Police Report for Fatal Motor Vehicle Accidents, form MV-104D](#); and
 - b. [Early Notification of a Fatal Accident, form MV-104EN](#).

- i. The MV-104EN form must be completed and faxed to DMV, at (518) 474-7302, within twenty-four (24) hours from the date of every fatal accident.
 - ii. If the MV-104EN form is completed in TraCS, it shall be transmitted electronically to DMV within forty-eight (48) hours.
- c. If applicable, officers shall also complete the Truck and Bus Supplemental Report, form MV-104S.

E. Police Line of Duty Accidents:

1. In addition to completing the MV-104A form, accidents involving police vehicles must be reported to DMV by submitting the following report:
 - a. [Police Line of Duty Accident, form MV-104L](#).
2. Personnel shall also complete an Albany Police Department [Police Car Accident Worksheet](#), APD Form #149 shown on page 15 of this order. This form is utilized to ensure that the appropriate paperwork and information is collected and transferred to the following departments: Traffic Safety, Corporation Counsel, and OPS. Personnel shall collect the following information and submit all items to the Traffic Safety Sergeant who will then distribute the information accordingly:
 - a. MV-104A, Police Accident Report (approved copies);
 - b. MV-104L, Police Line of Duty Accident form;
 - c. Standardized Incident Report (SIR);
 - d. Investigation Report;
 - e. Intra-Departmental Correspondences (IDCs);
 - f. Insurance Forms;
 - g. DVR Request Forms;
 - h. Completed by whom and when.
 - i. In addition, personnel shall make three (3) copies of the CD that contains the photographs of the line of duty accident, and label each CD, according to the following:
 - a) File copy;
 - b) OPS copy; and
 - c) FIU copy.

F. Unless TraCS is unavailable, accident report forms shall be completed in the TraCS system. The following report forms are available:

1. Police Accident Report, form MV-104A;
2. Truck and Bus Supplemental Police Accident Report, form MV-104S;
3. Police Report for Fatal Motor Vehicle Accidents, form MV-104D;
4. Early Notification of a Fatal Accident, form MV-104EN;
5. Report of a Motor Vehicle Accident Police Line of Duty Accident, for MV-104L;
6. DWI: Lab 23, Supporting Deposition/Bill of Particulars, Refusal, Long

Form Information;

7. Traffic Depositions; and
8. MV78B Form: Used for Confiscated, Lost, or Stolen License Plates, Driver License, Non Driver ID, Learner Permit or Registration/Sticker.
 - a. Officers shall submit all reports for processing prior to completion of their shift.
 - b. Shift supervisors shall be responsible for reviewing submitted reports for accuracy and completeness, prior to shift completion.
 - i. Supervisors may refer to the [TraCS Supervisors Guide](#) for assistance with completing necessary tasks in the TraCS system.

G. Personnel shall periodically review the following Training Bulletin and video to assist with accurately entering data and, ultimately, improving the efficiency of data transfer from TraCS to RMS:

1. [Training Bulletin 14-02](#); and
2. [TraCS Informational Training Video](#).

H. Amending Accident Reports:

1. Whenever it is necessary to make a change to an accident report that was previously submitted to DMV (e.g., a hit and run accident where the driver is later identified or an injury accident which later results in the death of an individual), officers must submit an amended report. The below applicable instructions are available to assist personnel with completing amended accident reports:
 - a. [Instructions for Amending Form MV-104A](#); and
 - b. [Instructions for Amending Forms MV-104S and MV-104D](#).

I. Copies of Accident Reports:

1. Officers shall provide individuals who were involved in a motor vehicle collision with a completed Accident Information Exchange Form, and shall explain to motorists how they can obtain a copy of the accident report, which includes:
 - a. Online, at <http://www.crashdocs.org/albany>, after 3-5 business days;
 - b. Online, at [DMV Records – Get an Accident Report](#), at least 14 days from the date of accident; or
 - c. In person, at Police Headquarters, 165 Henry Johnson Boulevard, after 2-3 business days.
 - i. Officers shall further explain the importance of having the Incident Number and date of accident in hand when requesting a copy of the accident report; and
 - ii. Individuals who request a copy of an accident report in person at Police Headquarters will need to have photo identification

with them, and the cost of copies is \$0.25 per page.

