



MAINE STATE POLICE GENERAL ORDER

E-57

SUBJECT: MAINE STATE POLICE POLICY REGARDING INVESTIGATING AND REPORTING MAINE STATE POLICE MOTOR VEHICLE COLLISIONS

EFFECTIVE DATE: 08.10.2021

EXPIRATION DATE: 08.10.2028

RECENT HISTORY: AMENDED (08.10.2021); AMENDED (08.01.2020); AMENDED (09.26.2017); AMENDS MSP GO E-57 (12.18.2009); RESCINDS G.O. 61E (12.18.2007)

DISTRIBUTION CODE: 2 (MAY BE PUBLICLY DISCLOSED)

APPLICABILITY CODE: C, S, Z

MLEAP: 7.18; LEVEL 1 AND 2 TRAINING

SIGNATURE OF COLONEL:

A handwritten signature in blue ink, appearing to read "John Cote", written over a light blue rectangular background.

I. PURPOSE

1. The purpose of this General Order is to establish a uniform method of investigating and reporting collisions involving Maine State Police vehicles.

II. POLICY

1. The policy of the Maine State Police is that, when a Maine State Police vehicle is involved in a collision, that collision must be reported and investigated promptly and with all due diligence.

III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
 - A. Collision. "Collision" means an occurrence in which a motor vehicle strikes one or more persons or objects, including, but not limited to, another motor vehicle.
 1. Any damage to a vehicle, however caused, is a collision.
 2. For administrative and practical purposes, the word "crash" is synonymous with the word "collision."
 - B. Director. "Director" means a civilian member of a Maine State Police Unit who is generally responsible for managing and supervising that Unit.
 - C. Employee. "Employee" means a sworn or civilian employee of the Maine State Police.
 - D. Fleet Safety Board ("FSB"). "Fleet Safety Board" means a board appointed by the Colonel to review collisions involving Maine State Police vehicles.
 - E. Maine State Police Unit. "Maine State Police Unit" means a major organizational component of the Maine State Police such as, for example, the Crime Lab, the State Bureau of Identification, or a Troop.
 - F. Maine State Police vehicle. "Maine State Police vehicle" means a vehicle that is owned or leased by the Maine State Police.
 - G. Non-reportable. "Non-reportable" means that only property damage in an amount less than \$1,000 resulted from a collision.
 - H. Operator. "Operator" means an individual who drives or is in control of a vehicle, or who is exercising control over or steering a towed vehicle.
 - I. Reportable. "Reportable" means personal injury, death, or property damage in an amount greater than or equal to \$1,000 resulted from a collision.
 - J. Risk Management. "Risk Management" means the State of Maine Division of Risk Management within the Department of Administrative and Financial Services.

IV. PROCEDURE

1. REPORTING AND INVESTIGATING COLLISIONS INVOLVING MAINE STATE POLICE VEHICLES
 - A. A person operating a Maine State Police vehicle that is involved in a collision must:

1. Immediately report the collision to the regional communications center of ("RCC") jurisdiction, unless the person is unable to do so due to injury; and
 2. Remain at the scene, unless:
 - a. That operator must be transported to a medical facility due to injury; or
 - b. Operational needs require an employee operator to continue working, provided the supervisor of the employee is notified by that employee as soon as practicable.
- B. The patrol supervisor or section Officer of the Day shall ensure that an officer is assigned to investigate a collision involving a Maine State Police vehicle. **MLEAP 7.18(A)**
1. Whenever possible, collisions involving an operator who is a sworn officer should be investigated by a Maine State Police officer of a higher rank or the Officer of the Day.
 - a. Such collisions resulting in serious personal injury or death may not be investigated by an officer below the rank of Sergeant.
 - (1) If operational needs interfere with this mandate, then an accident reconstructionist may be assigned by the Officer of the Day to investigate the crash.
- C. The investigating officer shall promptly respond to the scene and: **MLEAP 7.18(A), (C)**
1. Inquire whether any medical attention is required by any persons at the scene who were involved in the collision, and, if qualified, render appropriate care and/or call for medical assistance; **MLEAP 7.18(B)**
 2. As soon as practicable, take steps to ensure that the scene of the collision is secured; **MLEAP 7.18(D)**
 3. **Use all necessary resources to ensure** that the investigation is complete and that the resulting reports are accurate.
 - a. Resources may include, but are not limited to:
 - (1) Collision reconstruction;
 - (2) Forensic vehicle autopsy;
 - (3) Forensic mapping;
 - (4) Crime Lab analysis;

