



MAINE STATE POLICE GENERAL ORDER

E-101

SUBJECT: MAINE STATE POLICE CRASH RECONSTRUCTION PROGRAM

EFFECTIVE DATE: 09.04.2020

EXPIRATION DATE: 09.04.2027

RECENT HISTORY: AMENDED (09.04.2027); AMENDED (08.01.2020); REVISED (04.03.2015); TECHNICAL CHANGE (10.04.2011); CONVERTED TO WEB FORMAT (06.04.2009); FORMERLY POLICY NO. 98

DISTRIBUTION CODE: 2 (MAY BE DISCLOSED PUBLICLY)

APPLICABILITY CODE: S, Z

SIGNATURE OF COLONEL:

A handwritten signature in black ink, appearing to read "W. B. R.", is written over a light blue rectangular background.

I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police Crash Reconstruction Program within the Traffic Safety Unit.

II. POLICY

1. The policy of the Maine State Police is to have a Crash Reconstruction Program that has uniform standards and guidelines for crash reconstructionists to follow when reconstructing crashes.

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. None.

IV. PROCEDURE

1. CRASH RECONSTRUCTION PROGRAM ESTABLISHED

- A. The Crash Reconstruction Program is established within the Maine State Police Traffic Safety Unit and under the command of the Traffic Safety Unit Lieutenant.
- B. The Senior Crash Reconstruction Specialist ("SCRS") reports directly to the Traffic Safety Unit Lieutenant.
- C. The SCRS shall be responsible for:
 - 1. Approval of all reconstruction reports for completeness and technical accuracy;
 - 2. Maintaining control numbers and files for all Reconstruction Specialists;
 - 3. Maintaining activity records for all Reconstruction Specialists;
 - 4. Proficiency training, testing, evaluation, and certification of active Reconstruction Specialists;
 - 5. Assignments of reconstruction cases;
 - 6. Other functions as assigned by the Traffic Safety Unit Lieutenant.
- D. In matters of reconstruction, Crash Reconstruction Specialists ("CRS") shall report to the SCRS. When possible, activities will be coordinated through the SCRS.
- E. Crash Reconstruction Specialists shall be responsible for:
 - 1. Maintaining all assigned reconstruction equipment;
 - 2. Complete, thorough, and timely investigation of all cases;
 - 3. Coverage of vehicle crashes in compliance with Maine State Police General Order E-104;
 - 4. Completion and submission of reports in compliance with this policy;
 - 5. Thorough case preparation prior to any court action;
 - 6. Maintaining annual certification and updating training when necessary;
 - 7. Maintaining an overall "Acceptable" rating on the performance evaluation for this specialty.

2. RECONSTRUCTION ASSIGNMENTS

- A. Responsibility for assignment of the CRS to scenes shall remain with the Troop Commander, or her or his designee, to which the CRS is assigned. The Troop Commander, or her or his designee, may assign any motor vehicle crash event to be investigated by a CRS whenever deemed necessary.
 - 1. At the Troop Commander's direction, schedules and shifts may be coordinated with adjacent Troops' Reconstructionists to provide for optimum availability in conjunction with routine incident demands.
 - 2. When a request for a reconstruction is received, the Troop Commander, or her or his designee, shall assign an on-duty CRS if available.
 - 3. If a crash has recently occurred and involves serious personal injury, a fatality, or court action is anticipated, the Troop Commander, or her or his designee, may authorize and assign an off-duty CRS to investigate.
 - 4. When practical, crashes involving a member of the Maine State Police shall be investigated by an officer of the next higher rank of the member involved in the crash; otherwise, the incident must be assigned to the nearest CRS.
 - a. Whenever there is a possibility of civil or criminal court action as a result of the incident, all investigators shall request the immediate assistance of the nearest CRS. Other members of the Maine State Police may be called upon as conditions warrant.
 - b. The SCRS shall be notified of crashes involving Maine State Police vehicles that result in serious personal injury or death to a member or another person, or when more than one reconstructionist may be needed at a scene.