II. PROPERTY DAMAGE AND PHYSICAL INJURY COLLISIONS

A. Whenever responding to a motor vehicle collision which involves property damage or physical injury, officers shall complete the following:

1. Unless otherwise directed, the officer originally dispatched to the scene by Communications personnel shall be responsible for investigating and reporting the collision.
2. Officers shall proceed to the collision scene without delay and complete the following:
 - a. Position the police vehicle, to protect the scene and any involved parties, utilizing emergency equipment;
 - b. Identify and care for the injured;
 - c. Identify if any fire hazards and/or hazardous materials are present; and
 - d. Request AFD/EMS, as necessary.
 - i. For major scenes, the scene may be further protected by utilizing crime scene tape and department personnel to ensure that unauthorized persons do not enter the scene.
3. Under normal circumstances, the officer initially assigned to the call shall handle the collision scene and is in charge of the scene until the arrival of a supervisor.
 - a. Upon arrival, the supervisor shall be in charge of the scene or may turn the scene over to an accident investigator, as deemed necessary.
4. For serious injury or death collisions, the shift supervisor shall be responsible for making the appropriate notifications for assistance and shall oversee that a complete investigation is conducted.
5. The supervisor shall determine if a collision is serious enough to require the notification and response of any other specialized personnel, such as:
 - a. [Certified Accident Investigator](#);
 - b. [Certified Traffic Crash Reconstruction Officer](#);
 - c. [Forensic Scan Team Officers](#);
 - d. [Certified Advanced Roadside Impaired Driving Enforcement \(ARIDE\) Officer](#); and/or
 - e. [Drug Recognition Enforcement \(DRE\) Officer](#).
3. All drivers shall be interviewed and the identification and statements of witnesses shall be obtained. The investigating officer or detective shall collect all the necessary information to properly handle the investigation and prepare the report, and shall:
 - a. Complete e-Justice/NYSPIN checks for valid operator's license,

officer or, if applicable, the investigator.

- a. Any additional follow-up reports, including but not limited to Accident Reconstruction Reports, Supplemental Reports, citations and/or Arrest Reports shall be included in the original case file.

III. FATAL AND SERIOUS PHYSICAL INJURY (F/SPI) COLLISIONS

A. Personnel shall follow the procedures outlined in Section II of this policy and, in addition, shall complete the following:

1. The first responding officers shall render first aid as necessary, and then secure the scene and any witnesses.
2. The shift supervisor shall respond to all fatal and serious injury motor vehicle collisions.
3. The Operations lieutenant shall ensure the appropriate notifications to command staff members are made, as necessary.

B. The on-scene supervisor will cause a detective supervisor, traffic safety supervisor, and the FIU lieutenant to be notified of the incident.

1. The detective supervisor and traffic safety supervisor will respond to the scene and coordinate the investigation.
2. During the initial stages of the investigation, the below listed tasks will be completed as described. At the appropriate time, the involved supervisors will determine which unit will take the overall lead in the investigation.
3. The responsibilities for the investigation will be broken down as follows, with the appropriate coordination:

a. The detective office will:

- i. Photograph scene;
- ii. Collect forensic evidence (including video);
- iii. Secure necessary search warrants relating to physical evidence;
- iv. Secure statements;
- v. Liaison with victims family; and
- vi. Interview suspect(s) – This will occur after alcohol or drug testing has been completed.

b. Traffic safety will:

- i. Conduct the vehicle collision investigation;
- ii. Conduct alcohol/drug related testing of driver(s), including coordinating blood being drawn, if appropriate;
- iii. Conduct Forensic Scan procedures;
- iv. Secure necessary search warrants relating to mechanical inspection of vehicle; and
- v. Notify District Attorney's office.