- (5) A Drug Recognition Expert; and
- (6) Major Crime Unit personnel to assist with interviews;

4. **Ensure that photographs are taken;**

- a. For the purposes of the investigation, the investigating officer shall take photographs of:
 - (1) Any damage to the Maine State Police vehicle;
 - (2) Any damage to any other vehicle or property;
 - (3) The approach to the scene of the collision from relevant perspectives; and
 - (4) Any factors that may have contributed to the collision, for example, visual obscurities, weather, or road conditions;
 - b. If the collision or incident occurs during inclement weather, at night, or when scene photographs cannot be otherwise obtained at the time of the investigation, the investigating officer shall return to the scene as soon as possible and obtain sufficient photographs;
 - c. The investigating officer shall submit the photographs as evidence and indicate, where appropriate, that the photographs relate to a Maine State Police vehicle collision;
 - d. The investigating officer shall also determine whether any vehicle involved in the collision was equipped with an audio/video recording system that is designed to create an audio/video recording when in the "off" or "non-recording" modes; assistance may be required to obtain such recording;
 - (1) The investigating officer shall obtain two (2) copies of any relevant audio/video recordings, and submit one copy to the Fleet Safety Board and the other copy to Risk Management;
5. As soon as practicable, **notify Risk Management;**
6. As soon as practicable, **initiate a teletype message** directed to the Colonel, Lieutenant Colonel, the Majors, the Commander of the Traffic Safety Unit, the Manager of Fleet Maintenance, and the Department of Public Safety Public Information Officer; and
7. **If** the investigating officer determines that an employee operated a vehicle in a manner that may have violated a law or a regulation, or a policy of the Maine State

Police, **forward the information supporting that determination** through the Chain-of-Command to the Office of Professional Standards.

- a. A referral to the Office of Professional Standards must be documented in the report to the Fleet Safety Board.
8. If warranted based on the circumstances of the collision, take appropriate enforcement action. **MLEAP 7.18(E)**
2. NON-REPORTABLE COLLISIONS INVOLVING A MAINE STATE POLICE VEHICLE **MLEAP 7.18(C)**
 - A. The investigating officer and operator shall complete their respective parts of the Fleet Vehicle Collision Report, for any non-reportable collision involving a Maine State Police vehicle.
 1. The report must include, but not be limited to, the conclusions and any recommendations of the investigating officer.
 - B. No later than five (5) days after the collision, the investigating officer shall submit through the Chain-of-Command the Fleet Vehicle Collision Report, photographs, audio/video recordings, and any other relevant evidence or documentation, to the Traffic Safety Unit, to the attention of the Fleet Safety Board Clerk.
3. REPORTABLE COLLISIONS INVOLVING A MAINE STATE POLICE VEHICLE **MLEAP 7.18(C)**
 - A. The investigating officer shall complete a Police Traffic Accident Report via the Maine Crash Reporting System for any reportable collision.
 - B. The investigating officer also may use any other necessary collision investigation forms to document pertinent information about the collision.
 - C. In addition to submitting reportable collision data to the Maine Crash Reporting System, no later than five (5) days after the collision, the investigating officer shall submit the following reports through the Chain-of-Command to the Traffic Safety Unit:
 1. A Police Traffic Collision Report and any other associated collision reports;
 2. Photographs, audio/video recordings, and any other relevant evidence or documentation regarding the collision;
 3. The Fleet Vehicle Collision Report, which must include, but not be limited to:

- a. A detailed description of the collision, including, but not limited to, the events that led up to the collision; and
 - b. The conclusions and opinions of the investigating officer, including, but not limited to, an assessment of what the investigating officer thinks is the primary cause of the collision;
4. Any other reports or relevant information that may be helpful to or that should be considered by the Fleet Safety Board.

4. INTENTIONAL COLLISIONS

- A. If a collision was intentionally caused, the collision report form must be completed and forwarded to the Fleet Safety Board, but is not to be submitted to the Maine Crash Reporting System database.
 1. If the collision is the result of an officer performing the PIT maneuver during a vehicular pursuit, the report shall be forwarded to the Lead EVOC Instructor for the Pursuit Review Board process.
 2. The investigating officer's report shall clearly note that the collision was intentionally caused and shall describe the circumstances surrounding the collision.

5. COMMANDER OR DIRECTOR REVIEW

- A. The Commander or Director having supervisory responsibility over the employee whose Maine State Police vehicle was involved in a collision shall review all reports and materials related to the incident, and shall complete and sign the cover sheet that accompanies the report materials.

NOTICE

THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.