3. PROCESSING AND RELEASE OF REPORTS

- A. All reconstruction reports shall be completed on the proper forms.
- B. All reconstruction cases shall be assigned a control number to be designated by the SCRS. That number, along with the Troop or Unit reference number, shall be placed on the reports prior to their submission.
 - 1. Reconstruction control numbers must be maintained and issued through the Traffic Safety Unit.
 - 2. Reconstruction control numbers shall be drawn by the CRS within six (6) business days after having been assigned a crash.

3. When calling for the control number, the CRS shall be prepared to supply the following information:
 - a. The name of complainant or department;
 - b. The type of crash (Property Damage, Personal Injury, or Fatal);
 - c. Troop or Unit reference number;
 - d. Reconstruction Specialist's name;
 - e. Date of the crash;
 - f. Each driver's name; and
 - g. Indication if the case is an incident report.
- C. Reconstruction reports must be completed in compliance with the requirements of this policy and submitted for approval to the SCRS within thirty (30) days following the date of the assignment.
 1. The report shall be submitted electronically to the crash reconstruction inbox (accident.reconstruction@maine.gov).
- D. Reports that are inadequate or inaccurate must be returned to the author for correction.
 1. Such reports must be corrected and returned to the SCRS within one (1) week.
- E. Upon review and approval, the SCRS shall retain the original report at the Traffic Safety Unit and return the copy to the CRS.
 1. Upon return of an approved copy, the CRS shall forward a copy to the relevant Troop or Unit, investigating officer, and District Attorney if applicable.
 - a. A reconstruction report shall not be released to any person or agency until the report has been approved by the SCRS, and then only in accordance with applicable law, including, but not limited to, the Intelligence and Investigative Record Information Act, 16 MRSA c. 9.
- F. A report on file that is in an "OPEN" or "PENDING COURT" status shall not be released to any unauthorized person without the prior written approval of the author of the report.
- G. A report that is "PENDING COURT" shall be monitored by the author of the report and shall be closed within thirty (30) days after the final disposition of the case to which the report relates.
- H. No specific findings or conclusions contained in any crash reconstruction report shall be released to the media or persons not

involved in the investigation without the prior written approval of the Traffic Safety Unit Lieutenant.

4. CONTENT STANDARD

- A. In many cases, reconstruction reports are used as the basis for court presentation and prosecution. Many others are used by insurance companies to settle claims. These reports are reviewed by many professions, and so it is imperative that all reports reflect positively on the reconstruction program and the Maine State Police. All reports must provide a clear, concise, accurate, and detailed description of the events.

5. GENERAL REPORT REQUIREMENTS AND ADDITIONAL INFORMATION

- A. Reports shall be submitted to the SCRS electronically.
- B. Reports shall be typed, except that math work and diagrams may be written neatly and attached.
- C. Any additional information (crash report copies, witness statements, etc.) may be included with the reconstruction report.
 - 1. The CRS must be aware that complete copies of any report may be sent to the parties involved in the incident to which the report relates, and should clearly note any report components that, in the CRS' judgment, cannot be released as a matter of law.
- D. Questions regarding report content or reconstruction methods shall be directed to the SCRS if a report has not yet been approved. After a report has been approved, the CRS involved may answer such questions.
 - 1. General questions regarding a crash are to be referred to the primary investigator of the incident.

6. CRASH RECONSTRUCTION REPORT

A. FORMAT

- 1. The Reconstruction Report shall be completed on the provided Collision Reconstruction Form and the Collision Reconstruction Face Sheet must contain the information stated in the following paragraphs 2, 3, and 4 of this subsection.

2. REFERENCE NUMBERS

- a. HR NO. – Enter the control number assigned by the SCRS.
- b. CASE NO. – In Maine State Police cases, indicate the incident base number assigned to the crash. If more than one incident base number is assigned, use the one assigned to the CRS. For other agencies, use the number assigned by that agency.