C. Accident Investigators shall:

1. Provide technical investigative assistance for the on-scene investigation of fatal, life-threatening injury accidents, and any serious fleet vehicle accidents.
2. Complete the MV-104A, MV-104D, and MV-104EN, and submit all appropriately.
3. Conduct necessary and related technical aspects of the continued investigation.
4. Determine the necessity of a scale diagram and accident reconstruction and complete same, when necessary.
5. Complete the initial Investigation Report and coordinate follow-up investigative responsibility with the Criminal Investigations Unit, if it is determined that a criminal act may have occurred.
6. Complete any other necessary investigative action reports and forms and submit them appropriately.
7. As necessary, advise the evidence technicians in evidence collection and photography.

D. Forensic Unit Investigators shall:

1. Assist the Forensic Scan Team/Accident Investigator with measurements and preparation of the accident scene diagram.
2. Take necessary photographs.
3. Collect physical evidence and off-scene data.
4. Complete and forward the Technicians Evidence and Photo Report to their supervisor for review and distribution.

E. Personal notification of victim's next of kin shall be arranged, when appropriate, and in accordance with [GO 3.1.20 – Notification Procedures](#).

F. A complete case file shall be compiled with copies of all relevant documents and maintained by the assigned Forensic Scan Team officer/accident investigator.

IV. FOLLOW UP INVESTIGATIONS

A. Under the following conditions, collisions shall have a follow-up investigation completed by an Forensic Scan Team/Accident Investigator:

1. Fatal collisions;
2. Officer involved traffic collisions where an injury is reported; or
3. Serious injury traffic collisions where criminal charges are likely (e.g., reckless driving).

B. The Forensic Scan Team/Accident Investigator shall be responsible for gathering additional data, as needed, for coordinating expert or technical assistance, and for preparing formal reports to support criminal charges.

1. Detectives may also be assigned follow-up investigation duties, as deemed necessary.

V. DRIVING WHILE INTOXICATED OR IMPAIRMENT DUE TO ALCOHOL OR DRUGS

A. Personnel shall follow procedures outlined in Section II of this policy and shall complete the following:

1. Whenever an officer suspects that the ability of a driver involved in an accident has been impaired by alcohol or drugs, a screening test or performance test shall be administered to determine if probable cause exists to make an arrest.
2. In addition, officers shall also follow procedures outlined in [GO 3.4.05 - Traffic Enforcement](#), and complete all necessary accident reports and forms.

VI. HIT AND RUN ACCIDENTS

A. Department personnel shall follow procedures outlined in Section II of this policy, and shall conduct a thorough investigation of all hit and run accidents.

1. The investigation shall be pursued as far as practicable to establish the identity and effectuate an arrest of the hit and run driver.
2. The responding officer shall be responsible for completing the following:
 - a. Obtain wanted suspect and suspect vehicle information and broadcast said information.
 - b. Complete an MV-104A report and list as much known information as possible, including:
 - i. Details of all investigative efforts taken and the elimination of all possible solvability factors;
 - ii. Partial license plates; and
 - iii. Direction of travel.
 - c. Attach any supplemental reports completed and submit them accordingly.
 - d. Take appropriate enforcement action if a suspect is located.
 - e. When a hit and run suspect vehicle(s) is located and occupied, officers shall:
 - i. If the owner of the suspect vehicle acknowledges involvement but denies being the driver or refuses to identify the driver, complete the vehicle information section of the MV-104A and make reference to the owner's statement in the narrative portion.
 - ii. If the suspect admits to, or if physical evidence indicates involvement, issue appropriate traffic summons(es), document evidence found, and make appropriate amendments to the accident report and/or supplemental report.
 - iii. Confer with a supervisor to determine if a search warrant should be secured to seize and collect evidence of the collision from the vehicle.

- f. When a hit and run suspect vehicle(s) is located and unoccupied officers shall:
 - i. Inspect the vehicle in question and take necessary steps in the collection of evidence and photography, in accordance with current directives. This includes conferring with a supervisor to determine the need for a search warrant.
 - ii. Attempt to locate the operator(s), passenger(s), or witness(es) and take the necessary steps to obtain statements.
 - iii. Officers may document the condition of the suspect vehicle on the following:
 - 1) MV-104A report in the narrative; or
 - 2) Supplemental report, attached to the appropriate paperwork.
 - iv. If necessary, tow vehicle for safekeeping, as per current directives.

VII. MOTOR VEHICLE COLLISIONS INVOLVING FIRE HAZARDS

A. Personnel shall follow procedures outlined in Section II of this policy and shall complete the following:

1. If a fire exists or there is a great potential for fire (spilled gasoline or live sparking wires), officers shall immediately summons AFD to respond.
2. Any injured victim who cannot leave the immediate hazardous area should be assisted, when safe. All other persons in the immediate area should be evacuated.
3. Officers shall isolate the area to prevent unauthorized subjects from entering.

VIII. MOTOR VEHICLE COLLISIONS INVOLVING HAZARDOUS MATERIALS

A. Personnel shall follow procedures outlined in Section II of this policy and shall complete the following:

1. Officers should be aware that any traffic collision involving a cargo vehicle is a potential hazardous material incident and should be observant for any evidence of hazardous material or hazardous material placards before approaching cargo vehicles involved in collisions.
2. When there is a question whether spilled material at a collision scene may be hazardous, officers should avoid contact with the material and shall keep others from contact with the material.

B. Whenever a motor vehicle collision involves a vehicle transporting hazardous material, the investigating officer shall take all necessary steps to ensure the safety of all persons at or near the scene.

1. The investigation of a collision involving hazardous materials shall be

suspended until conditions will allow for the safe resumption of investigative activities.

- C. Initial responders should remain upwind from the suspected hazardous material and utilize the [U.S. Department of Transportation's Emergency Response Guide](#) in making a preliminary assessment of the situation.
 - 1. The driver of the vehicle should be interviewed to determine the nature of the material and to determine if the appropriate placards are displayed on the vehicle.
 - 2. AFD shall be summoned to provide assistance.
 - 3. The shift supervisor shall respond to the scene and assess the situation and if necessary establish emergency procedures, according to [GO 3.9.00 – Emergency Operations Plan/Critical Incidents](#).

IX. COLLISIONS ON PRIVATE PROPERTY

- A. Officers shall follow the procedures outlined in section II of this policy for reports of collisions on private property.
 - 1. Citations can be issued for a traffic violation when the collision occurred in a public parking lot clearly posted as being under the jurisdiction of New York State law enforcement.
 - 2. Uniform Traffic Tickets (UTTs) and/or parking tickets can only be issued on private property (e.g., fields, personal acreage, parking lots, etc.) when probable cause exists and one of the following are involved:
 - a. A hit and run collision;
 - b. Reckless driving;
 - c. Reckless homicide;
 - d. DWI, DWAI, or DWAIID; or
 - e. A written request formally exists between an authorized representative of the property and the Albany Police Department, in accordance with [Section 359-14 of the City Code](#) and [Section 1640-A of the New York State Vehicle and Traffic Law](#).
 - i. This written agreement allows officers to enforce any and all state or local traffic laws and regulations, and any and all state or local parking laws and regulations, on and related to, said property.

X. DELAYED ACCIDENT REPORTS

- A. Often times, the department is called upon to complete an accident investigation and report after the involved parties have left the scene.
 - 1. This service shall be provided only when it is possible to obtain an accurate account of the circumstances and within applicable time frames.
 - 2. All drivers involved must be interviewed before completion of the report in order to provide an objective report.
 - 3. The MV-104A form should note that the investigation and report was not

completed at the time of the collision and that the officer was not present at the scene.

4. Discrepancies in driver's accounts should be noted on the report as such when no definitive cause can be determined.

B. When a motor vehicle collision has been reported after five (5) days of the incident and there are no reported injuries or violations of law, officers shall:

1. Provide the operator(s) with the [Report of a Motor Vehicle Accident, form MV-104](#), also referred to as a Civilian Accident Report, to be completed by the vehicle operator(s) and submitted to the DMV within ten (10) days of the incident.

XI. POLICE VEHICLE ACCIDENTS

A. Any police vehicle involved in a collision shall not to be moved until the shift supervisor arrives on the scene or authorizes the movement of the vehicle.

B. In all collisions involving a police vehicle, a MV-104A and MV-104L report form shall be completed by a certified accident investigator.