3. INVESTIGATORS

- a. RECONSTRUCTIONISTS – List the full name, rank, and the Troop or Unit of the CRS assigned.
- b. PRIMARY INVESTIGATOR – List the full name, rank, department, Troop or Unit (if applicable), mailing address, email address, and phone number of the primary investigator of the crash.

4. CRASH DATA

- a. DATE OCCURRED – Enter the date the crash occurred;
- b. TIME OCCURRED – Enter the time of the crash in military time format;
- c. DATE AND TIME REPORTED – Enter the date and time (in military time format) of the request for reconstruction;
- d. DATE AND TIME ARRIVED – Indicate the date and time (in military time format) the CRS arrived at the scene;
- e. ROUTE OR STREET – Enter route or street where the crash occurred;
- f. CITY OR TOWN – Enter the name of the city or town where the crash occurred;
- g. COUNTY – Enter the name of the county in which the crash occurred;
- h. TYPE – Enter the type of crash involved ("P.D." for Property Damage, "P.I." for Personal Injury, or "F" for Fatal);
- i. PHOTOS – Place an "X" in "Yes" or "No" to indicate if photos were taken of the crash;
- j. BY WHOM – If applicable, enter the name of the officer who took photos;
- k. TYPE(S) RECONSTRUCTION – List the types (i.e., minimum speed, critical speed, point of impact, or

vehicle autopsy) of reconstruction done in the crash investigation;

- l. COURT ACTION CONTEMPLATED – Enter the name(s) of the person(s) against whom court action might be taken;
- m. CHARGE – List the charge(s) that are anticipated to be brought against the person(s);
- n. DATE – Enter the date the report is completed;
- o. CRASH RECONSTRUCTION SPECIALIST SIGNATURE – This is for the signature of the certified Crash Reconstruction Specialist (CRS);
- p. STATUS – Place an "X" in the appropriate box:

(1) "OPEN": Indicates that the reconstruction is not complete and further investigation or work is required, or that the case is awaiting Grand Jury action;

(2) "PENDING COURT": Indicates that charges have been filed, either by issuance of a summons or by indictment, and the case is awaiting court disposition;

(3) "CLOSED": Indicates that all aspects of the reconstruction and, if applicable, court action are completed and there will be no further action on the case;

- q. APPROVED (SCRS) – This is for the initials of the Senior Crash Reconstruction Specialist.

(1) The report will also be stamped with an "Approved" stamp by the SCRS.

B. REPORT NARRATIVE

- 1. The Crash Reconstruction Progress Report shall be used to include all data that the Reconstructionist deems valid and necessary, and shall always include:
 - Reference numbers;
 - Status;
 - A detailed description of persons involved, including injuries;
 - A detailed description of vehicles involved, including, but not limited to, make, model, VIN, owner, inspection information (if obtainable), odometer

reading (if obtainable), tire information, and crash damage.

(1) Photographs of each vehicle should be included;

- A detailed description of how the crash occurred, indicating the paths of approach, impact, and final rest.

(1) Photographs of important crash evidence -- such as area of impact, final rest of units, tire marks, gouges, etc. -- should be attached in a narrative.

- A detailed description on the type(s) of reconstruction done on the crash.

(1) This shall include tire marks, measurements, test of road surface, etc.;

- Any and all math work (handwritten work is acceptable);
- Opinions and conclusions of the Reconstructionist as to the cause, as well as all findings;
- Recommendations of the Reconstructionist(s) as to the status of the investigation;
- In closing a report that relates to a case that had been pending court action and has a court disposition, the report author shall include relevant dispositional information in the report, including, but not limited to, the case disposition, the date of the disposition, the sentence(s) imposed (if any), and the name of the court having jurisdiction over the case.

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.