1. Whenever possible photographs should be taken, except for minor collisions.
2. If the collision involves substantial property damage or physical injury requiring medical attention to any involved party, the Operations lieutenant shall be notified.
3. If the collision involves a fatality or serious physical injury, the Operations lieutenant shall notify appropriate command staff members.
4. If the collision involves a fatality or serious physical injury, the Office of Professional Standards shall be notified.

C. Police vehicles shall be towed and repaired in accordance with [General Order 3.3.05 – Repairs to Department Vehicles](#).

XII. ACCIDENTS INVOLVING OTHER CITY VEHICLES OR PROPERTY

A. In all collisions involving public property or City vehicles, a thorough investigation shall be conducted and a MV-104A report must be filed.

1. Such investigation should include photographs and other technical support, when appropriate.
2. Copies of the report shall be forwarded to the appropriate department or agency.
3. Enforcement action shall be taken when appropriate.
4. The Operations lieutenant shall be notified of such collision or property damage.

XIII. ACCIDENT PREVENTION/TRAFFIC PROBLEMS

A. Traffic Engineering Activities:

1. Traffic engineering activities are primarily aimed at the discovery and remedy of collision and congestion hazards.

B. Department Activities:

1. Department activities, include the following:
 - a. Collect and compile traffic data;
 - b. Conduct special traffic surveys and studies;
 - c. Analyze collision and enforcement data;
 - d. Prepare special reports and make recommendations concerning the efficient use of traffic control devices, new or revised laws or ordinances, and engineering improvements; and
 - e. Participate in local and/or regional transportation system management planning.

C. Traffic Engineering Deficiencies:

1. Officers shall record, investigate, and follow up on all complaints or suggestions concerning actual or potential traffic engineering problems or deficiencies.
 - a. The caller's information shall be verified concerning the actual or potential condition being reported.
 - b. Appropriate remedial action shall be initiated and the information referred to the appropriate traffic engineering authority.

D. Accident Location Studies:

1. Analysis of high collision locations may identify accident patterns and possible engineering deficiencies which contribute to accidents.
2. Accident collision diagrams can be a useful tool in determining the cause of a collision and are prepared in conjunction with many investigation reports.
3. When evidence of engineering deficiencies are found, the department shall ensure the proper traffic engineering authorities are notified of these deficiencies.

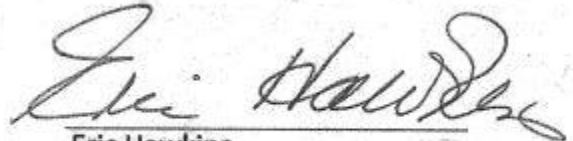
XIV. TRANSMISSION OF COLLISION AND ENFORCEMENT DATA

A. Collision and enforcement data collected as a result of traffic accident reports and traffic citations are transmitted to the New York State Department of Motor Vehicles as follows:

1. Data that is directly entered into the TraCS system is electronically transmitted to NYS DMV through the software system.
2. Should the computer system be unavailable, data that is printed on written reports shall be entered into the computer system by the officer or records personnel at the earliest possible time to enable the electronic submission of data to the NYS DMV in a timely manner.

B. The Coordinator of Traffic Engineer shall be responsible for the following:

1. Conduct special traffic surveys and studies, as needed;
2. Analyze collision and enforcement data; and
3. Prepare special reports and make recommendations concerning the efficient use of traffic control devices, new or revised laws or ordinances, and engineering improvements.



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POLICE CAR ACCIDENT WORKSHEET

Date of Accident: _____

Unit(s) Involved: _____

Incident Number: _____

- MV-104A, Police Accident (approved copies): _____
- MV-104L, Police Line of Duty Accident Form: _____
- Standardized Incident Report (SIR): _____
- Investigation Report: _____
- Intra-Departmental Correspondences (IDC's): _____
- Insurance Forms: _____
- DVR Request Forms: _____
- Completed by whom and when : _____

In addition, personnel shall make three (3) copies of the CD that contains photographs of the line of duty accident, and label them according to the following:

File Copy: _____ OPS Copy: _____ FIU Copy: _____

Notes: _____

This completed form and the documentation collected shall be submitted to the Traffic Safety Sergeant; who shall disseminate them accordingly.

